
State

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 210
West Sacramento, CA 95691
Phone (916) 375-4800 / FAX (916) 376-3962
www.delta.ca.gov



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June 7 2016

Adam Noelting, Senior Planner
Metropolitan Transportation Commission
MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

RE: Notice of Preparation: San Francisco Bay Area Regional Transportation
Plan/Sustainable Communities Strategy Environmental Impact Report

Dear Mr. Noelting:

The staff of the Delta Protection Commission offers these comments on the scope and content of the environmental impact report to be conducted for *Plan Bay Area 2040*. The Commission is a state agency charged with protecting and preserving the Sacramento-San Joaquin Delta. Portions of eastern Contra Costa, Solano, and Alameda counties lie within the Delta. The Commission has land use authority over development in the Primary Zone (see enclosed map), and monitors actions outside the Delta and in the Secondary Zone for their impacts on the resources of the Primary Zone.

The staff requests that MTC explicitly consider the Commission's jurisdiction and concerns about the Primary Zone when evaluating the environmental impacts of Plan Bay Area 2040 scenarios. Plan Bay Area 2040 will identify the general location of land uses, residential densities, and building intensities within the region. It will also identify a transportation network sufficient to serve the projected regional transportation needs, and consider the best available scientific information regarding resources areas and farmland in the region.

The following paragraphs describe the Commission's jurisdiction and authorities under the California Public Resources Code (PRC). For your convenience, the text of the referenced PRC sections is included as an enclosure to this letter.

Consistency with the Commission's Land Use and Resource Management Plan

The Commission may review proposed development in the Primary Zone for consistency with the policies of the Commission's Land Use and Resource Management Plan (LURMP), approved portions of local general plans, or the Delta Protection Act. The Commission may also comment on projects in the Secondary Zone that impact the Primary Zone (PRC §29770(a),(b),(d)). More specifically, the Delta Protection Act calls upon local agencies to internalize and implement the Commission's LURMP by adopting amendments to their General Plans so that those Plans are consistent with the LURMP for land within the Primary Zone (PRC §29763). Where local agencies have not adopted these amendments to their General Plan, the agencies must make a series of specific findings based on the record regarding the impacts of the proposed development on the Delta (PRC §29765). Only Sacramento and Yolo counties have complied with this requirement since the Commission updated its LURMP in 2010.

The Commission is updating the LURMP in the coming year. The revised LURMP could include new or revised policies addressing subdivision of agricultural lands, and installation of infrastructure (such as solar facilities, wind turbines, and wireless telecommunications facilities) in the Primary Zone.

Preserving the Delta as an Evolving Place and Advising the Delta Stewardship Council on the Implementation of the Delta Plan

The Delta Reform Act (Statutes of 2009, 7th Ex. Session, Chapter 5) identified the Commission as a forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, and agricultural resources of the Delta. As such, the Commission is the "appropriate agency to identify and provide recommendations to the Delta Stewardship Council on methods of preserving the Delta as an evolving place as the Delta Stewardship Council develops and implements the Delta Plan" (PRC § 29703.5(a), emphasis added). The Commission may also review and comment on "any significant project or proposed project within the scope of the Delta Plan, including but not limited to actions by state and federal agencies, that may affect the unique cultural, recreational, and agricultural values within the primary and secondary zones." (PRC §29773(a), emphasis added).

The Great California Delta Trail

The Commission also has a statutory mandate to develop and adopt a plan for the Great California Delta Trail (PRC §5852-5855).

Scope of the Environmental Analysis for Plan Bay Area 2040

The environmental analysis for Plan Bay Area 2040 should identify where each of the three land use and transportation scenarios (Main Streets, Connected Neighborhoods, and Big Cities) would cause changes in land use in the Delta, particularly loss of agricultural lands, in both the Primary and Secondary zones. Please indicate in each scenario where new housing is expected to be developed in the Delta, and where existing urban growth boundaries or urban limit lines are expected to expand into the Primary Zone. The analysis should indicate which (if any) Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) are in the Primary or Secondary zones. In addition, the MTC should analyze the cumulative impacts of the three

Adam Noelting, Senior Planner
Metropolitan Transportation Commission
June 7, 2016
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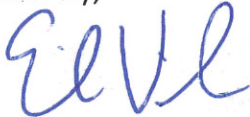
development scenarios on the resources of the Primary Zone, including: the sustainability of agriculture; increasing demand for, and needed improvements to, the recreational resources of the Delta (e.g., marinas, roads, bike paths, and parks); and the values of the Delta that make it a unique place (e.g., cultural resources and the aesthetic experience of the Delta).

Plan Bay Area 2040 presents an opportunity to incorporate the Great California Delta Trail into regional transportation and recreation planning. In 2006, the California Legislature approved Senate Bill 1556 (Torlakson) declaring support for the creation of "The Great California Delta Trail" (Delta Trail) which recognizes the uniqueness of the Delta. The Delta Trail will be a continuous regional recreational corridor that will extend around the delta, including, but not limited to, the delta's shorelines in Contra Costa, Solano, San Joaquin, Sacramento, and Yolo Counties and will link the San Francisco Bay Trail system to the planned Sacramento River trails in Yolo and Sacramento Counties. Additionally, the Delta Trail will link to park and recreational facilities and land and water trail systems throughout the Delta. In 2010, the Commission adopted the Blueprint Report for Contra Costa and Solano Counties (the Blueprint Report and additional information about the Trail is available here:

<http://www.delta.ca.gov/Recreation.htm>).

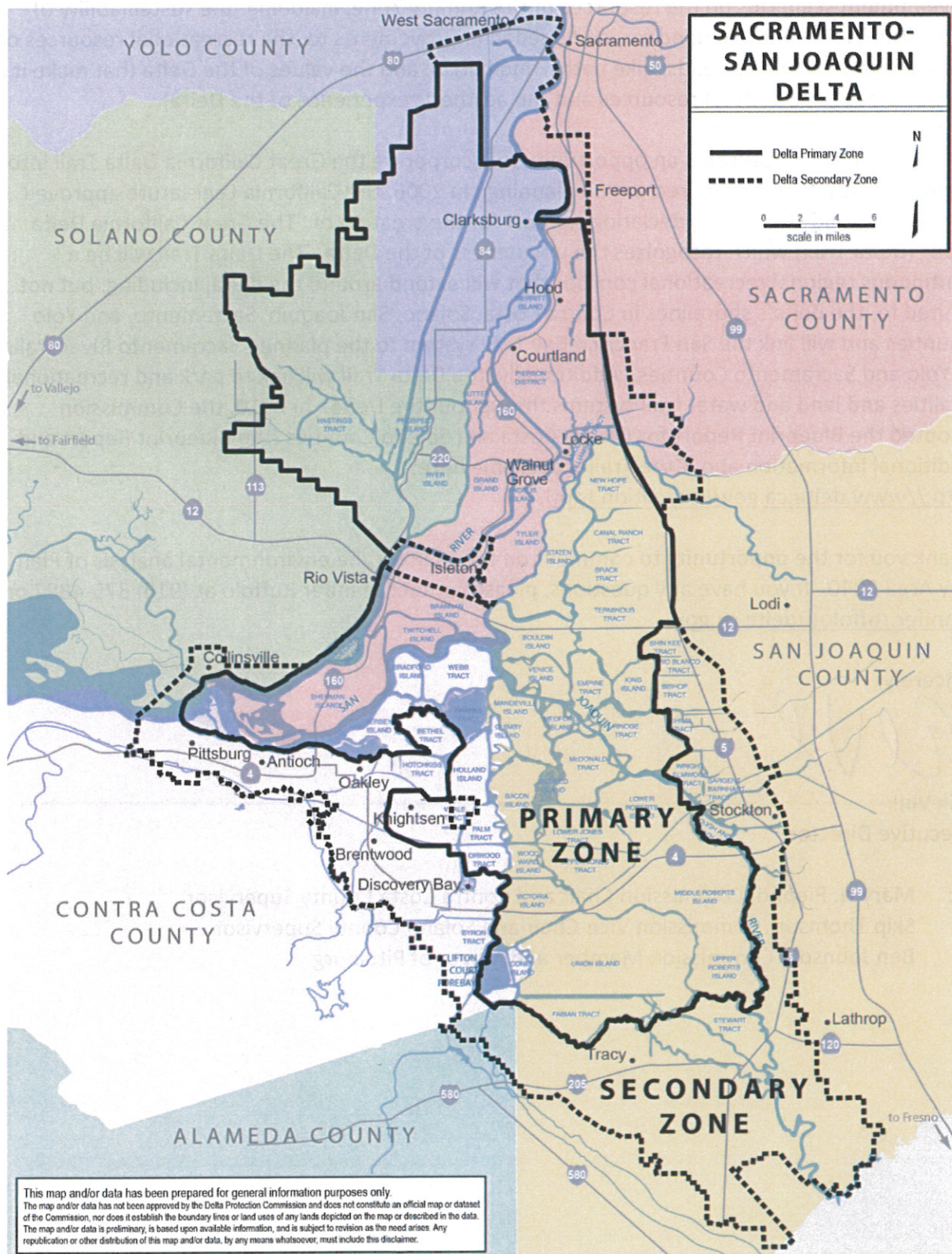
Thank you for the opportunity to comment on the NOP for the environmental analysis of Plan Bay Area 2040. If you have any questions, please contact Jennifer Ruffolo at (916) 375-4882 or jennifer.ruffolo@delta.ca.gov

Sincerely,



Erik Vink
Executive Director

cc: Mary N. Piepho, Commission Chair and Contra Costa County Supervisor
Skip Thomson, Commission Vice-Chair and Solano County Supervisor
Ben Johnson, Commission Member and Mayor of Pittsburg



ENCLOSURE

DELTA PROTECTION COMMISSION STATUTORY AUTHORITY

PRC Section 29770(a)

Any person who is aggrieved by any action taken by a local government or other local agency in implementing the resource management plan, or otherwise taken pursuant to this division, may file an appeal with the commission. The ground for an appeal and the commission consideration of an appeal shall be that an action, as to land located exclusively within the primary zone, is inconsistent with the resource management plan, the approved portions of local government general plans that implement the resource management plan, or this division. The appeal shall be heard by the commission within 60 days from the date of the filing of the appeal, unless the commission, either itself or by delegation to the executive director, determines that the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

PRC Section 29770(b)

In the absence of an appeal by an aggrieved person, the commission may decide by majority vote to review on appeal any action taken by a local government or other local agency in implementing the resource management plan, or otherwise taken pursuant to this division, for land located exclusively within the primary zone, if the commission believes the action may be inconsistent with the resource management plan, or this division.

PRC Section 29770(d)

The commission may comment on projects within the secondary zone that impact the primary zone.

PRC Section 29703.5(a)

The Legislature further finds and declares both of the following:

(a) The Delta Protection Commission created pursuant to Section 29735 provides an existing forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, and agricultural resources of the Delta. As such, the commission is the appropriate agency to identify and provide recommendations to the Delta Stewardship Council on methods of preserving the Delta as an evolving place as the Delta Stewardship Council develops and implements the Delta Plan.

PRC Section 29723(a)

"Development" means on, in, over, or under land or water, the placement or erection of any solid material or structure; discharge of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), and any other division of land including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational or fish and wildlife uses or preservation; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

PRC Section 29760

(a) Not later than October 1, 1994, the commission shall prepare and adopt, by a majority vote of the membership of the commission, and thereafter review and maintain, a comprehensive long-term resource management plan for land uses within the primary zone of the delta. The resource

management plan shall consist of the map of the primary zone and text or texts setting forth a description of the needs and goals for the delta and a statement of the policies, standards, and elements of the resource management plan.

(b) The resource management plan shall meet the following requirements:

(1) Protect and preserve the cultural values and economic vitality that reflect the history, natural heritage, and human resources of the delta.

(2) Conserve and protect the quality of renewable resources.

(3) Preserve and protect agricultural viability.

(4) Restore, improve, and manage levee systems by promoting strategies, including, but not limited to, methods and procedures which advance the adoption and implementation of coordinated and uniform standards among governmental agencies for the maintenance, repair, and construction of both public and private levees.

(5) Preserve and protect delta dependent fisheries and their habitat.

(6) Preserve and protect riparian and wetlands habitat, and promote and encourage a net increase in both the acreage and values of those resources on public lands and through voluntary cooperative arrangements with private property owners.

(7) Preserve and protect the water quality of the delta, both for instream purposes and for human use and consumption.

(8) Preserve and protect open-space and outdoor recreational opportunities.

(9) Preserve and protect private property interests from trespassing and vandalism.

(10) Preserve and protect opportunities for controlled public access and use of public lands and waterways consistent with the protection of natural resources and private property interests.

(11) Preserve, protect, and maintain navigation.

(12) Protect the delta from any development that results in any significant loss of habitat or agricultural land.

(13) Promote strategies for the funding, acquisition, and maintenance of voluntary cooperative arrangements, such as conservation easements, between property owners and conservation groups that protect wildlife habitat and agricultural land, while not impairing the integrity of levees.

(14) Permit water reservoir and habitat development that is compatible with other uses.

(c) The resource management plan shall not supersede the authority of local governments over areas within the secondary zone.

(d) To facilitate, in part, the requirements specified in paragraphs (8), (9), (10), and (11) of subdivision (b), the commission shall include in the resource management plan, in consultation with all law enforcement agencies having jurisdiction in the delta, a strategy for the implementation of a coordinated marine patrol system throughout the delta that will improve law enforcement and coordinate the use of resources by all jurisdictions to ensure an adequate level of public safety. The strategic plan shall identify resources to implement that coordination. The commission shall have no authority to abrogate the existing authority of any law enforcement agency.

(e) To the extent that any of the requirements specified in this section are in conflict, nothing in this division shall deny the right of the landowner to continue the agricultural use of the land.

PRC Section 29763

Within 180 days from the date of the adoption of the resources management plan or any amendments, changes, or updates, to the resources management plan by the commission, each local government shall submit to the commission proposed amendments to its general plan that are intended to make the general plan consistent with the resources management plan with respect to land located within the primary zone.

PRC Section 29763.5

The commission shall act on proposed local government general plan amendments within 60 days from the date of submittal of the proposed amendments. The commission shall approve the proposed general plan amendments by a majority vote of the commission membership, with regard to lands within the primary zone, only after making all of the following written findings as to the potential impact of the proposed amendments, to the extent that those impacts will not increase requirements or restrictions upon agricultural practices in the primary zone, based on substantial evidence in the record:

- (a) The general plan, and any development approved or proposed that is consistent with the general plan, are consistent with the resource management plan.
- (b) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in wetland or riparian loss.
- (c) The general plan, and development approved or proposed that is consistent with the general plan, will not result in the degradation of water quality.
- (d) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in increased nonpoint source pollution.
- (e) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation or reduction of Pacific Flyway habitat.
- (f) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in reduced public access, provided the access does not infringe on private property rights.
- (g) The general plan, and any development approved or proposed that is consistent with the general plan, will not expose the public to increased flood hazard.
- (h) The general plan, and any development approved or proposed that is consistent with the general plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- (i) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in the degradation or impairment of levee integrity.
- (j) The general plan, and any development approved or proposed that is consistent with the general plan, will not adversely impact navigation.
- (k) The general plan, and any development approved or proposed that is consistent with the general plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

PRC Section 29765

Prior to the commission approving the general plan amendments of the local government, the local government may approve development within the primary zone only after making all of the following written findings on the basis of substantial evidence in the record:

- (a) The development will not result in wetland or riparian loss.
- (b) The development will not result in the degradation of water quality.
- (c) The development will not result in increased nonpoint source pollution or soil erosion, including subsidence or sedimentation.

- (d) The development will not result in degradation or reduction of Pacific Flyway habitat.
- (e) The development will not result in reduced public access, provided that access does not infringe upon private property rights.
- (f) The development will not expose the public to increased flood hazards.
- (g) The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.
- (h) The development will not result in the degradation or impairment of levee integrity.
- (i) The development will not adversely impact navigation.
- (j) The development will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

PRC Section 29773(a)

The commission may review and provide comments and recommendations to the Delta Stewardship Council on any significant project or proposed project within the scope of the Delta Plan, including, but not limited to, actions by state and federal agencies, that may affect the unique cultural, recreational, and agricultural values within the primary and secondary zones. Review and comment authority granted to the commission shall include, but is not limited to, all of the following:

- (1) Identification of impacts to the cultural, recreational, and agricultural values of the Delta.
- (2) Recommendations for actions that may avoid, reduce, or mitigate impacts to the cultural, recreational, and agricultural values of the Delta.
- (3) Review of consistency of the project or proposed project with the resources management plan and the Delta Plan.
- (4) Identification and recommendation of methods to address Delta community concerns regarding large-scale habitat plan development and implementation.

PRC Section 29773(b)

The council shall take into consideration the recommendations of the commission, including the recommendations included in the economic sustainability plan. If the council, in its discretion, determines that a recommendation of the commission is feasible and consistent with the objectives of the Delta Plan and the purposes of this division, the council shall adopt the recommendation.

PRC Section 5854(a) The Great California Delta Trail

...The commission shall develop and adopt a plan and implementation program, including a finance and maintenance plan, for a continuous regional recreational corridor that will extend around the delta, including, but not limited to, the delta's shorelines in Contra Costa, Solano, San Joaquin, Sacramento, and Yolo Counties. This plan shall link the San Francisco Bay Trail system to the planned Sacramento River trails in Yolo and Sacramento Counties. This plan shall include a specific route of a bicycling and hiking trail, the relationship of the route to existing and proposed park and recreational facilities and land and water trail systems, and links to existing and proposed public transportation and transit. The transportation and transit links may include, but are not limited to, roadside bus stops, transit facilities, and transportation facilities. The continuous regional recreational corridor planned and executed pursuant to this chapter shall be called the Great California Delta Trail. The continuous regional recreational corridor shall include, but not be limited to, bikeway systems, and hiking and bicycling trails.

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



June 14, 2016

Adam Noetting
Metropolitan Transportation Commission
375 Beal Street, Suite 800
San Francisco, CA 94105

sent via e-mail:
eircomments@mtc.ca.gov

RE: SCH# 2016052041 Plan Bay Area 2040 Project, draft Environmental Impact Report, City of San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco Counties, California

Dear Mr. Noetting:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate subcategory of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.

- ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

Pam Grove

From: Ducklow, Kelsey@Coastal <Kelsey.Ducklow@coastal.ca.gov>
Sent: Wednesday, June 15, 2016 5:47 PM
To: EIR Comments
Cc: Grove, Tami@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal
Subject: Comments for SCH#2016052041 Plan Bay Area 2040 NOP
Attachments: MTCBayArea2040TransPlan_CCCcomments_6.14.16.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Mr. Noetling,

Thank you for the opportunity to provide comments for the EIR for the Plan Bay Area 2040 RTP/SCS. The California Coastal Commission has several recommendations for topics to include in the EIR to ensure that the requirements of the Coastal Act are met and potential impacts to coastal resources are considered. These comments are detailed in the attached letter. A courtesy hard copy letter has been mailed to your office as well.

Please feel free to contact me if you have any questions.

Best,
Kelsey Ducklow

--



Kelsey Ducklow
LCP Grant Coordinator and Climate Change Analyst
kelsey.ducklow@coastal.ca.gov | 415.904.2335
45 Fremont St. Suite 2000, San Francisco, CA 94105

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CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



June 10, 2016

Adam Noetling
Plan Bay Area 2040 Project Manager
Metropolitan Transportation Commission
Sent via email to [eircomments@mtc.ca.gov]

Subject: SCH# 2016052041. Comments on the NOP for the Draft EIR for Plan Bay Area 2040 – the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS)

Dear Mr. Noetling:

Thank you for the opportunity to provide comments regarding the preparation of the Draft Environmental Impact Report (DEIR) for the Metropolitan Transportation Commission's (MTC) San Francisco Bay Area Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS). According to the Notice of Preparation for this DEIR, Plan Bay Area 2040 will update the RTP/SCS and provide a long-range plan that balances transportation and housing needs with other economic and environmental goals, and identifies regional planning needs, priorities, and funding. The DEIR will specifically evaluate three different land use and transportation scenarios that were developed by the MTC and the Association of Bay Area Governments (ABAG) to illustrate the potential effects these different strategies would have on reaching the region's adopted goals and performance targets.

Adoption and implementation of Plan Bay Area 2040 has the potential to impact a broad range of environmental resources, and as such, the EIR will analyze the full scope of CEQA environmental issue areas. Given the California Coastal Commission's mandate to protect coastal resources through planning and regulation of the use of land and water within the Coastal Zone, we are providing the following comments and topics that should be considered, analyzed, and addressed in the EIR.

- 1) **California Coastal Act and Local Coastal Programs (LCPs).** Please note that the Coastal Act and certified LCPs are the applicable standard of review for development projects in the Coastal Zone, and as such, the EIR should include an evaluation of consistency with these relevant documents for the proposed land use and transportation scenarios. Broadly, the Coastal Act and certified LCPs contain policies designed to protect coastal resources including public access, recreation, marine environments, environmentally sensitive habitats, wetlands, agricultural lands, archaeological and paleontological resources, and scenic and visual resources, as well as to ensure safety of development. Some LCPs in the planning area also contain policies which limit the density and rate of development, set aside water and sewer allocations for Coastal Act

June 10, 2016

and LCP priority uses, require development of regional transportation plans, direct public transit, roadway and trail improvements, and outline acceptable traffic standards.

Given the standards of review described above, we strongly recommend that the project's DEIR include a table identifying the Coastal Act policies and LCP standards applicable to the project, for those areas within the Coastal Zone. Such a table should include a preliminary evaluation of the project's conformance with each of the applicable policies and standards. We also urge the design and selection of a preferred alternative that best conforms to those policies and standards.

- 2) **Sea Level Rise.** Section 30253 of the Coastal Act requires that new development minimize risks to life and property from hazards and to assure stability and structural integrity without the use of a shoreline protective device. Thus, understanding the potential impacts of climate change and sea level rise is of critical importance when beginning long-range planning efforts so as to ensure that land use decisions and development projects are not designed in a way that will put investments at risk from coastal hazards.

The California Coastal Commission, in line with the guidance from the Ocean Protection Council and the State of California, recognizes the National Research Council's 2012 report "*Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*" as the best available science on sea level rise projections for California. This report anticipates that by 2040, the planning horizon for this planning effort, there could be almost 2 feet of sea level rise. When combined with waves, storms, erosion, and other coastal hazards, sea level rise will put many coastal assets at risk. Given that the land use and transportation scenarios described in the NOP envision some scenarios in which housing and transportation increase in coastal communities, it is essential that the EIR evaluate the extent to which such scenarios would result in new development that is or would be vulnerable to sea level rise. This analysis should be compared to alternatives that would not require new construction in areas likely to be impacted by sea level rise.

Importantly, sea levels will continue to rise – the NRC report projects that there could be 66 inches of sea level rise by 2100. Although the Plan Bay Area 2040 is focused on a planning horizon through the next 25 years, land use and development decisions made today will largely still be in place beyond 2040. Evaluation of sea level rise should account for risks to transportation, housing, and other land use decisions over their entire anticipated lifetime.

Additionally, beyond ensuring that new development is not placed in areas that are or will become hazardous due to sea level rise, the EIR should, to the extent feasible, evaluate the extent to which the various scenarios would or could alleviate impacts to transportation networks and housing stocks as sea levels rise. Such reduction in impacts could come through such actions as the provision of additional transportation and housing outside of vulnerable coastal areas, by removing, realigning, or relocating existing assets to safer locations, and/or identifying adaptation strategies for critical north-south and east-west roadway segments at risk from SLR which may affect the overall transportation network.

June 10, 2016

- 3) **Public Access.** A fundamental pillar of the Coastal Act is the protection and provision of public access to, and along, the coast. As a matter of State policy, Coastal Act sections 30210 and 30212 require that maximum opportunities for public access and recreation be provided in new development projects, consistent with public safety, private property rights, and natural resource protection. Additionally, Section 30252 dictates that new development should maintain and enhance public access through such actions as facilitating transit service, providing non-automobile options, and providing adequate parking.

Accordingly, the DEIR should evaluate the proposed project and alternatives for consistency with the above-mentioned policies. In particular, there should be an analysis of how the project would maximize access to the coast, including options for non-motorized, bicycle, and pedestrian routes and related amenities throughout the region. This analysis should incorporate evaluation of ways to facilitate access to beaches and coastal areas from the inland portions of the study region, as well as options for enhancing connections to public transit, the Coastal Trail, and other visitor-serving recreational opportunities.

Importantly, the DEIR should also analyze the potential negative impacts to public access that could arise from the various land use, housing, and transportation scenarios identified by the Plan Bay Area 2040 effort. Scenarios that would lead to increased development in coastal communities, or development that would result in additional traffic along critical coastal highway connectors such as Highways 1 and 92, should be analyzed for their potential impacts to traffic congestion, as well as the possibility of increasing use of certain beaches beyond their carrying capacity. At a minimum, a traffic study at peak recreational periods, as well as peak commuter periods, should be completed for the various scenarios to help the Commission understand potential impacts more fully.

- 4) **Concentration of development.** Section 30250 of the Coastal Act generally requires that new development within the Coastal Zone be located within, contiguous with, or in close proximity to existing developed areas, and Section 30253 requires new development to be sited in a manner that will minimize energy consumption and vehicle miles travelled. In this way, the Coastal Act encourages smart growth patterns that recognize a strong urban-rural boundary to ensure protection of coastal resources. Accordingly, the DEIR should analyze the extent to which the various Plan Bay Area 2040 land use, transportation, and development scenarios, as well as the broader goals of the Sustainable Communities Strategy would be consistent with and mutually supported by such concentration of development.

Thank you again for the opportunity to comment on the NOP. We look forward to reviewing the draft DEIR and providing additional comments at that time. Assuming that the above-noted issues and recommendations are addressed, we expect that the CEQA document will provide the type of information that is needed for a careful analysis of Coastal Act and LCP policy conformance. If you have any questions, please do not hesitate to contact me.

MTC Plan Bay Area 2040, RTP and SCS EIR

June 10, 2016

Sincerely,

Kelsey Ducklow

Kelsey Ducklow

Coastal Analyst, California Coastal Commission

415.904.2335 | kelsey.ducklow@coastal.ca.gov

CC:

Tami Grove, Caltrans Liaison

Nancy Cave, North Central Coast District Manager

Jeannine Manna, North Central Coast District Supervisor

Pam Grove

From: Schofield, Jesse@DOT <Jesse.Schofield@dot.ca.gov>
Sent: Wednesday, June 15, 2016 10:38 AM
To: EIR Comments
Subject: Caltrans Comment - Plan Bay Area 2040 NOP
Attachments: BAG055 - Plan Bay Area 2040 Update - NOP - Caltrans Comment.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good afternoon Mr. Noelting:

Please find attached a soft copy of the Caltrans comment letter regarding the Plan Bay Area 2040 Notice of Preparation. The original letter will be mailed to you. Thank you for including Caltrans in the review process for this project. Should you have any questions regarding this letter or require any additional information, please feel free to contact me at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,

Jesse B. Schofield
Caltrans District 4
Local Development - Intergovernmental Review
510-286-5562

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

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BAG055

SCH# 2016052041

Mr. Adam Noelting
Metropolitan Transportation Commission
375 Beal Street, Suite 800
San Francisco, CA 94105

Plan Bay Area 2040 – Notice of Preparation

Dear Mr. Noelting:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for Plan Bay Area 2040. The new Caltrans mission, vision, and goals signal a modernization of our approach to California's transportation system, in which we seek to reduce statewide vehicle miles traveled (VMT) by 15 percent by 2020 and increase non-auto modes of active transportation. Caltrans aims to increase non-auto mode shares by 2020 through tripling bicycle, and doubling pedestrian and transit trips. These targets also support the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. The following comments are based on the Notice of Preparation.

Project Understanding

Plan Bay Area 2040 is the update to Plan Bay Area, the first RTP/SCS for the nine-county San Francisco Bay Area. The RTP/SCS sets policies to guide transportation decisions and proposes a program of capital, operational, and management improvements needed through the year 2040. Plan Bay Area 2040 forecasts that between 2010 and 2040, the Bay Area will add over 2.4 million people, 1.3 million new jobs, and 823,000 new housing units. Planning for this growth builds on local and regional planning efforts using a framework of 188 locally-adopted Priority Development Areas (PDAs) and 165 Priority Conservation Areas (PCAs). Three land use and transportation scenarios, each using the same growth forecasts, will be evaluated. One of the scenarios—or a combination thereof—will be identified as the preferred plan for analysis in the draft Environmental Impact Report (EIR); the remaining scenarios may be analyzed as alternatives in the draft EIR.

Plan Bay Area 2040 includes a financially constrained transportation investment plan. A total of \$299 billion over 24 years will be available under the Plan, funded through existing and future revenues.

*"Provide a safe, sustainable, integrated and efficient transportation
system to enhance California's economy and livability"*

Senate Bill 743

Please include a discussion of the regulatory changes since the adoption of the first Plan Bay Area and the implications of those changes to Plan Bay Area 2040. In particular, include a discussion of Senate Bill 743 (SB 743). SB 743 updated the California Environmental Quality Act (CEQA) review process by changing the metric by which transportation impacts and mitigation are measured and by presuming that infill projects, or projects well-served by transit and active transportation, cause a less than significant transportation impact.

Scenario Alternatives

Discussion of the scenario alternatives for Plan Bay Area 2040 comprise the bulk of these comments. To better organize them, comments related to the scenarios are separated into subheadings.

Highway Expansion. For the preferred plan and alternative scenarios, each analysis should identify the State highway corridors that will be targeted for improvements. In keeping with Caltrans sustainability and stewardship and efficiency goals to reduce environmental impacts and responsibly manage the State transportation network, the analysis should include:

- An estimation of the types of improvements, with consideration of the time and costs required for implementation;
- Identification of sensitive habitats (e.g. wetlands, riparian areas, or waterways) in, or near, the areas identified for improvements; and
- Identification of existing and proposed infrastructure improvements vulnerable to sea level rise.

Please also note that Caltrans embraces a *Fix-It First* policy regarding the commitment of transportation funds, focusing on maintenance and rehabilitation. Priority for expansion of the State Transportation Network is second to investing in the management, preservation, and efficient operation of the existing infrastructure.

Priority Development Areas. PDAs are a key feature of the RTP/SCS, influencing land use planning decisions to reduce greenhouse gas emissions. To become a PDA, an area must be: 1) within an existing community; 2) within walking distance of frequent transit service; 3) designated for more housing in a locally adopted plan or identified by a local government for future planning and potential growth; and 4) nominated through a resolution adopted by a City Council or County Board of Supervisors. As an incentive for this pattern of development, SB 743 streamlines the CEQA review process for projects in PDAs by presuming less than significant transportation impacts. To further highlight the opportunity for PDAs to achieve regional emission reduction targets, we recommend that PDAs also include maximum vehicle parking ratio requirements.

The draft EIR should analyze overall impacts and changes in transportation accessibility for disadvantaged communities. In regards to the Plan Bay Area 2040 goals of *Adequate Housing* and *Equitable Access*, please ensure that the 188 planned PDAs include adequate low and middle income housing.

Transportation Demand Modeling. To move toward State goals supported by SB 743, Caltrans suggests that MTC include VMT-based analysis for the preferred plan and alternative scenarios to assess impacts and to mitigate with transportation demand management, multi-modal, and operational efficiency projects. In addition to considering commute patterns, the analyses should also consider impacts of regional attractions such as event centers, tourist landmarks, and large shopping centers.

Air Quality. In regards to the Plan Bay 2040 goals of *Climate Protection* and *Healthy and Safe Communities*, please consider having the preferred plan strive to achieve the more stringent 15% reduction in per-capita greenhouse gas emission from 2005 levels.

Pedestrian and Bicycle Infrastructure. Although costs for active transportation projects are relatively lower than for transit or highway projects, and may represent a smaller percentage of total transportation expenditures, each scenario should specify the level of investment in new or good state of repair of existing pedestrian and bicycle infrastructure.

Regional Vehicle Miles Traveled

Please establish baseline values to serve as guidelines for VMT for residential, retail, and office trips that reflect the nine-county San Francisco Bay Area. The Governor's Office of Planning and Research (OPR) published their draft Revised Updates to the CEQA Guidelines for Implementing Senate Bill 743 (SB 743) in January 2016. In brief, VMT replaces Level of Service (LOS) as the metric for evaluating and mitigating the transportation impact of a proposed project in the CEQA review process. The OPR Guidelines provide recommended numeric thresholds for residential, office and retail projects for determining a significant transportation impact. Generally, these thresholds compare VMT generated by the proposed project to the regional VMT. As local agencies transition to VMT analysis—each relying on their own transportation models—it is likely that their models will maintain different values for regional VMT. Without consistent guidelines for regional VMT, there is the potential for an inconsistent evaluation of transportation impacts throughout the Bay Area.

Regional Impact Fees

Please consider implementing a regional impact fee for new developments to fund regional transportation projects and programs for all modes of transportation. While local development impact fees fund local mitigation projects, we encourage a sufficient allocation of fair share contributions toward multi-modal improvements and regional transit projects to better plan for the impact of future cumulative growth on the regional transportation system.

Regional Transportation Demand Management Strategies

Please include a regional reference for Transportation Demand Management (TDM) strategies, specific to the Bay Area. For large projects, Caltrans recommends implementation of a TDM program. Such measures will be critical in order to facilitate efficient transportation access to and from these project sites and reduce transportation impacts associated with these projects. There are a variety of TDM strategies ranging from infrastructure and design to program and policy. We direct local agencies to refer to Chapter 8 of FHWA's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference*, regarding TDM at the local planning

Ms. Adam Noelting, Metropolitan Transportation Commission
June 15, 2016
Page 4

level. Having a regionally sensitive TDM reference would increase the likelihood of projects incorporating these strategies to reduce VMT and greenhouse gas production.

Early Coordination

Caltrans suggests that the Plan Bay Area 2040 clearly state that Lead Agencies should ensure early coordination with Caltrans for any project proposal that would entail any ongoing access issues; or work within, over, under, or adjacent to public transportation rights of way.

Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or jesse.schofield@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Pam Grove

From: Doyle, Kelly@HSR <Kelly.Doyle@hsr.ca.gov>
Sent: Wednesday, June 15, 2016 1:59 PM
To: EIR Comments
Subject: Scoping Letter Plan Bay Area 2040
Attachments: Plan Bay Area 2040 Scoping Ltr CHSRA.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Attached please find a comment letter submitted by the California High-Speed Rail Authority.

Kelly Doyle

Supervising Transportation Planner
California High-Speed Rail Authority
100 Paseo de San Antonio, #206
San Jose, CA 95113
408-277-1093 (office)
408-981-6357 (cell)
kelly.doyle@hsr.ca.gov
www.hsr.ca.gov



June 14, 2016

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Jeff Morales

CHIEF EXECUTIVE OFFICER

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

Subject: Notice of Preparation of a Draft Environmental Impact Report for Plan Bay Area 2040

To Whom It May Concern:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Plan Bay Area 2040 – the Regional Transportation Plan / Sustainable Communities Strategy (SCS) environmental impact report (EIR). The Plan Bay Area 2040 will provide a long-range road map to guide the Bay Area's transportation investments.

As the Bay Area's RTP and SCS, Plan Bay Area 2040 sets the policy framework for guiding transportation decisions in the region. In drafting the EIR for the RTP/SCS, the California High-Speed Rail Authority (Authority) offers the following comments on the NOP:

- The High-Speed Rail stations will focus growth and economic development opportunities in the existing downtown cores of San Francisco, Millbrae, San Jose and Gilroy.
- High-Speed Rail will provide a boost to the state's economic productivity as more travelers take the train to travel around the state: reducing congestion for drivers on the region's transportation network.
- By 2040, the high-speed rail system will reduce vehicles miles of travel in the state by almost 10 million miles of travel every day.
- Over a 58 year period the system will reduce auto travel on the state's highways and roads by more than 400 billion miles of travel.
- The Plan should acknowledge the regional and statewide significance of the high-speed rail system.

The California High-Speed Rail (HSR) Program will contribute to economic development, enable a cleaner environment, improve air quality, enable a cleaner environment, improve air quality, reduce greenhouse gas emissions (GHG), and with the adoption of the High-Speed Rail's 2016 Business Plan an increase in the livability in California and in the Bay Area. By 2029, the system will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of

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over 200 miles per hour. The system will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations.

Authority Contributions to the Bay Area Regional System

In 2012, Senate Bill (SB) 1029 appropriated approximately \$2 billion in Proposition 1A funds – that will leverage approximately \$5 billion in additional funding – for bookend and connectivity projects. These projects will generate significant near-term benefits from increased safety, capacity and frequency for regional and interregional rail services, which will also lead to air quality improvements in some of the most challenged communities in the state. Examples of the Authority's investments in the nine-county Bay Area region include:

Central Subway

Construction is underway on the 1.7-mile light-rail line extension from 4th and King Streets to Chinatown in downtown San Francisco. California's investment of \$61 million will help leverage a total investment of \$1.6 billion into this project.

Caltrain Corridor

The Caltrain Modernization Program, scheduled to be implemented by 2020, will electrify and upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain's commuter rail service. California's investment of \$600 million will help fund a total investment of \$1.759 billion for this project.

Plan Bay Area 2040 Scenarios

High-Speed Rail service will begin revenue operations during the timeframe of the Plan Bay Area 2040. As a major asset in California's statewide integrated passenger rail network, High-Speed Rail will connect big cities, neighborhoods, and our main streets. Working together, we can optimize the user experience by ensuring strategic investments in our transportation system as the backbone for development and other economic opportunities. The Authority supports the analysis of the scenarios developed by MTC and ABAG to realize the benefits of high-speed rail and the investments that the Authority has made into the regional system. Elements of the three scenarios will generally support the goals and benefits of high-speed train service. Both the Connected Neighborhoods Scenario and the Big Cities Scenario direct the greatest share of housing and development into the Bay Area's Priority Development Areas (PDAs) with more focus on modernizing and expanding the region's transit system. At the individual station level, we believe High-Speed Rail could have an effect on the Main Street Scenario. It is critical to the successful development of High-Speed Rail station areas that we work with our partners to promote the densities of development and types of investments needed to increase ridership and develop sustainably in our urban centers.

Thank you again for considering these comments. If you have any questions or need more information, please contact Kelly Doyle at (408) 277-1093 or kelly.doyle@hsr.ca.gov.

Sincerely,



Ben Tripousis
Northern California Regional Director

Pam Grove

From: Thomason, Christie@DeltaCouncil <christie.thomason@deltacouncil.ca.gov>
Sent: Wednesday, June 15, 2016 1:51 PM
To: EIR Comments
Cc: Enos, Cassandra@DeltaCouncil; Davenport, Jessica@DeltaCouncil; Juarez, Jeff@DeltaCouncil
Subject: Comment Letter
Attachments: PlanBayArea2040_NOP_DSCcomments_06 15 2016.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Mr. Noelting:

We appreciate the opportunity to comment on the Notice of Preparation for the Draft Environmental Impact Report for the Plan Bay Area 2040 Regional Transportation Plan/Sustainable Communities Strategy. Attached for your review is our comment letter.

Thank you,

Christie Thomason
Executive Assistant
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814
Phone (916) 445-4560
Fax (916) 445-7505
cthomason@deltacouncil.ca.gov

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June 15, 2016

Adam Noelting, Senior Planner
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105
eircomments@mtc.ca.gov

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**RE: Notice of Preparation of a Draft Environmental Impact Report for the Plan Bay Area
2040 Regional Transportation Plan/Sustainable Communities Strategy
SCH# 2016052041**

Dear Mr. Noelting:

We have received the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Plan Bay Area 2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The Metropolitan Transportation Commission (MTC) proposes to update the Plan Bay Area RTP/SCS, an integrated land use and transportation plan for the nine-county San Francisco Bay Area. The RTP/SCS geographically overlaps portions of counties that are within the Sacramento-San Joaquin Delta and Suisun Marsh, or "the Delta," specifically, portions of Solano County, east Contra Costa County, and a small part of northeast Alameda County.

We appreciate the opportunity to comment on the NOP for the update to Plan Bay Area and provide input regarding how to ensure the continued consistency of the RTP/SCS with the Delta Plan. We are particularly interested in coordinating with you regarding the exemption process for "covered actions" defined in Water Code section 85057.5.

The Delta Plan, adopted by the Delta Stewardship Council (Council) in 2013, is an enforceable plan to further the achievement of the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem, in a manner that protects and enhances the unique values of the Delta as an evolving place (Water Code section 85054). As you may know, Council staff reviewed and commented on the first Plan Bay Area in 2013, and we appreciate the changes made in response to our comments, such as adding suggested mitigation measures to the final EIR.

The Council was granted specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta. To do this, the Delta Plan contains a set of regulatory policies with which State and local agencies are required to comply. The Delta Reform Act specifically established a certification process for compliance with the Delta Plan.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

This means that State and local agencies that propose to carry out, approve, or fund a qualifying action in whole or in part in the Delta, called a "covered action," must certify that this covered action is consistent with the Delta Plan and must file a certificate of consistency with the Council that includes detailed findings.

Only certain activities qualify as covered actions, and the Delta Reform Act establishes specific criteria and categories for exempting actions from the regulatory authority of the Council. One of the exemptions is for regional transportation plans prepared pursuant Government Code section 65080 (Water Code section 85057.5(b)(3)). Another exemption is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its SCS. Such proposed actions are *not* "covered actions" regulated by the Council. Water Code section 85057.5(b)(4) states:

"Covered action" does not include any of the following: ...Any plan, program, project, or activity within the secondary zone of the Delta that the applicable metropolitan planning organization under Section 65080 of the Government Code has determined is consistent with either a sustainable communities strategy or an alternative planning strategy that the State Air Resources Board has determined would, if implemented, achieve the greenhouse gas emission reduction targets established by that board pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code. For purposes of this paragraph, "consistent with" means consistent with the use designation, density, building intensity, transportation plan, and applicable policies specified for the area in the sustainable communities strategy or the alternative planning strategy, as applicable, and any infrastructure necessary to support the plan, program, project, or activity.

The ability to exempt certain actions from the Council's certification process provides MTC with a potentially significant role in shaping how development occurs in the secondary zone of the Delta and the way in which planning for metropolitan areas and the Delta are coordinated.

Pursuant to Water Code section 85212, the Council will be required to review the RTP/SCS for consistency with Delta Plan. The law states:

The council shall review and provide timely advice to local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies prepared pursuant to Section 65080 of the Government Code, with the Delta Plan. The council's input shall include, but not be limited to, reviewing the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta and reviewing whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs. A metropolitan planning organization preparing a regional transportation plan under Section 65080 of the Government Code that includes land within the primary or secondary zones of the Delta shall consult with the council early in the planning process regarding the issues and policy choices relating to the council's advice. No later than 60 days prior to the adoption of a final regional transportation plan, the metropolitan planning organization shall provide the council with a draft sustainable communities strategy and an alternative planning strategy, if any. Concurrently, the metropolitan planning organization shall provide notice of its submission to the council in the same manner in which agencies file a certificate of consistency pursuant to Section 85225. If the council concludes that the draft sustainable communities strategy or alternative planning strategy is inconsistent with the Delta Plan, the council shall provide written notice of the claimed inconsistency to the metropolitan planning organization no later than 30 days prior to the

adoption of the final regional transportation plan. If the council provides timely notice of a claimed inconsistency, the metropolitan planning organization's adoption of the final regional transportation plan shall include a detailed response to the council's notice.

Comments on the Plan Bay Area 2040 RTP/SCS

Our review of the NOP identified the following areas to consider in order to ensure consistency:

- **Delta Plan Policy G P1 (23 CCR section 5002), Detailed Findings to Establish Consistency with the Delta Plan.** Delta Plan Policy G P1 (b)(2) states, "Covered actions not exempt from CEQA must include applicable feasible mitigation measures identified in the Delta Plan's Program EIR (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective." These mitigation measures can be found in the Delta Plan Mitigation and Monitoring Reporting Program (http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attachment%202.pdf).
- **Delta Plan Policy DP P1 (23 CCR section 5010), Locate New Urban Development Wisely.** Delta Plan Policy DP P1 is intended to strengthen existing Delta communities while protecting farmland and open space, reserving land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted only if it is located in areas designated for development in city or county general plans as of the date of the Delta Plan's adoption (May 16, 2013), as reflected in Appendix 7 of the Delta Plan regulations.

Based on our review of Attachment A of the NOP, both the Main Streets Scenario and the Connected Neighborhoods Scenario expect "...the largest share of new housing in Inland, Coastal, Delta communities (35%)" (Page 3), while the Big Cities Scenario expects "...the smallest share of new housing in Inland, Coastal, Delta communities (11%)" (Page 4). Council staff appreciates the land use strategies under the Connected Neighborhoods and Big Cities Scenarios, one of which would call for "...accommodating all new growth within existing urban growth boundaries or urban limit lines, using city boundaries as a limit when a jurisdiction has no expansion limit" (Page 3). One provision of Policy DP P1 limits new development to the area within Contra Costa County's voter-approved urban limit line, except no new residential, commercial, and industrial development may occur on Bethel Island unless it is consistent with the Contra Costa County general plan effective as of May 16, 2013.

The NOP does not contain a land use map to depict the areas of future development under each scenario being considered. Council staff looks forward to seeing a map depicting anticipated areas of new housing, commercial, and industrial development, as part of the preferred plan analyzed in the DEIR. Council staff encourages the MTC, when formulating the Plan's preferred and alternative plans, and especially those plans that would call for large shares of new development in Delta communities, to be mindful

of the boundaries shown in Appendix 7, Figures 7-12 and 7-13, of the Delta Plan regulations (<http://deltacouncil.ca.gov/docs/appendix-7>).

- **Delta Plan Policy ER P3 (23 CCR section 5007), Protect Opportunities to Restore Habitat.** The Delta Reform Act states that lands set aside for natural resource protection should be sufficient to meet the Delta's ecosystem needs (Water Code section 85212), including protection of priority habitat restoration areas. Delta Plan Policy ER P3 calls for protecting opportunities to restore habitat in these areas, which are depicted in Appendix 5 of the Delta Plan regulations (<http://deltacouncil.ca.gov/docs/appendix-5>). As shown in this appendix, two Priority Habitat Restoration Areas (PHRAs), Cache Slough and Suisun Marsh, and a portion of another, Yolo Bypass, lie within Solano County. In addition, two smaller restoration areas that are part of the Western Delta PHRA lie within eastern Contra Costa County.

The NOP refers to Priority Conservation Areas (PCAs) as part of a framework to plan for future growth and meet targets set forth in SB 375. The NOP states, "PCAs are areas of regional significance that have broad community support and are in need of protection. They provide important agricultural, natural resource, scenic, cultural, recreational, and/or ecological values, and ecosystem functions" (Page 2). In addition, one of the land use strategies under the Connected Neighborhoods and Big Cities Scenarios would call for avoiding development on adopted PCAs. However, the NOP does not indicate whether the Suisun Marsh or any other Delta PHRAs are considered PCAs. Please be aware of the boundaries shown in Appendix 5, Figure 5-1 of the Delta Plan regulations when formulating the project's preferred and alternative plans.

- **Delta Plan Policy RR P2 (23 CCR section 5013), Require Flood Protection for Residential Development in Rural Areas.** Land use planning for the project should reduce flood risk, and Delta Plan Policy RR P2 is meant to reduce risk while preserving the Delta's unique character and agricultural way of life. This policy requires protecting new residential development of five or more parcels through floodproofing to a level 12 inches above the 100-year base flood elevation, plus sufficient additional elevation to protect against a 55-inch rise in sea level at the Golden Gate, unless the development is located within the boundaries shown in Appendix 7. In addition, Council staff would like to point out that Delta Plan Policy RR P3 (23 CCR section 5014) restricts encroachment in floodways, and Delta Plan Policy RR P4 (23 CCR section 5014) restricts encroachment in floodplains, including the Yolo Bypass within the Delta. Please refer to the aforementioned maps when formulating the project's preferred and alternative plans.
- **General.** On a more general note, Council staff offers these additional comments regarding ways in which the RTP/SCS can help to achieve the Delta Plan's coequal goals of water supply reliability and ecosystem restoration, while protecting and enhancing the Delta as an evolving place.
 - **Water supply reliability.** The Delta Plan's legally binding policies and most of its recommendations related to water supply reliability are directed primarily at water suppliers and state and federal agencies. However, there is strong evidence that

compact growth reduces per capita water demand, as well as water supply infrastructure costs. Council staff appreciates the Connected Neighborhoods and Big Cities Scenarios, which would avoid development on adopted PCAs, increase development capacity in or near areas served by existing transit systems, and accommodate all new growth within existing urban growth boundaries or urban limit lines, thereby producing a more compact urban form and less demand for new water supply infrastructure.

- **Protecting the Delta as Place.** The Delta Plan provides guidance regarding protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta. To ensure protection and enhancement of Delta values, the preferred and alternative plans should consider providing adequate infrastructure to meet development needs, consistent with sustainable communities strategies and other relevant plans, as encouraged by Delta Plan Recommendation DP R5. In addition, please note that Delta Plan Recommendations DP R8 and DP R9 encourage promoting value-added crop processing and agritourism, respectively, while Delta Plan Recommendation DP R17 supports enhancing opportunities for visitor-serving businesses.

Comments on the NOP

Based on our review of the NOP for the Plan Bay Area 2040 RTP/SCS, we recommend the following matters be discussed or included in the DEIR:

- **Inconsistencies with the Delta Plan.** The DEIR should discuss any inconsistencies between the proposed project and applicable regional plans, such as the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines' Appendix G indicates that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on the environment.
- **Land Use and Planning.** In the DEIR, please cite Delta Plan Policy DP P1 (23 CCR section 5010). Should any significant impacts to land use and planning be identified in the DEIR, please consider including the applicable Land Use and Planning mitigation measures of the Delta Plan Mitigation and Monitoring Reporting Program to avoid, minimize, or mitigate those impacts. (See Mitigation Measures 6-1, 6-2.)
- **Biological Resources.** Please clarify in the DEIR whether the PHRAs shown on Figure 5-1 are considered PCAs or lie within any PCA boundaries. Also please consider adding the regulatory policies and recommendations of the Delta Plan to the Biological Resources Regulatory Setting section of the DEIR. Delta Plan Policy ER P3 (23 CCR section 5007) calls for protecting opportunities to restore habitat. In the DEIR, please cite Delta Plan Policy ER P3 and describe how any potential conflicts with the policy, such as road construction, can be avoided or mitigated. Figure 4-7 of the Delta Plan depicts three examples of how projects can comply with ER P3, two of which may be relevant to the RTP/SCS:
 - Locate structures at the edge of a habitat restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity.

- Elevate structures so that water can flow underneath to allow for restoration of aquatic habitat dependent on tides or periodic flooding.
- **Hydrology and Water Quality.** In the DEIR, please analyze and discuss whether urbanization of agricultural and open space, if any is proposed under the preferred and alternative plans, could produce an increase in flood risk, and describe how that risk could be avoided, minimized, or mitigated. Please consider including the applicable Delta Flood Risk mitigation measures of the Delta Plan Mitigation and Monitoring Reporting Program. (See Mitigation Measures 5-1 through 5-5.)

Council staff looks forward to working with you to ensure consistency between the Plan Bay Area 2040 RTP/SCS and the Delta Plan, so that the two plans are complementary and serve to protect the Delta while promoting sustainable growth and reducing greenhouse gas emissions in the broader region. I encourage you to contact Jeff Juarez at jeff.juarez@deltacouncil.ca.gov or (916) 445-5528 with your questions, comments, or concerns.

Sincerely,



Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council

Regional/Local

Plan BayArea 2040

Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Tuesday, May 31, 2016

MetroCenter Auditorium

101 8th Street

Oakland, California

Name: Cindy Horvath Title: _____

Agency: Alameda Co

Address: _____

E-mail: _____ Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

comments

- ① can we get more details into on the 3 scenarios?
is that in the Draft Plan?
- ② if there are any to PDA project funding impacts?
even tho: There are 3 Alternatives, There
is one policy that will determine preferred
AP: PDA's drive this region's funding ^{development} ahead.
- ③ Please include in the EIR an analysis of equity
needs for all 3 scenarios (all kinds of equity).
- ④ Please include an analysis of how "complete
streets" will be supported / encouraged in each scenario.

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



Association of
Bay Area Governments



METROPOLITAN
TRANSPORTATION
COMMISSION

- ⑤ Please complete an analysis of how the major decrease
in state funding for transportation this year due to cap-ax
will affect the

As well as GAS ^{ROADS} Tax decreases implementation options
in all scenarios.

Thank!



CITY OF SAN PABLO

City of New Directions

June 6, 2016

Adam Noelting
MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

RE: Comments from the City of San Pablo for the Notice of Preparation for the draft Environmental Impact Report for Plan Bay Area 2040

Dear Mr. Noelting:

The City of San Pablo has received the Notice of Preparation for the draft Environmental Impact Report for the Plan Bay Area 2040 that the Metropolitan Transportation Commission (MTC) is preparing.

The City is submitting the following comments:

1. The City submitted a letter, dated March 22, 2016, to Miriam Chion at ABAG regarding the preliminary employment and household growth projections for the City of San Pablo. The projections from ABAG were significantly higher than the employment and household growth projections from the City's General Plan. For this reason, the City requests that MTC use the City's 2010 base year figure to correspond with the General Plan base year to 9,680 households in 2010. The growth projections within each of the ABAG land use scenarios would then conform to the City's General Plan figures and growth projections. With the ABAG scenario projections remaining the same, the growth scenario 3 would be the most appropriate household growth rate for the City. The City supports the projected Job Growth figures in scenario 3 and is working to try and achieve these rates by 2030 and 2040. Please see Exhibit 1.
2. On March 16, 2015, the City of San Pablo entered into the Memorandum of Understanding - East Bay Corridors Initiative along with other West Contra Costa County cities (Hercules, Pinole, Richmond, El Cerrito, and unincorporated Contra Costa County), the Alameda County cities of Albany, Alameda, Berkeley, Emeryville, Oakland, Hayward, San Leandro, Union City, and unincorporated Alameda County, and ABAG. The Initiative is a platform for prioritizing and funding housing, infrastructure, and community development projects that provide benefits across city boundaries while implementing local plans for Priority Development Areas. Support for and participation in the San Pablo Corridor portion of the ECBI should be acknowledged as an environmental benefit in the draft EIR for the Plan Bay Area 2040 document. Please see Exhibit 2.
3. Lastly, of the three land use scenarios promoted as part of the Plan Bay Area 2040 draft EIR, the City of San Pablo endorses the Connected Neighborhoods approach (Scenario 2). This land use scenario parallels the East Bay Corridors Initiative

where employment and housing growth is focused in Priority Development Areas (PDAs).

Thank you for the opportunity to comment on the draft EIR for the Plan Bay Area 20430 document. Please feel free to contact Michele Rodriguez, Development Services Manager, at MicheleR@sanpabloca.gov or 510-215-3030 if there are questions about these comments.

Sincerely,

Matt Rodriguez
City Manager

Exhibits

1. March 22, 2016 Letter to Miriam Chion
2. March 16, 2015 Signed Resolution from the City of San Pablo and Memorandum of Understanding – East Bay Corridors Initiative



OF

City of New Directions

March 22nd, 2016

Ms Miriam Chion
Director of Planning and Research
Association of Bay Area Governments
101 8th Street,
Oakland, CA 94607

RE: Plan Bay Area 2040 Preliminary Draft Scenario Numbers.

Dear Ms Miriam Choin,

Thank you for giving the City of San Pablo the opportunity to review the draft scenarios prepared by Association of Bay Area Governments (ABAG) for Preliminary Growth Range specifically for household and job projections.

The Plan Bay Area 2040 – Contra Costa County Preliminary Draft Household and Job figures, dated December 23rd 2015 have been reviewed. The City provides clarification on the level of growth identified using the City's existing evidence base which supports the up to date City policies.

Background

Critical to this discussion are the existing conditions within the City. As noted in the General Plan, Adopted 2011, a large portion of the City's planning area of 1,790 acres is currently developed as residential neighborhoods. The majority of future residential development is anticipated to occur along major roads within the City, most notably San Pablo Avenue and 23rd Street – each of which are covered by Specific Plan areas. This growth is expected to be delivered through infill development of high density residential buildings within the Specific Plan Areas. Growth rates for housing as set out in the General Plan as follows:

"Based on recent development trends, regional growth forecasts, and assumptions for future growth, the San Pablo Planning Area will accommodate approximately 34,950 people at buildout, an increase of about 8.5 percent over the current population estimate of 32,200. Over a 20 year period, this represents an annual growth rate of 0.4 percent. The population increase will be driven primarily by regional economic growth and migration.

The Population estimate (34,950) is higher than the Association of Bay Area Governments (ABAG) population projection based on year 2007 data (32,600 in 2030) and lower than the same projection based on 2009 data (36,700 in 2030)."

The below tables extracted from the General Plan show the growth rates as existing (2010) and projected to 2030.

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Table 1.5-4 Population, Housing Units, Households, and Jobs at Buildout (2030)¹

	Existing (2010)	Additional	Buildout (2030)	Percent Annual Growth
Population ²	32,200	2,750	34,950	0.4
Households	9,680	940	10,620	0.5
Housing Units	10,520	990	11,510	0.5
Jobs	5,900	2,610	8,510	1.8

¹ Existing and projection numbers rounded to the nearest ten.

² Buildout population calculations assume 3.1 persons per household and 1.5 persons per secondary unit.

Source: Association of Bay Area Governments, 2009; City of San Pablo, 2010; Dyett & Bhatia, 2010.

Table 1.5-5 Additional Housing Units by Land Use Type

Housing Type	Existing Units	Additional Units ¹	Subtotal Units	Percent of Total Units
Low Density Residential	4,520	50	4,570	40
Medium Density Residential	1,870	-	1,870	16
High Density Residential	4,130	210	4,340	38
Mixed Use Center North	-	120	120	1
Mixed Used Center South	-	130	130	1
Commercial Mixed Use	-	360	360	3
Residential Mixed Use	-	120	120	1
Total²	10,520	990	11,510	100

¹ The additional units shown here is the net increase. It includes units created by proposed development and redevelopment projects, after subtracting existing underutilized units that need to be removed for redevelopment to take place.

² Totals may not add up due to rounding.

Source: Dyett & Bhatia, 2010.

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Plan Bay Area 2040: Preliminary Draft Households and Jobs

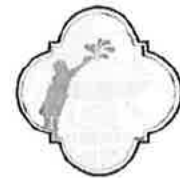
The ABAG Preliminary Draft Household and Job Growth Ranges for Contra Costa County are revised forecast totals due primarily to strong job and population growth over the last five years. The base year for both the ABAG projections and the City of San Pablo projections is 2010.

The 2010 base year for household numbers in the General Plan is 9,680. The base year for ABAG numbers is 8,761 for 2010.

A comparison of the household and jobs figures from the General Plan and ABAG projections is set out for comparison in the below Table 1.1:

**Table 1.1: Household and jobs figures
General Plan and ABAG comparison**

Year	Households		Jobs	
	City	ABAG	City	ABAG
2010	9,680	8,761	5,900	7,470
2030	10,620	-	8,510	-
2040	-	-	-	-
Scenario 1	-	11,350	-	11,850
Scenario 2	-	10,920	-	10,680
Scenario 3	-	10,370	-	9,930
Increase	940		2,610	
Scenario 1	-	2,589	-	4,380
Scenario 2	-	2,159	-	3,210
Scenario 3	-	1,609	-	2,460
% Change	9.7%		44%	
Scenario 1	-	30%	-	59%
Scenario 2	-	25%	-	43%
Scenario 3	-	18%	-	33%



CITY OF SAN PABLO

City of New Directions

Discussion

The Plan Bay Area 2040 growth projections under the mid-point scenario 2, set out by ABAG show a significant increase (25% increase – 2159 households over 30 years) in the level of households. Since the year 2000, the City of San Pablo has increased the total number of housing units by 2% per year, to 9,475 (California Department of Finance). This actual rate of growth is below the figures projected by the Plan Bay Area 2040 Growth Projections.

The Certified 2015-2023 City Housing Element identifies several obstacles to providing affordable housing within San Pablo. These include some of the following:

- Relatively modest growth in population over the next 30 years. It is anticipated that the City population will only grow at a rate of 1% per year.
- The average age of San Pablo residents is 32, which is relatively young compared to the County as a whole. San Pablo can also expect to see a rise in the number of seniors from 13% of the population to 23% of the population in 2040.
- San Pablo has more families with children than in Contra Costa County and the State as a whole. Three-quarters of the households in San Pablo are families, and 43% of the households are families with children, compared with 34% in Contra Costa County. San Pablo's households are relatively large, averaging 3.35 people per home in the County.
- More than two-thirds of San Pablo's households are lower-income. San Pablo's median household income is \$39,393, almost half the median household income in the county as a whole.
- The median household sales price in San Pablo is increasing which will make it more difficult to meet housing needs at lower income levels.

Minimal data exists for job creation within the City of San Pablo. Employment rates are recorded at the County level but the City has been unable to access the ongoing City figures for this review. The City is working to increase the number of jobs within the City and the figures set out within the General Plan, 2011 is consistent with figures set out by Plan Bay Area 2040 projections which the City is anticipated to achieve by 2030.

Summary

The projected figures for household growth to 2040 is unlikely to be achieved as set out in all three of the ABAG 2040 scenario projections, on the basis of: The General Plan figures for household growth; population growth within San Pablo; available housing land; and the actual building rate since 2000.

The City recommends ABAG amend the 2010 base year figure to correspond with the General Plan base year to - 9,680 households in 2010. The growth projections within each of the ABAG 2040 scenarios would then be in general conformity with the General Plan figures and growth projections.

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The City supports the projected Job Growth figures in scenario 2 and is working ^{of} to try and achieve these rates by 2030 and 2040.

City of New Directions

Thank you for the opportunity to comment and we look forward to our continued work together on these subjects. Should you have any questions, please contact by e-mail micheler@sanpabloca.gov, or at 510-215-3030. Please note e-mail may be the best form of contact.

Sincerely,

Michele Rodriguez
Development Services Manager - City of San Pablo

CC: - City of San Pablo, City Manager.

RESOLUTION 2015-048

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS TO PARTICIPATE IN THE EAST BAY CORRIDORS INITIATIVE.

WHEREAS, the East Bay Corridors Initiative is a platform for East Bay jurisdictions to prioritize and fund catalyst projects and programs that would support and create a network of sustainable, thriving neighborhoods in the inner East Bay;

WHEREAS, the initiative stems from Plan Bay Area, the region's first long-range regional planning strategy adopted by ABAG in 2013;

WHEREAS, as part of Plan Bay Area, the initiative would steer the way to meet the requirements of SB 375 on accommodating future population growth and reduction of greenhouse gas emissions from cars and light trucks;

WHEREAS, the San Pablo Corridor is one corridor and Priority Development Area (PDA) identified in the initiative, which runs through the City of San Pablo;

WHEREAS, the jurisdictions along this corridor are expected to emphasize their land use, housing, transportation, and infrastructure growth along this identified PDA;

WHEREAS, the Memorandum of Understanding is not a legally binding contract, does not authorize funding, and solely formalizes the working relationship among regional and local agencies; and,

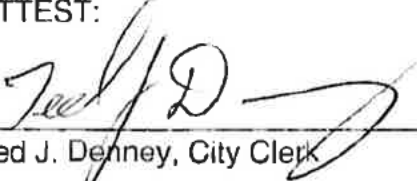
WHEREAS, the City Council of the City of San Pablo has reviewed the terms of the Memorandum of Understanding and has found them to be acceptable.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby authorizes the City Manager to execute a Memorandum of Understanding, in a form generally conforming to the agreement attached, with the Association of Bay area Governments, to establish the necessary administrative and governance structures to ensure the success of the initiative.

Adopted this 16th day of March, 2015, by the following vote to wit:

AYES:	COUNCILMEMBERS:	Morris, Calloway, Valdez. Kinney and Chao Rothberg
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:


Ted J. Denney, City Clerk

APPROVED:


Kathy Chao Rothberg, Mayor

**MEMORANDUM OF UNDERSTANDING
- EAST BAY CORRIDORS INITIATIVE -**

This Memorandum of Understanding ("MOU") is entered into by and between the following participating entities (Participant; collectively, Participants):

Association of Bay Area Governments (ABAG)

City of Alameda (Alameda)

City of Albany (Albany)

City of Berkeley (Berkeley)

City of El Cerrito (El Cerrito)

City of Emeryville ((Emeryville)

City of Hayward (Hayward)

City of Hercules (Hercules)

City of Oakland (Oakland)

City of Pinole (Pinole)

City of Richmond (Richmond)

City of San Leandro (San Leandro)

City of San Pablo (San Pablo)

City of Union City (Union City)

County of Alameda (Alameda County)

County of Contra Costa (Contra Costa)

A. Purpose. The activities undertaken under this MOU will constitute the East Bay Corridor Initiative (Initiative). The purpose of this MOU is to define and formalize the working relationship among regional and local agencies whose geographical boundaries include a portion or all of the East Bay Corridors, as further described below. This MOU defines the shared goals and objectives of these local and regional agencies working collaboratively to enhance livability, mobility and economic prosperity within the Corridors, and establishes the necessary administrative and governance structure to promote a cooperative relationship and for ensuring success of the Initiative.

B. Background. Plan Bay Area is an integrated land use and transportation strategy to accommodate the region's projected population, housing and job growth between 2010 and 2040 which, if implemented, would achieve State targets for reductions in greenhouse gas emissions. Plan Bay Area is based primarily on the PDAs in the nine county San Francisco Bay Region, including those in the East Bay Corridor (Corridor PDAs). ABAG and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area in 2013. The strategy for implementation of Plan Bay Area includes investment of existing and anticipated resources in PDAs.

Reflecting strong transit access and a local commitment to planning and investment, Plan Bay Area projects that Corridor PDAs will grow at a faster rate than the region as a whole. Many of the investments included in Plan Bay Area connect and/or serve the cities and counties within the Corridor (Corridor Jurisdictions).

Compared to the region as a whole, residents of Corridor PDAs have lower household incomes; suffer more from poor air quality and other adverse environmental impacts; are at a higher risk during natural disasters; and are subject to displacement risk from rising housing costs. Many Corridor PDAs face obstacles to realizing the development envisioned in adopted plans. These range from limited local resources to build infrastructure and public spaces to a lack of funding for affordable housing and difficulties attracting private investment. At the same time, the Corridor PDAs are located in close proximity to jobs and institutions of higher education. Further, numerous economic clusters appear to be growing in, or near the Corridor PDAs. Given this opportunity, the potential positive impact of a complementary approach to planning and investment is substantial, and can potentially provide a model for other Bay Area sub-regions with similar challenges.

Between 2000 and 2014, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Hayward, Hercules, Oakland, Pinole, Richmond, San Leandro, San Pablo, Union City, Alameda County and Contra Costa (Corridor Jurisdictions) have adopted 25 land use plans for Priority Development Areas (PDAs), a locally-driven land use planning program of ABAG for sustainable development. All of these PDAs are located within the geography of East Bay Corridor (see Attachment 1).

In September 2013, the East Bay Corridors Initiative was presented to ABAG's Executive Board as a top implementation strategy for realizing Plan Bay Area. Between September and November 2013, staff from Participants, ABAG, and other public agencies met to identify obstacles to achieving the level and quality of growth planned for PDAs in these jurisdictions. To develop strategies, the group divided the East Bay Corridor into two segments: the Oakland-Union City Corridor and the San Pablo Corridor (see Attachment 1). The Oakland-Union City Corridor includes Oakland, San Leandro, Hayward, and Union City, as well as the Alameda County. The San Pablo Corridor includes Oakland, Emeryville, Berkeley, Albany, El Cerrito, Richmond, San Pablo, Pinole, Hercules and Contra Costa.

During 2014, staff from Participant jurisdictions, ABAG and other public agencies held workshops to identify a preliminary set of inter-jurisdictional strategies for implementing local PDAs and regional planning objectives for each segment of the corridor. In 2015, Participants, ABAG and other public agencies will engage in working groups to solidify these strategies. This will set the stage for engagement with city leadership, development of partnerships with the non-profit and business communities, and obtaining funding to carry out the strategies.

C. Proposed Activities. The Participants will undertake the following activities.

1. Continue to coordinate with Planning and Community Development Directors the development of multi-jurisdictional strategies to create a network of thriving neighborhoods and downtowns in Corridor PDAs. This coordination can include all Participants or subgroups, including but not limited to the subgroups that comprise the Oakland-Union City Corridor and the San Pablo Corridor.
2. Identify and develop funding sources to implement agreed upon strategies.
3. Endorse joint applications by Participants for grants and other funding that support agreed upon multi-jurisdictional strategies.

D. Responsibilities. Each Participant will have the following responsibilities:

1. Each Participant will assign a representative to the Steering Committee.
2. Each Participant will participate in the development and/or review of relevant multi-jurisdiction strategies.
3. ABAG will coordinate the East Bay Corridors Initiative. This will not limit or supersede any other activities undertaken collaboratively by Participants.

E. Structure and Governance. For ease of formation and administration and to maintain flexibility, the East Bay Corridor Initiative is structured as an unincorporated association of local and regional public entities. The Participants agree that this MOU is independent of any other contract(s) or agreement(s) between or among the Participants, or the contract(s) or agreement(s) between or among any Corridor Jurisdiction that are promulgated to implement a grant or local PDA plan.

A Steering Committee made up of one representative from each Participant will coordinate activities undertaken pursuant to this MOU. Every Participant will appoint as its representative(s) to the Steering committee or any subcommittee, a staff person with expertise and experience land use planning and development, presumably the local Planning Director. The Steering Committee may establish subcommittees to undertake activities that advance the East Bay Corridor Initiative that affect less than all Participants.

Through a unanimous vote of all Members, the Steering Committee may establish rules related to decision-making for the entire Steering Committee or Subcommittees, including but not limited to voting and participation.

Every Member also has the right, but not the obligation, to appoint an alternate to the Steering Committee or subcommittee. The alternate may attend any meeting of the Steering Committee or subcommittee. However, the alternate is not included in the quorum count, is not entitled to vote and may not participate in the deliberations of the Steering Committee or subcommittee, except in the absence of the representative for whom he/she is an alternate.

F. Participant Resources. The Participants acknowledge that the East Bay Corridor Initiative is likely to require some investment of resource for it to be effective. Each Participant will assign staff, at no cost, to act as its representative to the Steering Committee and any relevant subcommittee.

G. Other Matters. Each Participant shall indemnify and hold harmless the other Participants from the indemnifying Participant's share of liability, as determined by a court of law, for any and all claims, costs and liability for any damage caused by the negligence or willful misconduct of the indemnifying Participant and its officers, employees or agents in the indemnifying Participant's performance under this MOU. The obligations of the indemnifying Participant under this section shall not apply to any claim, cost or liability caused by the negligence or willful misconduct of any other Participant. Under no circumstances shall the indemnifying Participant be liable to any other Participant or any other person or entity for consequential or special damages, or for any damages based on loss of use, revenue, profits or business

opportunities arising from or in any way relating to performance of the indemnifying Participant under this MOU.

H. Withdrawal and Termination. This MOU will continue until terminated by majority vote of the Steering Committee, but Members may withdraw from this MOU on __ days' notice to other Participants. New Participants may be added by majority vote of the current Participants.

I. Amendments. This MOU may be amended by a written agreement executed by the Participant in the same manner as this MOU.

J. Counterparts. This MOU may be executed in counterparts, each of which is an original and all of which constitute one and the same instrument.

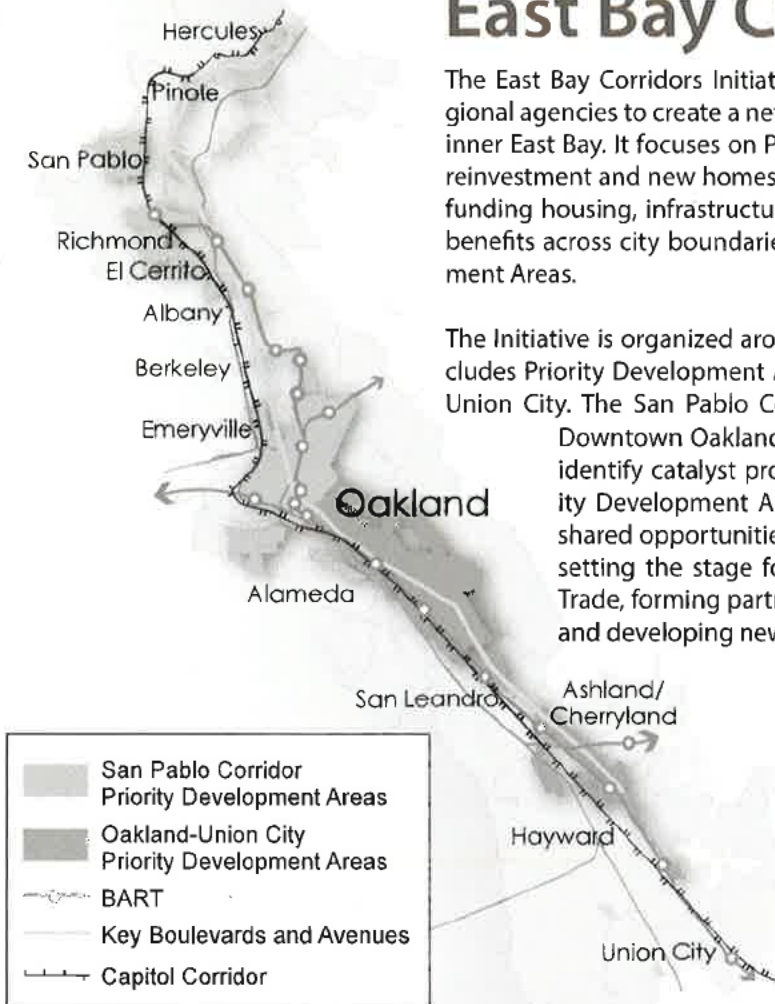
K. Effective Date. This MOU is effective upon the date a minimum of nine Participants have executed the MOU.

IN WITNESS WHEREOF, the Participants have caused this Memorandum of Understanding to be effective with the approval of their authorized representatives on the dates indicated below.

East Bay Corridors Initiative

The East Bay Corridors Initiative is a collaboration between cities, counties and regional agencies to create a network of thriving neighborhoods and downtowns in the inner East Bay. It focuses on Priority Development Areas, places planned by cities for reinvestment and new homes and jobs. The Initiative is a platform for prioritizing and funding housing, infrastructure, and community development projects that provide benefits across city boundaries while implementing local plans for Priority Development Areas.

The Initiative is organized around two corridors. The Oakland-Union City Corridor includes Priority Development Areas between International Boulevard in Oakland and Union City. The San Pablo Corridor includes Priority Development Areas between Downtown Oakland and Hercules. Cities are currently working together to identify catalyst projects that build on the unique assets of corridor Priority Development Areas to address common challenges and capitalize on shared opportunities. During 2015, the Initiative will solidify these projects, setting the stage for pursuing existing funding sources as state Cap and Trade, forming partnerships with the business and non-profit communities, and developing new funding sources.



Oakland-Union City Corridor Jurisdictions

- Oakland
- San Leandro
- Unincorporated Alameda County (Ashland/Cherryland)
- Hayward
- Union City

Regional and County Partners

- Alameda and County Public Health Department
- Alameda and Contra Costa County Transportation Authorities
- Alameda-Contra Costa Transit District (AC Transit)
- Association of Bay Area Governments
- Bay Area Air Quality Management District

San Pablo Corridor Jurisdictions

- Oakland
- Emeryville
- Berkeley
- Alameda
- Albany
- El Cerrito
- Richmond
- San Pablo
- Pinole
- Hercules
- Unincorporated Contra Costa County

- Bay Area Rapid Transit (BART)
- Contra Costa Health Services
- Western Contra Costa County Transit Authority (WestCAT)

Timeline

1995-Today

- Corridor jurisdictions adopt plans for 26 Priority Development Areas

2013

- Plan Bay Area adopted, region's first integrated housing, jobs and transportation plan; growth and investment focused in the inner East Bay
- ABAG Executive Board prioritizes implementation of local plans and regional goals in the East Bay Corridors

2014

- Workshops held to identify key challenges and opportunities related to realizing local PDA plans
- Working groups create draft implementation priorities and catalyst projects

Next Steps

Q1 2015

- Solidify priorities and catalyst projects
- Create partnerships and identify funders

Q2 2015

- Pursue immediate funding opportunities such as Cap & Trade and federal grants

Q3 2015-

- Integrate corridor priorities into regional Land Use Strategy and Plan Bay Area update
- Continue to pursue funding; initiate and complete projects



June 8, 2016

Via electronic mail to: eircomments@mtc.ca.gov

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: Notice of Preparation for Draft Environmental Impact Report for Plan Bay Area 2040

Dear MTC,

The City of Pleasanton appreciates the opportunity to provide comments on the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for Plan Bay Area 2040 – the Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS).

The City has reviewed the NOP and has concerns that the proposed Plan Bay Area Projections, as currently drafted, would have significant environmental impacts related to the fact that the projected growth is not within the planned capacity for the City.

In previous letters to the Associated of Bay Area Governments (ABAG), the City of Pleasanton has expressed concerns over the household and jobs growth allocations presented in the latest projections (dated December 23, 2015). These projections forecast household growth of 41%, 43%, and 38%, and forecast job growth of 35%, 29%, and 30% for Scenarios 1, 2 and 3, respectively, over the 30-year time span encompassed by Plan Bay Area. All three of these scenarios represent a significant departure from the anticipated growth in the City's Housing Element, and from previous projections provided by ABAG. Additionally, the City has communicated concerns that the growth projected in Hacienda Business Park is significantly disproportional to that of the remainder of the City. Therefore, given that the projected growth for Pleasanton is not in alignment with the growth planned for in the City's General Plan (including the Housing Element), the proposed growth has environmental implications that should be addressed in the Draft EIR that is being prepared for Plan Bay Area 2040.

Therefore, as Plan Bay Area 2040 moves forward and environmental review is undertaken, we recommend that the EIR evaluate at least one alternative that is in alignment with the planned growth in Pleasanton's Housing Element (household growth of about 1% a year) and Growth Management Ordinance (currently 235 residential units per year). Additionally, given that the growth forecast is significantly out of step with the planned growth within Pleasanton, we recommend the following areas be addressed in the Draft EIR:

- *Air Quality & Greenhouse Gas* – The significant growth currently projected in all three scenarios should be evaluated for air quality and greenhouse gas impacts, including impacts to existing sensitive receptors associated with exposure to elevated pollution levels that arise from the projected growth. The EIR should also evaluate how the proposed Plan Bay Area 2040 Scenarios will dovetail with the City's Climate Action Plan.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning	Building & Safety	Engineering	Traffic	Inspection
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

- *Public Infrastructure Capacity* – The City would be eager to see analysis of the public infrastructure necessary to achieve the growth projections as currently drafted, particularly because they exceed planned growth in the City's governing policy documents. Public infrastructure includes, but is not necessarily limited to: utility capacity (e.g. water and sewer) and roadway/intersection capacity. The City believes that accommodating the growth anticipated in the current population projections would require the City to undertake costly infrastructure investments that could themselves trigger environmental impacts. These needed investments and associated impacts should be at least programmatically explored in the EIR.

The City is happy to assist with the development of revised growth projections and refinement of the associated environmental review, and as such, is open to meeting with MTC and/or ABAG staff as needed. We would appreciate the opportunity to receive future information about this project as it becomes available. Please feel free to contact me should you have any questions.

Respectfully,



Gerry Beaudin
Director of Community Development

Copy:

Adam Weinstein, Planning Manager
Shweta Bonn, Senior Planner

LAFCO

ALAMEDA LOCAL AGENCY FORMATION COMMISSION
1221 OAK STREET, SUITE 555 * OAKLAND, CA 94612
(510) 271-5142 FAX (510) 272-3784
WWW.ACGOV.ORG/LAFCO

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Ayn Wieskamp, Vice Chair
Special District Member

Nate Miley
County Member

John Marchand, Chair
City Member

Sblend Sblendorio
Public Member

Ralph Johnson
Special District Member

Scott Haggerty
County Member

Jerry Thorne
City Member

Alternates

Georgian Vonheeder-Leopold
Special District Member

Wilma Chan
County Member

David Haubert
City Member

Tom Pico
Public Member

Executive Officer

Mona Palacios

June 10, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email to eircomments@mtc.ca.gov

Dear MTC Public Information Officer:

Thank you for including the Alameda Local Agency Formation Commission (Alameda LAFCo) in the distribution of the Notice of Preparation (NOP), informing us that an Environmental Impact Report (EIR) is being prepared for the update to the regional planning document, *Plan Bay Area 2040*.

LAFCos are independent agencies with discretion to approve or disapprove, with or without amendment, wholly, partially or conditionally, changes of organization or reorganization of cities or special districts. LAFCos are required to consider a variety of factors when evaluating a matter or project that comes before it for approval, including, but not limited to the proposed project's potential impacts on agricultural land and open space and the provision of public services, including the timely and available supply of water, adequate and proximate affordable housing, and other factors.

Many of the matters that require action by LAFCo are considered "projects" under CEQA, and therefore, as a Responsible Agency, LAFCo, or applicants seeking approval from LAFCo for some form of boundary change, may need to rely on or tier from the *Plan Bay Area 2040 EIR* to facilitate the environmental review and documentation process of the proposed project.

The NOP states that "adoption and implementation of the Plan has the potential to result in environmental effects in all of the environmental impact areas identified in CEQA." The two environmental topics of greatest interest and relevance to the decisions with which LAFCos are confronted are impacts on agricultural lands and open space, and issues related to the adequacy and efficiency of public services.

In light of this, we would request that as the potential impacts of the Plan are identified and evaluated in the EIR, particularly with reference to proposed Priority Development Areas (PDAs), the EIR should give particular attention to impacts involving the loss of agricultural land and to the availability and capacity of public services. With regard to agricultural land issues, the EIR should address the impacts to the PDA site as well as surrounding areas and should include a productivity analysis.

With regard to the public services needed to support each proposed PDA, the EIR should evaluate the level and availability of the following:

- Domestic potable water resources to support the potential future growth in the PDAs;
- Wastewater collection and treatment infrastructure;
- Flood control and stormwater management systems;
- Fire protection services and ability to expand to meet the needs of growth within a PDA;
- Police and other law enforcement services;
- Emergency medical, healthcare, vector control and mosquito abatement services;
- Local transportation, road maintenance and street lighting systems;
- Open space and parks and recreation facilities and services;
- Solid waste collection and disposal systems;
- Electricity and other sources of energy;
- Animal control;
- Library services, and
- Broadband and related internet services.

Sources of information that would likely facilitate the requested evaluation of public services should include data from the most recent Municipal Service Reviews (MSRs) that are prepared periodically by the LAFCo in each of the Bay Area Counties in which PDAs are proposed. We encourage the EIR preparers to avail themselves of this rich data source as a way of presenting to the public an assessment of the degree to which necessary public services are available, or would likely become available, in support of the anticipated growth embodied in the *Plan Bay Area 2040* and specifically within the PDAs. Further, from the consideration of impacts to public services on PDAs distributed throughout the Bay Area, it is hoped that a picture would emerge indicating to the public a sort of 'report card' or overall assessment of where the Bay Area can feasibly rise to the new level of needs of public services and where the Bay Area, as a whole, is seen as deficient or lacking, or facing potentially serious constraints. We think the EIR for the Plan Bay Area 2040 presents an ideal opportunity to heighten the public's awareness of potential impacts in these critical topic areas.

Thank you for considering our comments.

Sincerely,



Mona Palacios

Executive Officer

v:\laf\plan bay area\pba, 2016 eir comment ltr.doc

cc: Each Commissioner, Alameda LAFCo
Each Executive Officer, Bay Area LAFCOs (Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)
Andrew Massey, Alameda LAFCo Legal Counsel
Nat Taylor, Alameda LAFCo Planning Consultant



CHIEF EXECUTIVE OFFICE

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Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

June 10, 2016

Adam Noelting, Senior Planner
Plan Bay Area 2040 Project Manager
Metropolitan Transportation Commission
375 Beake Street, Suite 800
San Francisco, CA 95105

**SUBJECT: ENVIRONMENTAL REFERRAL – METROPOLITAN TRANSPORTATION
COMMISSION, SAN FRANCISCO BAY AREA REGIONAL
TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY –
DRAFT ENVIRONMENTAL IMPACT REPORT**

Mr. Noelting:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members



June 14, 2016

Adam Noelting, Senior Planner
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

Subject: Notice of Preparation of a Draft Environmental Impact Report for Plan Bay Area 2040 – The Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS)

Dear Adam:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for Plan Bay Area 2040, prepared by the Metropolitan Transportation Commission (MTC). The Santa Clara Valley Transportation Authority (VTA) offers the following comments on the NOP.

Scenario Development and Outreach Process

VTA recommends that the Draft Environmental Impact Report focus on development scenarios that are practicable and implementable, and reflect reasonable assumptions regarding existing conditions and future growth in each local jurisdiction.

On May 16, 2016, the Association of Bay Area Governments (ABAG) emailed an overview memo and detailed scenarios process document from the May 19th ABAG Executive Board packet to planning partners throughout the Bay Area. The scenarios process document included UrbanSim model results produced by MTC for three growth scenarios, including household and job growth from 2010 to 2040. However, VTA noticed several results for projected growth in cities in Santa Clara County that are questionable based on the land use and growth policies of those jurisdictions. In addition, local agencies in Santa Clara County have had very little time to review these scenarios or consider the implications of these growth projections for future transportation planning and investments in their cities.

The ABAG memo, included with the scenario results, noted that, "Given where we are in the schedule, however, it makes more sense for both agencies to focus on the Preferred Scenario rather than spend time trying to correct portions of the three initial scenarios." However, this NOP states that "MTC and ABAG will evaluate the three scenarios, and one or a combination of them will be identified as the preferred plan, which will be analyzed as the project in the EIR." Thus, it is unclear to what extent the three scenarios remain to be analyzed and how local agencies can weigh in on the Preferred Scenario.

VTA strongly requests that MTC extend the deadline for comments on the land use scenarios until September 15, at the earliest, and come to Santa Clara County to present at relevant VTA Board Committees and Working Groups this summer in order to clarify this process and ensure that realistic and meaningful land use scenarios are analyzed in the DEIR. Please contact George Naylor at 408-321-5763 or Rob Swierk at 408-321-5949 to discuss scheduling these presentations.

Relationship to Senate Bill (SB) 743

Senate Bill (SB) 743, approved by the California legislature in September 2013, directs the Governor's Office of Planning and Research (OPR) to develop alternative metrics to replace the use of vehicular "level of service" (LOS) for evaluating the transportation impacts of projects under CEQA. OPR has not yet submitted a final draft of updates to the CEQA Guidelines to implement this provision of SB 743; however, their most recent "Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA" (January, 2016) include several recommendations for agencies to refer to the RTP/SCS in evaluating plans and projects.

For instance, the Revised Proposal includes a "Presumption of Less Than Significant Impact Near Transit Stations" applicable to residential, retail, and office projects within ½ mile of frequent transit service, but notes that this presumption may not be appropriate if the project "...Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization)" (pg. 22). Similarly, the Recommendations Regarding Land Use Plans note that, "A land use plan may have a significant impact on transportation if it is not consistent with the relevant RTP/SCS" (pg. 25).

VTA requests clarification as to whether the level of detail for land use plans and developments in Plan Bay Area will be sufficient to make these determinations. Also, VTA recommends that MTC clarify the methodology for determining the consistency of land use plans and projects with the SCS, and other issues surrounding SB 743, in this update of the RTP/SCS.

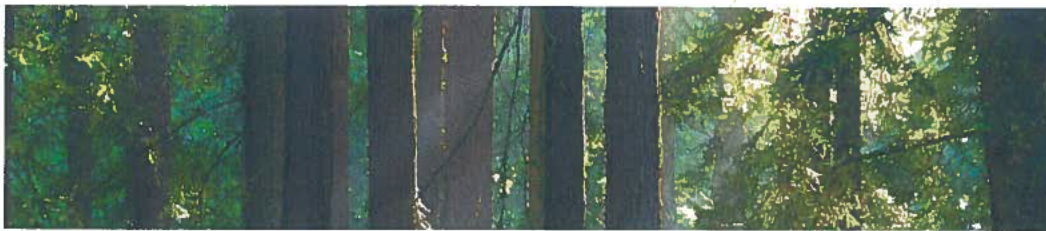
UrbanSim Model

Development of the scenarios will employ the use of the UrbanSim development simulation model. As such, VTA recommends that the UrbanSim tool, application procedures and outputs be thoroughly documented and presented in a transparent manner to instill a sense of confidence that the tool is providing meaningful and supportable (or justifiable) results. As with the MTC travel demand models, an important aspect of the documentation of UrbanSim should include a base year model validation. A suggested venue for sharing UrbanSim results is the MTC Regional Model Working Group, attended by technical representatives of the various Congestion Management Agencies in the MTC region.

VTA looks forward to continued dialog and partnership with MTC in the planning and implementation of Plan Bay Area. We suggest that VTA and MTC staff continue the discussions during the development of the DEIR and the Plan Bay Area document. If you have any questions or would like to arrange a meeting, please call me at (408) 321-7093.

Sincerely,


Chris Augenstein, AICP
Deputy Director, Planning



June 14, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

RE: Plan Bay Area 2040 – RTP/SCS Draft PEIR NOP

Dear Metropolitan Transportation Commission,

Thank you for the opportunity to comment on the Plan Bay Area 2040 Draft Program Environmental Impact Report Notice of Preparation. The East Bay Regional Park District owns and manages over 120,000 acres of open space and active transportation trails in both Contra Costa and Alameda Counties. In doing so, the District defines the quality of life in the East San Francisco Bay, and our 200 miles of paved trails provide important regional transportation connections, including trails that parallel Interstate-80 and -680 and provide first- and last-mile connections to transit.

As a regional agency that protects open space and agricultural lands, we look forward to working with our partner agencies in balancing future mobility and housing needs with other economic, environmental, and public health goals. Not only are we interested in how the Sustainable Communities Strategy will identify a transportation network to serve the regional transportation needs, but also how it will consider the best practically available scientific information regarding resource areas and farmland in the region. The District shares the Plan goals of climate protection, open space and agricultural preservation, transportation system effectiveness, and healthy and safe communities. We also understand the value of providing adequate housing that is affordable to economically and environmentally sustain the region.

The District plans to focus on the 165 Priority Conservation Areas (PCAs) that we suggest align with our Master Plan and other strategic initiatives, since the PCAs are areas of regional significance that have broad community support and are in need of protection as providers of important agricultural, natural resource, scenic, cultural, recreational, ecological, and ecosystem functions. To that end, following are the elements of the Connected Neighborhood and Big Cities Scenarios that best address our interests:

- Avoiding development on adopted PCAs and accommodating all new growth within existing urban growth boundaries or urban limit lines
- Investments in bicycle and pedestrian infrastructure that would create more walkable and bikeable downtowns
- City streets and bicycle lanes, rail lines, and other transportation infrastructure serving the region's core will be repaired, maintained, and expanded to meet increased demand

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Ward 5

Robert E. Doyle
General Manager

District staff suggest that these elements be retained in the preferred scenario.

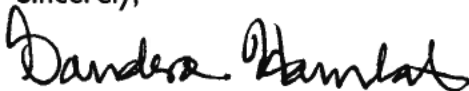
We are concerned that the region's ambitious public health target remains out of reach across all scenarios and agree that strict urban growth boundaries are effective in focusing growth within the existing urban footprint. The District supports much more aggressive bicycle/pedestrian investments to increase physical activity, reduce congestion, and increase non-automobile mode share.

We are particularly interested in potential impacts of the Plan on agriculture and forestry resources, biological resources, public services and recreation, and transportation. The District is also keenly interested in greenhouse gas emissions and climate change, especially sea level rise and resilience, which the chapter of the Plan dealing with these issues is being led by the San Francisco Bay Conservation and Development Commission, since we manage 55 miles of shorelines as arguably the largest landowner of shorelines along the East Bay.

To the extent that mitigation is required for any of the resources that we steward, such as habitat restoration, the District is interested in partnering with transportation and planning agencies to mitigate those impacts and to reduce potential lawsuits in advance. For example, mitigation lands that are located adjacent District parklands, we could manage. The District is also interested in working with other jurisdictions, especially those ones that are increasing their density, in creating an agreement where they could receive LEED-certified credits for open space by mitigating for it with District parklands.

Please feel free to contact us if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Hamlat". The signature is fluid and cursive, with the first name "Sandra" and last name "Hamlat" clearly distinguishable.

Sandra Hamlat
Senior Planner

Pam Grove

From: Jane Riley <Jane.Riley@sonoma-county.org>
Sent: Tuesday, June 14, 2016 4:38 PM
To: EIR Comments
Cc: Amy Lyle; Jennifer Barrett
Subject: NOP Comment letter
Attachments: Plan Bay Area NOP Comment letter 6-14-16.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Attached please find Sonoma County's comments on the NOP for Plan Bay Area 2040. Please feel free to contact Amy Lyle at (707) 565-7389 if you have any questions or wish clarification.

Thank you,

Jane Riley, AICP
Supervising Planner
Comprehensive Planning Division
Sonoma County PRMD
(707) 565-7388

OFFICE HOURS: *PRMD's Public Lobby is open Monday through Friday
from 8:00 AM until 4:00 PM, except Wednesdays, open from 10:30 AM to 4:00 PM.*





COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

June 14, 2016

MTC Public Information
Attn: Adam Noelting, MTC Senior Planner
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: Notice of Preparation- MTC Bay Area Regional Transportation Plan/Sustainable Communities Strategy

The County of Sonoma appreciates the opportunity to review and comment on the Notice of Preparation (NOP) for Plan Bay Area 2040. The County submits the following comments for MTC's consideration.

PDA Placetype Recognition

Plan Bay Area and associated website resources fail to recognize the unincorporated PDA placetypes. Sonoma County has six Rural Community Investment Areas and one Employment Investment Area. These have been recognized by MTC and ABAG as areas that meet the PDA designation criteria with anticipated housing density, a mix of land uses, access to transit, etc. These areas have been deemed eligible for OBAG grant opportunities and we, thus far, have received \$800,000 for new Specific Plans. The following unincorporated PDA placetypes should be recognized and analyzed as part of the Plan Bay Area and the associated Environmental Impact Report:

- Forestville Rural Community Investment Area
- Graton Rural Community Investment Area
- Guerneville Rural Community Investment Area
- Larkfield Rural Community Investment Area
- Penngrove Rural Community Investment Area
- Springs Rural Community Investment Area
- Airport Employment Investment Area

We look forward to working with you on the latest version of Plan Bay Area. Please feel free to contact Amy Lyle at amy.lyle@sonoma-county.org or by phone at (707)565-7389 if you have any questions.

Sincerely,

Jennifer Barrett, AICP
Deputy Director, Planning
Permit and Resource Management Department

cc: Tennis Wick

Pam Grove

From: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Sent: Wednesday, June 15, 2016 12:13 PM
To: EIR Comments
Subject: Contra Costa LAFCO's Comment Letter - NOP EIR - Plan Bay Area 2040
Attachments: Signed CCLAFCO Letter to MTC - Plan Bay Area 2040 NOP EIR.docx.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Thank you for the opportunity to comment.



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor • Martinez, CA 94553-1229

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 335-1094 • (925) 335-1031 FAX

Lou Ann Teixeira
Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
Federal Glover <i>County Member</i>	Rob Schroder <i>City Member</i>
Michael R. McGill <i>Special District Member</i>	Igor Skaredoff <i>Special District Member</i>
Don Tatzin <i>City Member</i>	

ALTERNATE MEMBERS

Candace Andersen
County Member
Sharon Burke
Public Member
Tom Butt
City Member
Stanley Caldwell
Special District Member

June 15, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email to eircomments@mtc.ca.gov

Dear MTC:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) relating to an Environmental Impact Report (EIR) being prepared for the update to the regional planning document, *Plan Bay Area 2040*.

We would like to echo the comments submitted by Alameda LAFCO regarding LAFCO's mission, role and responsibilities. LAFCO is charged with balancing the competing interests of preserving agricultural and open space lands, while encouraging orderly growth and development and the efficient extension of public services. As noted by Alameda LAFCO, we request that the EIR consider impacts to agricultural and open space lands, as well as the availability and capacity of public services.

With regard to agricultural and open space land issues, the EIR should address potential impacts to the Priority Conservation Area (PCA) sites as well as surrounding areas.

With regard to the public services needed to support each proposed Priority Development Area (PDA), the EIR should evaluate the level and availability of those services identified in the Alameda LAFCO letter.

You may recall that in 2010, the nine Bay Area LAFCO Executive Officers met with staff from ABAG, BAAQMD, BCDC and MTC to discuss development of the inaugural *Plan Bay Area*.

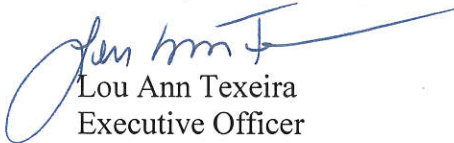
As discussed in 2010, the *Plan Bay Area* documents should take into consideration the LAFCO established spheres of influence (SOIs) for each city and special district, as the SOIs establish the areas designated as probable physical boundaries and future service areas. Further, the *Plan Bay Area* documents should recognize special districts as critical service providers. In many counties, including Contra Costa County, most infrastructure services (i.e., fire, sewer, water) are provided by special districts. *Plan Bay Area 2040* would be incomplete if it fails to consider SOIs, as well as the role of special districts as critical service providers.

As noted by Alameda LAFCO, Municipal Service Reviews (MSRs), as prepared by LAFCOs, contain a wealth of information regarding municipal services. The MSRs evaluate growth and population projections; present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies; financial ability of agencies to provide services; status of, and opportunities for, shared facilities; accountability for community service needs, including governmental structure and operational efficiencies; location and characteristics of disadvantaged unincorporated communities; and any other matters related to effective or efficient service.

We agree with Alameda LAFCO that the EIR for *Plan Bay Area 2040* presents a valuable opportunity to heighten the public's awareness of these critical issues.

Thank you for your consideration of these comments, and please include Contra Costa LAFCO on your future mailing list.

Sincerely,



Lou Ann Texeira
Executive Officer

cc: Each Commissioner, Contra Costa LAFCO
Each Executive Officer, Bay Area LAFCOs (Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)

Pam Grove

From: Petty, Sebastian <Pettys@samtrans.com>
Sent: Wednesday, June 15, 2016 2:08 PM
To: EIR Comments
Cc: Scanlon, Elizabeth
Subject: Caltrain comments on Plan Bay Area NOP
Attachments: Caltrain comments on PBA 2040 NOP.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello,

Attached please find Caltrain's comments on the Plan Bay Area 2040 Notice of Preparation.

Thanks you,

Sebastian Petty, AICP, Principal Planner
Caltrain Planning / Caltrain Modernization Program
2121 S. El Camino Real, Suite 300
San Mateo, CA 94403
t: 650.622.7831 c: 650.730.8858
www.caltrain.com/calmod



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June 15, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

Subject: Peninsula Corridor Joint Powers Board comments on Notice of
Preparation (NOP) for the Plan Bay Area 2040 Draft Environmental
Impact Report

Dear Mr. Noelting,

Thank you for the opportunity to comment on the scoping of the Environmental Impact Report (EIR) for Plan Bay Area 2040, the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan (RTP). As a multi-county transit operator serving San Francisco, San Mateo and Santa Clara counties, Caltrain participates directly in the development of the RTP. As work on the RTP advances to the environmental phase we look forward to continuing our close coordination with MTC to ensure that our services and projects are coordinated with this important document.

Caltrain is currently working towards the delivery of the Peninsula Corridor Electrification Project (PCEP). This transformative project will upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain's commuter rail service. The PCEP is scheduled to be operational by 2020 and will include the installation of traction power facilities and an overhead catenary system as well as the procurement of new Electric Multiple Unit (EMU) trains that will replace a portion of Caltrain's existing diesel fleet. After completion of the PCEP, but within the timeframe of Plan Bay Area 2040, it is Caltrain's desire to expand the number of EMUs in its fleet to provide fully electrified service on the mainline with longer trains and platforms modified to achieve level boarding. Both the PCEP and the subsequent conversion and expansion of the EMU fleet were submitted as projects to MTC as part of the Plan Bay Area 2040 Call for Projects.

Within the EIR we respectfully request that MTC analyze the full air quality benefits of Caltrain's Peninsula Corridor Electrification project and proposed fleet

PENINSULA CORRIDOR JOINT POWERS BOARD
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 650.508.6269

expansion. We believe these air quality benefits should reflect both the projected impacts of anticipated ridership and trip diversion related to the projects as well as the direct and substantial air quality benefits that occur from removing diesel locomotives from service and converting to EMUs. We also respectfully request that MTC's analysis consider and disclose existing and future transit crowding so that the effects of transit capacity constraints on regional travel choices and behavior (along with associated benefits and impacts) is adequately understood and disclosed.

Thank you again for the opportunity to comment on the scope of this important analysis. Should you have any questions please contact Sebastian Petty, Caltrain Principal Planner, at 650-622-7831 or pettys@samtrans.com.

Sincerely,



Elizabeth Scanlon
Manager, Caltrain Planning

Cc: April Chan, Chief Officer, Planning, Grants and Transportation Authority
Sebastian Petty, Principal Planner, Caltrain

Pam Grove

From: Diehl, Sue <Sue.Diehl@sanjoseca.gov>
Sent: Wednesday, June 15, 2016 3:35 PM
To: EIR Comments
Subject: City of San Jose Comments on Bay Area Plan 2040 EIR, Public Scoping
Attachments: 20160615150718697.pdf

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please see attached letter.

Thank you,

SUE DIEHL
ADMINISTRATIVE SERVICES DIVISION | ADM ASSISTANT
PLANNING, BUILDING AND CODE ENFORCEMENT
CITY OF SAN JOSE
(408) 535-7880

June 15, 2016

EMAIL: eircomments@mtc.ca.gov

Miriam Chion, Planning & Research Director
ABAG
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Adam Noelting, MTC Senior Planner
MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

Subject: Bay Area Plan 2040 Environmental Impact Report, Public Scoping Comments

Dear Ms. Chion and Mr. Noelting,

Thank you for the opportunity to provide comments on the scope of the MTC SF Bay Regional Transportation Plan/Sustainable Communities Strategy Environmental Impact Report [Bay Area Plan 2040 EIR].

Regarding the development of the three scenarios for the Plan Bay Area update, the City of San Jose has been collaborating with ABAG/MTC on the land use projections and transportation improvements through the Department of Planning, Building and Code Enforcement's Long Range Planning Division and the Department of Transportation. The City regards Plan Bay Area 2040 as an important vision for comprehensive regional planning for the Bay Area and, specifically, for the City of San Jose as one of the three big cities in the Bay Area. We applaud the regional agencies for producing three scenarios that address key issues for growth within existing urbanized areas with high-quality transit and conservation of open space through growth boundaries and priority conservation areas. San Jose's comments are mainly focused on the jobs-housing distribution and CEQA streamlining for future City's projects.

Jobs and Housing Distribution: As the largest city in the Bay Area, San Jose plays a key role in providing jobs and housing for the region and meeting the Bay Area's greenhouse gas (GHG) emission reduction targets. The key challenge faced by San Jose is the imbalance between jobs and housing. This imbalance has significantly impacted the City's fiscal health, thereby affecting the quality of life for its residents and businesses. Due to this imbalance, many residents commute long distances by automobile, which also contributes to the City and region's greenhouse gas emissions.

Envision San Jose 2040: The City's General Plan, Envision San Jose 2040, aims to address these issues. The City's General Plan plans for 470,000 new jobs and establishes a goal of achieving 1.3 jobs for each employed resident. Consistent with San Jose's General Plan, the MTC SF Bay Regional Transportation Plan/Sustainable Communities Strategy EIR should

analyze growth scenarios that recognize San Jose as a regional jobs center. Specifically, the Connected Neighborhoods Scenario and the Big Cities Scenario analyzed in the EIR should include jobs growth that would achieve San Jose's goal of transitioning from a bedroom community for Silicon Valley to a primary employment destination in the Bay Area. As San Jose has and continues to produce a large portion of the region's housing, it is important that these scenarios include strategies to create a more balanced housing outcome throughout the region, with a focus on more housing production for households of all income levels in close-in towns/cities surrounding the three big cities.

Envision San Jose 2040 sets forth policies requiring the City to conduct a review of the General Plan every four years to evaluate significant changes in the planning context and achievement of key goals. The General Plan requires the City to reconvene the Envision San José 2040 Task Force during each Four-Year Review to provide community and stakeholder engagement in reviewing and evaluating success in the implementation of the General Plan and recommending any mid-course actions needed to achieve its goals. The first Four-Year Review Task Force process was conducted earlier this year, with the last Task Force meeting in April. As part of this process, the Four-Year Review Task Force and Planning staff are recommending to the City Council to adjust the General Plan's jobs to employed-resident ratio goal from 1.3 to 1 to 1.1 to 1. This adjusted ratio will establish a more achievable objective and support implementation of the General Plan's Urban Village Major Strategy.

Center for Continuing Study of the California Economy (CCSCE) Report: Additionally, as part of the Four-Year Review process, the Center for Continuing Study of the California Economy (CCSCE) completed updated jobs and population projections for San Jose. The Report projected a range of job growth for San Jose which exceeds Plan Bay Area 2040's projected job growth for San Jose in all three scenarios as presented to the City in December 2015. (<http://www.sanjoseca.gov/DocumentCenter/View/47999>).

As stated above, consistent with the City's General Plan, the Connected Neighborhoods Scenario and the Big Cities Scenario analyzed in the EIR should include jobs growth that would achieve a jobs to employed resident ratio in San Jose that would be equal to or be greater than 1.1 to 1. We strongly emphasize review of the jobs-housing distribution and its effect on sustainable and equitable development, regional air quality, traffic and transportation, and greenhouse gas emissions.

Alternatives: The City of San Jose land use and transportation patterns are consistent with the vision of the Bay Area Plan's Connected Neighborhood and Big Cities Scenarios with compact development along transportation infrastructure at the City's core and along transit corridors. We urge that the Environmental Impact Report also analyze other potential priority development areas in an alternative with the view that they will become Planned Priority Development Areas over the 2040 horizon.

Transportation Investment: With population and employment growth concentrated in the three Big Cities and priority development areas, the region must invest in transportation infrastructure

that supports sustainable development. This includes addressing our significant State of Good Repair needs and major new transit and rail, bikeways, and complete street projects. Investing in the BART Silicon Valley extension, Caltrain Modernization, and frequent, high-quality bus and light rail infrastructure and services is critical to San Jose's sustainable development. In the near future, the City will also pursue a significantly expanded Diridon Transportation Center in conjunction with partners like Caltrain, VTA, BART and High-Speed Rail. Regional support for investment in the Diridon Transportation Center and connections to it (for example, between it and the San Jose International Airport) will be imperative and should be considered as part of this Plan.

Transit Priority Project (TPP) CEQA Streamlining: The City of San Jose looks forward to land use and transportation integration pursuant to Senate Bill 743 and CEQA streamlining for local projects that would be the basis for regional and local climate protection, open space and conservation, transportation systems, adequate housing, healthy and complete communities with equitable access and economic vitality. This consideration of TPP eligible land use would leverage transportation infrastructure, intensity of land uses within the PDAs, and streamline CEQA review at local level. The City looks forward to the inclusion and analysis of traffic impacts for how vehicle miles traveled (VMT) is applied to evaluate the cost of auto-oriented growth and pricing impacts. We look forward to further understanding of the CEQA streamlining offered by the Bay Area Plan 2040 EIR.

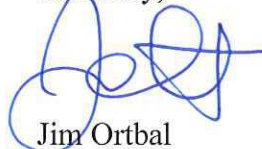
Again, thank you for the opportunity to comment on the Bay Area Plan 2040 EIR. The City looks forward to continuing the partnership with ABAG/MTC to support this endeavor. To that end and for further development of the Bay Area Plan and its Environmental Impact Report, please include Meenaxi Panakkal, Supervising Planner, Environmental Review Team at meenaxi.panakkal@sanjoseca.gov. Should you have any questions, you may also contact Rosalynn Hughey, Assistant Director, at (408) 535-7911, or rosalynn.hughey@sanjoseca.gov.

Sincerely,



Harry Freitas, Director
Planning, Building & Code Enforcement

Sincerely,



Jim Ortbal
Director of Transportation



SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, Mayor

Tom Nolan, Chairman

Cheryl Brinkman, Vice-Chairman

Gwyneth Borden, Director

Edward D. Reiskin, Director of Transportation

Malcolm Heinicke, Director

Joél Ramos, Director

Cristina Rubke, Director

June 15, 2016

Steve Heminger, Executive Director
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: Bay Area HOT Lanes and FTA 5337 Funds

Dear Mr. Heminger,

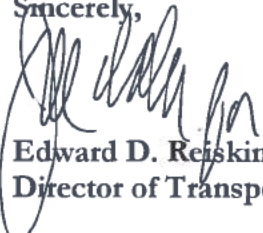
As you know, High Occupancy Toll (HOT) lanes are High Occupancy Vehicle (HOV) lanes that allow vehicles which do not meet minimum occupancy requirements to pay a toll to use the lane. By using variable pricing, HOT lanes provide reliable travel times for all road users, increase roadway efficiency, and mitigate traffic congestion. HOT lanes may also improve air quality and reduce emissions by encouraging carpooling and transit ridership. Due to these benefits, the U.S. Department of Transportation (DOT) promotes the conversion of traditional HOV lanes into HOT lanes.

The Federal Transit Administration (FTA) currently excludes HOT lane service from the High Intensity Motorbus (HIM) apportionment formula for 5337 funds. As a result, Houston and San Diego Urbanized Areas (UAs) are losing funding because a large proportion of their HIM service is now in HOT lanes. Subsequently, other UAs (including Bay Area UAs) with little or no HIM service in HOT lanes are receiving increased apportionments from what is redistributed away from Houston and San Diego. The HOT lane exclusion benefits the Bay Area in the short term, but may be a disadvantage in the long term. The region could possibly lose funding, \$6M annually, in future 5337 funds as regional plans to convert HOV lanes to HOT lanes are implemented and more HIM service occurs in HOT lanes.

Like MTC, the SFMTA is concerned about the public policy discrepancy of DOT promoting the implementation of HOT lanes while FTA penalizes regions that implement them through the HIM formula. As it stands now, this disadvantages regions across the country (like the Bay Area) that are pioneering congestion management techniques, which benefit public transit and increase vehicle speed for all users by making more efficient use of existing lanes.

The SFMTA requests a commitment from MTC to study the impact that FTA's current policy on the conversion of HOV lanes to HOT lanes will have. And, if it is determined that there will be a net loss of funding to the Bay Area's transit operators, we request that a commitment be made by MTC that revenues proportional to the amount that would have been received through the 5337 formula be restored to the Transit Capital Priorities program.

Sincerely,



Edward D. Reiskin
Director of Transportation

cc: T. Nolan – Chair, SFMTA Board of Directors
D. Campos, A. Halsted, S. Wiener – MTC Commission
T. Chang – Executive Director, SFCTA
G. Gillett – Office of Mayor Edwin M. Lee
M. Webster, K. Breen, J. Haley, S. Bose – SFMTA



County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



June 15, 2016

Metropolitan Transportation Commission
Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

**Subject: Notice of Preparation of a Draft Program Environmental Impact Report
for the Plan Bay Area 2040**

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of a Notice of Preparation for a Draft Program Environmental Impact Report (DEIR) for Plan Bay Area 2040, an update to the previous Plan Bay Area; which includes the area Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS). As stated in the NOP, the overarching goal is to develop, "a long-range plan that balances future mobility and housing needs with other economic, environmental, and public health goals" for the nine Bay Area counties.

The County Parks Department's comments are primarily focused on potential impacts related to land use policies, regional parks, natural and cultural resources, recreation and recreational facilities, and countywide trail routes identified in the *Santa Clara County Countywide Trails Master Plan Update* ("Countywide Trails Master Plan"). The County Parks Department, in partnership with Cities and other public agencies, is charged with implementing the *Countywide Trails Master Plan*, a component of the Parks and Recreation Element of the County General Plan that the Board of Supervisors adopted on November 14, 1995. Major national, state, and regional trail routes identified in the *Countywide Trails Master Plan* provide recreational opportunities and habitat, but also provide alternative non-motorized transportation routes for commuters, and safe routes to schools.



Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

County Executive: Jeffrey V. Smith

The Santa Clara County Parks system consists of over 50,000 acres of regional parklands, open space, lakes, streams, creeks and trails in 28 parks. These regional parks, trails and open space areas provide 'green' infrastructure and resource preservation/protection of critical importance to the County and the greater Bay Area and afford residents substantial public health benefits that should be recognized in the Plan Bay Area 2040 update. The importance of these resources to residents of the region was demonstrated by recent election results wherein natural resource funding Measure A in Santa Clara County and Measure AA in the greater San Francisco Bay Area passed with resounding support.

As addressed in Plan Bay Area 2040, transportation and land use policies have the potential to either significantly impact open space and park resources or to seamlessly connect these critical infrastructures. As such, the County Parks Department respectfully requests that Plan Bay Area 2040 builds on and extends the conceptual integration reflected in Priority Development Areas and Priority Conservation Areas. We recommend an in-depth discussion and proposed framework that seeks to better incorporate work undertaken by agencies and organizations like ours (open space preservation, access for recreation, provision of regional trail connections, cultural and natural resource protection, etc.) into the larger long-range regional vision for transportation and general land use policy and development. The One Bay Area Grant program should continue to grow make additional funding available for land acquisition and development projects that protect undeveloped open space and agricultural land in outlying areas. Further, Plan Bay Area 2040 should ensure that the quantity and quality of public transit and other clean-air connections to open space, trails, and parks is identified as a priority.

Related to the above, the DEIR should include quantitative and qualitative criteria for evaluating how the implementation of an integrated land use and transportation framework (especially one absent a focus on green infrastructure) would impact and/or degrade recreation, open space, conservation and related public services. The document should consider how increased usage (based on population growth projections and the Plan's Sustainable Communities Strategy) of regional parkland and Countywide trail routes will help meet Plan goals, and include a strategy for the long-term management and maintenance of these important systems.

Lastly, the DEIR should include general analysis of a variety of potential impacts of the Plan to the Santa Clara County Parks system and regional trail routes including, but not limited to, the following areas of concern: aesthetics and visual resources; agriculture and forestry resources; air quality; biological resources; cultural resources; hydrology and water quality; land use and planning; noise and vibration; population and housing; public services and recreation; and traffic and transportation.

The Santa Clara County Parks Department appreciates the opportunity to comment on the Notice of Preparation for a Draft Program Environmental Impact Report for the update of Plan Bay Area 2040. Please add our contact information to your distribution list for future

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

County Executive: Jeffrey V. Smith



notifications. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2299 or via email at annie.thomson@prk.sccgov.org.

Sincerely,



Annie Thomson
Principal Planner

cc: Don Rocha, Deputy Director
Robb Courtney, Director



Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

County Executive: Jeffrey V. Smith



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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www.sjcog.org

June 15, 2016

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TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Mr. Adam Noelting
Plan Bay Area 2040 Project Manager
Metropolitan Transportation Commission (MTC)
375 Beale Street, Suite 800
San Francisco, CA 94105

SENT Via Email: eircomments@mtc.ca.gov

Mr. Noelting:

Thank-you for the opportunity to review and provide comments on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) for Plan Bay Area 2040. The San Joaquin Council of Governments (SJCog) has enjoyed a cooperative and collaborative relationship with MTC for many years on planning issues of joint concern, including coordination on many of the assumptions that will form the foundation of Plan Bay Area 2040 and its associated EIR. Particular issues of joint concern include population and housing growth, inter-regional travel (commute and goods movement), the jobs-housing balance, and the effect these may have on the ability of our respective regions to continue to meet greenhouse gas (GhG) reduction goals envisioned in SB375 and AB32, and prescribed by the California Air Resources Board (CARB).

Plan Bay Area 2040 alternatives all include housing the entire projected population/workforce increase within the nine-county Greater Bay Area region, thus providing no net increase in workers commuting from other areas to Bay Area jobs. However, the assumption is contrary to recent trends, and, fails to address the existing imbalance of jobs to housing that results in excess of 45,000 daily commuters into the Bay Area from San Joaquin County alone. This level of inter-regional travel has a profound effect on vehicle miles of travel (VMT) in both the Bay Area and San Joaquin regions, delay and travel time reliability for both people and goods along the primary travel corridor of I-580/I-205, and GhG emissions. An unanticipated increase of in-commuters to the Bay Area may result in the need to shift transportation investments to commute-shed corridors with an emphasis on non-single-occupant vehicle (SOV) options and strategies. An equally plausible future would be decreasing Bay Area job growth as jobs begin to follow increasing population growth outside of the Bay Area.

For these reasons, the impacts of the eventual preferred plan alternative and any other potential EIR alternative scenarios (which are not currently explicitly detailed in the NOP), should be evaluated for their impacts to the jobs-housing balance between regions, inter-regional VMT and GhG emissions, and the impact to goods movement between the regions

in the form of delay, travel-time reliability measures, and concurrent economic losses. This inter-regional approach follows the recognition of the close economic and demographic ties of the increasingly integrated northern California “Megaregion,” with San Joaquin County and the San Francisco Bay Area at its core.

SJCOG recognizes, and is appreciative of, the on-going collaborative planning efforts with our Bay Area partners at ABAG and MTC. We look forward to discussing a framework for the assumptions underlying any EIR alternative scenarios developed by MTC, as well as inter-regional performance measures that will inform future planning efforts for both MTC and SJCOG.

Sincerely,

A handwritten signature in blue ink that reads "Diane Nguyen". The signature is fluid and cursive, with the first name "Diane" and last name "Nguyen" clearly legible.

Diane Nguyen
Deputy Director for Programming, Planning & Project Delivery
San Joaquin Council of Governments

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400



June 15, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

**SUBJECT: Notice of Preparation of an Environmental Impact Report
San Francisco Bay Area Regional Transportation Plan/Sustainable
Communities Strategy**

Dear MTC Staff:

The County of Santa Clara Roads and Airports Department is submitting the following comments regarding the notice of preparation (NOP) of an environmental impact report (EIR) for the project cited above.

The program-level Draft Environmental Impact Report (DEIR) should provide the analysis results for individual counties, in addition to results for the entire Bay Area region. It is important to analyze the transportation impacts on a county level, as all counties have different growth assumptions and transportation facilities available. Significant impacts for Santa Clara County, with its high jobs and housing growth projections, may be lost in a regional analysis.

Thank you for the opportunity to comment on the DEIR. If you have any questions about these comments, please contact me at 408-573-2465 or at dawn.cameron@rda.sccgov.org.

Sincerely,

Dawn S. Cameron
Deputy Director, Infrastructure Department

cc: AB, MA

June 15, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105



Re: NOP for DEIR for Plan Bay Area 2040 – RTP/SCS

To Whom It May Concern:

The Golden Gate Bridge, Highway and Transportation District (District) operates public transit service with buses and ferries linking five Bay Area counties. District staff has reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for Plan Bay Area 2040 – the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) and has the following comments related to the scope of the DEIR.

The NOP indicates that the DEIR will analyze a Main Streets Scenario, which calls for an expansion of high-occupancy toll (HOT) lanes. Should the Metropolitan Transportation Commission (MTC) choose to expand the network of HOT lanes in the Bay Area through conversion of existing high-occupancy vehicle (HOV) lanes, Federal Transit Administration (FTA) regulations dictate that the conversion of HOV lanes to HOT lanes would reduce the Bay Area's share of the 3% set aside for High Intensity Motor Bus from the FTA Section 5337 State of Good Repair funds. Approximately 8% of the District's bus service operates in HOV lanes that help the region qualify for this funding.

The District is concerned that the conversion of HOV lanes to HOT lanes could have a negative impact on public transit funding in the Bay Area. We respectfully request that any Plan Bay Area strategy that converts HOV lanes to HOT lanes account for the potential impact to public transit funding. Therefore, MTC's analysis of the Main Streets Scenario should evaluate the loss of FTA 5337 funding and the net toll funding generated by HOT lanes, and it should demonstrate whether the HOT lane concept makes financial sense for the Bay Area.

Thank you for providing the District the opportunity to comment on the NOP for the Plan Bay Area 2040 DEIR. We look forward to reviewing a DEIR that analyses the key financial concerns listed above. Please feel free to contact me to discuss these comments further.

Sincerely,

A handwritten signature in blue ink that reads "Denis Mulligan".

Denis J. Mulligan
General Manager

c: A. Frye, D. Davenport, G. Prior, R. Downing

Pam Grove

From: Parks, Lori <laparks@cityoflivermore.net>
Sent: Wednesday, June 15, 2016 4:20 PM
To: EIR Comments
Subject: Comment Letter
Attachments: Comment Letter on PBA Update and EIR Scope - City of Livermore.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

The attached PDF is a comment letter from the City of Livermore on the Scope of the EIR to be prepared for the Plan Bay Area 2040 Update.

Thanks!
Lori

Lori Parks
Associate Planner
Community & Economic Development Department
City of Livermore
(925) 960-4462
www.cityoflivermore.net





June 13, 2016

Ken Kirkey, MTC Planning Director
Miriam Chion, ABAG
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Dear Mr. Kirkey and Ms. Chion,

The City of Livermore has reviewed the Alternative Scenarios for the Plan Bay Area update, sent to the Planning Division on May 18, 2016. The City offers the following comments on the Alternative Scenarios, the growth projections for Livermore, and the scope of the Environmental Impact Report (EIR). We intend this input to help guide selection of a Preferred Alternative. The City's comments are based upon the following principles that were included in the letter from Tri-Valley officials sent to ABAG and MTC on September 28, 2015:

- Recognize and plan for interregional travel.
- Invest in transportation improvements that increase connectivity to existing activity nodes and job centers.
- Support Bay Area communities at the policy level that are experiencing growth and are working to be more sustainable.
- Provide policies for "geographic equity" within counties.

Alternative Scenarios

1. Scenario #2 (Connected Neighborhoods) builds upon the established Priority Development Area (PDA) framework. Scenarios #1 (Main Streets) and #3 (Big Cities) are major deviations from the adopted Plan Bay Area. PDAs are useful tools as they provide predictability to local governments, property owners, residents, and the regional agencies regarding the direction of transportation and infrastructure investments. PDAs are voluntarily designated and are more aligned with local plans, increasing the chances of achieving the regional vision.

In addition to retaining a focus on PDAs, Scenario #2 takes a balanced approach between investing in state-of-good repair on roads and transit, while supporting strategic expansions to the transit system to serve growing areas. Scenario #2 also performs best against the new targets and would have the largest regional benefits. Furthermore, the growth projections for Livermore under Scenario #2 generally align with the existing Plan Bay Area and forecasts based on the City's General Plan (although we identified some key issues with the projections, as discussed further below). A drastic move away from PDAs and the original growth assumptions would undermine planning efforts completed over the last five years. The City understands the rationale of providing three different

scenarios. However, the next update should provide a more focused range of policy adjustments – continuing to build consensus around the adopted vision rather than introducing uncertainty.

2. The affordable housing policies under Scenarios #1 and #3 would be very problematic. Labeling areas as “high VMT” or “low VMT” over simplifies the complex relationship between jobs, housing, and services that exist from the neighborhood level up to the regional scale. A direct and complete transfer of funds from some jurisdictions to others would have many unintended consequences. For example, many places considered as high VMT are also high opportunity areas, and imposing fees on development while providing no subsidies for affordable housing in these locations would conflict with equity goals.

Providing sufficient affordable housing is a challenge in every community in the Bay Area. Accordingly, all scenarios (including Scenario #2) should include a fair and effective policy for generating additional funds for affordable housing in PDAs throughout the region. Policies that discourage housing construction in certain communities in the face of a regional housing crisis would be counterproductive to the regional vision.

3. In addition to strengthening the affordable housing policies, Scenario #2 should emphasize transit extensions. The region should invest in regional rail improvements that increase connectivity between growing job centers and residential communities (the Tri-Valley is experiencing both). The regional rail network plays a key role in connecting people to jobs, and the urgency to provide viable transit options where they are lacking will only increase. Regional rail also catalyzes transit-oriented, infill, and higher density development – increasing opportunities for people to live and work with less dependence on vehicles. Plan Bay Area should support communities wanting and needing regional rail service to improve sustainability, quality of life, and community health. The plan should also consider how land use changes can take advantage of under-utilized infrastructure in the reverse commute direction.

For these reasons, City staff strongly supports moving forward with Scenario #2, but with adjustments to the affordable housing policies and emphasis on transit. These two changes to Scenario #2 would improve performance on equity targets and further support congestion- and emissions-related goals.

Forecasted Household and Job Growth for Livermore

4. *Projections 2013* shows the city of Livermore as having 29,134 households in 2010. Why does Attachment 2 (Growth Forecasts by Alternative Scenario) show Livermore as having 28,600 households in 2010?
5. The household forecasts for Livermore vary widely across the scenarios and do not align with our expectations based on approved development and adopted land use plans. For

example, there are projects completed since 2010 or currently under construction that are not reflected in the table, including Shea Sage and Shea Montage in the Isabel PDA and the Brisa project in the Eastside PDA. In addition, the approved Downtown Specific Plan allows up to 1,400 units in the first phase of implementation, and up to 3,600 units in subsequent phases. The “No Project” scenario should reflect projects approved since 2010 and minimum anticipated growth under approved land use plans (as described further in comments #11 and #12 below). This table shows a more accurate distribution of Livermore households under the No Project Scenario:

Geography	2010 Baseline	2040 No Project	#2 Connected Neighborhoods
Livermore total	28,600	32,800	37,600
Downtown	600	1,500	2,100
East Side	0	500	2,500
Isabel Neighborhood	300	1,250	4,000
Outside PDAs	27,700	29,550	29,000

6. Forecasted growth under Scenario #3 should be at least as much as under the “No Project” scenario, as Livermore will continue to grow regardless if regional investments are directed towards the Big Cities. The number of households assumed for each PDA under Scenario #3 should reflect the distribution under the No Project scenario.
7. New housing in the Isabel PDA is dependent upon a BART extension to Isabel Avenue (see [PDA application](#), attached). Under existing regulations, no new housing is allowed in this area. The City is preparing the Isabel Neighborhood Plan (INP), which will include amendments to allow residential uses. The INP will ultimately serve as a PDA plan (for Plan Bay Area purposes), Station Area Plan (MTC’s TOD policy), and Ridership Development Plan (BART policy). The Draft INP plans for about 4,225 new housing units, which should be reflected in at least Scenario #2.
8. Under Scenario #2, Livermore is forecasted to grow by 9,000 households; however, household growth in the three PDAs adds up to 10,800. This distribution should be corrected so that household growth in the PDAs does not exceed citywide household growth. The scenario should also assume some development outside of the PDAs. A suggested distribution of households for Scenario #2 is provided in the table above.

9. *Projections 2013* shows the city of Livermore as having 38,450 jobs in 2010 (and 46,650 in the SSA). Livermore annexed the Lawrence Livermore and Sandia National Labs sites in 2011. Together, these Labs are the City's largest employer and provide approximately 9,400 jobs. Please ensure that the Labs are included in the job forecasts for Livermore.
10. All of the scenarios show Livermore adding 7,100-7,900 jobs over 2010 baseline conditions. This is drastically lower than job estimates under the current Plan Bay Area, which estimates over 14,000 new jobs in Livermore. Please explain this difference. For reference, we estimated that General Plan build-out would result in about 87,000 jobs within the city. According to US Census Bureau data (On the Map), the number of jobs in Livermore increased by 2,800 between 2010 and 2014, which would represent 36-40% of the total projected job growth under the No Project and alternative scenarios. Based on ABAG data, Livermore has grown by an average of 400 jobs per year since 1990. We expect to experience a similar growth rate moving forward, especially considering the recently approved industrial and commercial projects (e.g., Gillig, Phase II of the Outlets, The Shoppes, Trammel Crow distribution facility, etc.).

Scope of the Environmental Impact Report (EIR)

The EIR for the Preferred Alternative will analyze the cumulative impacts of implementing major transportation projects in the region (over which MTC has some control). As part of the analysis, assumptions will be made about the land use pattern in 2040 (over which regional agencies have very little control, as local agencies have land use authority). Plan Bay Area will continue to include incentives to influence the land use pattern, with the largest catalysts being the transportation investments themselves.

Implementing this visionary plan requires voluntary actions and coordination among numerous stakeholders. While this is a worthy effort, we recognize that it will be very difficult to fully achieve the vision. This makes it difficult to rely on the land use inputs, transportation model, and EIR to represent "reasonably foreseeable conditions" for tiering purposes under CEQA. It also creates challenges with evaluating the true costs and benefits of specific transportation projects. Given these concerns, we make the following suggestions and requests:

11. The land use inputs for the EIR analysis should generally align with local land use regulations and planning efforts. If the gap between the region's forecasts and the city's forecasts is too wide, it will be difficult for cities to rely on Plan Bay Area for planning and on the EIR for tiering. Therefore, please validate the land use inputs with local jurisdictions prior to running the transportation model for the Preferred Alternative.
12. The No Project scenario should reflect business-as-usual conditions. We recognize the need to assume 100% of housing needs will be met within the region's boundaries for the *project* scenarios, in response to the lawsuit and to meet the intent of SB 375. This is an

important goal for cities and the region to strive towards. However, this is not a reasonable assumption for the No Project scenario as housing construction has never kept up with job growth within the Bay Area, and people continue to move to adjacent regions in search of affordable housing options. Therefore, the No Project scenario should assume continuation of housing patterns in the Bay Area and Central Valley.

13. Relying on one set of long-term land use projections gives a false sense of precision. The projections completed in 2007 for Central Valley and Bay Area growth are very different than those completed in 2013. Furthermore, assuming there will be less inter-regional commuting and less congestion on highways, based on a visionary land use pattern, distorts the estimated performance of projects. Transportation investments based on these assumptions will be inadequate and less effective if congestion continues to grow, which it will likely do.

Given the sensitivity of projections to fluctuating market conditions and the sensitivity of the model to land use inputs, the planning process should consider the range of land use patterns that may play out in the long-term. Specifically, the EIR and future updates should evaluate transportation projects against the more realistic No Project land use scenario described above *and* the Preferred Alternative. This approach would provide a more realistic range of potential outcomes, as the actual land use pattern will likely end up somewhere in between. This comparison should be an important part of the decision making process and disclosed to the public.

Thank you for the opportunity to provide feedback on the Plan Bay Area update. Please let us know if you have any questions.

Sincerely,



Marc Roberts, City Manager
City of Livermore



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

June 21, 2016

Delivered by Email

Metropolitan Transportation Commission (MTC)
Public Information Office
375 Beale Street, Suite 800
San Francisco, California 94105
circumments@mtc.ca.gov

**SUBJECT: Comments on Notice of Preparation |
Draft Environmental Impact Report for MTC's Plan Bay Area 2040**

Public Information Office:

The Marin Local Agency Formation Commission (LAFCO) is aware of MTC's recent circulation of a notice of preparation of a draft environmental impact report (EIR) for Plan Bay Area 2040. Marin LAFCO did not receive the notice directly, and therefore we respectfully request MTC accept our late submittal beyond the prescribed June 15th deadline given our potential and/or probable role as a responsible agency in directly facilitating implementation aspects of Plan Bay Area 2040. Implementation examples include Marin LAFCO amending and updating spheres of influence, approving change of organizations or reorganizations, and authorizing outside municipal service services.

With the preceding comments in mind, Marin LAFCO offers the following comments to MTC as it develops and sets the content and analysis in the Draft EIR.

1. State law directs MTC to coordinate with LAFCOs in preparing Plan Bay Area 2040 as a sustainable communities strategy and specifically consider the spheres of influence that have been adopted by LAFCOs (Section 65080(b)(2)(F)). To this end, please note there are 65 local agencies in Marin County divided between 11 cities and 54 special districts that are each assigned a sphere of influence by Marin LAFCO. Additional comments herein follow.
 - a) A listing of all 65 local agencies under Marin LAFCO's jurisdiction is attached.
 - b) A digital viewing of Marin LAFCO's spheres of influence for the 65 local agencies are available online through MarinMap at www.marinmap.org.
 - c) Pertinent information concerning the availability, need, and performance of public services tied to the 65 local governmental agencies are regularly updated by Marin LAFCO as part of our municipal service review program. These studies are available online at www.marinlafco.org.

Administrative Office

Keene Simonds, Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

Judy Arnold, Regular
County of Marin
Damon Connolly, Regular
County of Marin
Kate Sears, Alternate
County of Marin

Carla Condon, Vice Chair
Town of Corte Madera
Gary Phillips, Regular
City of San Rafael
Sashi McEntee, Alternate
City of Mill Valley

Jack Baker, Regular
North Marin Water District
Craig K. Murray, Regular
Las Gallinas Valley Sanitary
Lew Kiou, Alternate
Almonte Sanitary

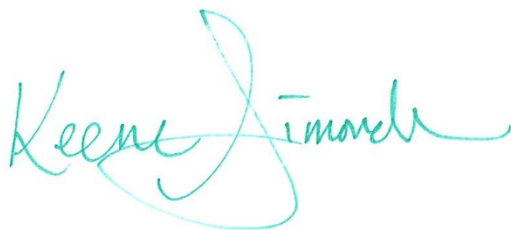
Jeffrey Blanchfield, Chair
Public Member
Chris Burdick, Alternate
Public Member

2. In step with streamlining the collection and analysis of information required of MTC in preparing the Draft EIR under Section 65080(b)(2)(F) it would seem reasonable to conduct one or more staff workshops between MTC and the nine Bay Area LAFCOs. This platform, notably, would help MTC and LAFCOs enhance their shared interests and duties – albeit divided between distinct functions – in regional growth management in the Bay Area.

Thank you for the opportunity to comment on the preparation of the Draft EIR and its role in informing decision-makers on potential impacts tied to MTC's statutory task to integrate land use and transportation in the Bay Area. As reflected in the above comments Marin LAFCO's principal interest is to help ensure the document effectively considers the impacts generated in the referenced integration with respect to local municipal service providers on a programmatic level.

Should you have any questions or related follow up please contact me at your convenience by telephone at 415-448-5877 or by email at ksimonds@marinlafco.org.

Sincerely,



Keene Simonds
Executive Officer

Attachments:

- 1) List of Local Agencies Under Marin LAFCO

cc: Marin LAFCO Commissioners
Bay Area LAFCO Executive Officers

ATTACHMENT TO LETTER

AGENCIES SUBJECT TO MARIN LAFCO JURISDICTION

Marin LAFCO has explicit jurisdiction over 65 local governmental agencies in Marin County. These agencies include all 11 cities/towns, 30 independent special districts (i.e., directly elected board members), and 24 dependent special districts (appointed board members from other governmental agencies). A current listing of agencies subject to Marin LAFCO follows.

A. Cities and Towns:

- Belvedere
- Corte Madera
- Fairfax
- Larkspur
- Mill Valley
- Novato
- Ross
- Sausalito
- San Rafael
- San Anselmo
- Tiburon

B. Independent Special Districts (*Directly Elected Governing Boards*)

- Almonte Sanitary District
- Alto Sanitary District
- Bel Marin Key Community Services District
- Bolinas Fire Protection District
- Bolinas Community Public Utility District
- Homestead Valley Sanitary District
- Inverness Public Utility District
- Kentfield Fire Protection District
- Las Gallinas Valley Sanitary District
- Marin City Community Services District
- Marin County Resource Conservation District
- Marin Healthcare District
- Marin Municipal Water District
- Marinwood Community Services District
- Muir Beach Community Services District
- North Marin Water District
- Novato Fire Protection District

- Novato Sanitary District
- Richardson Bay Sanitary District
- Ross Valley Sanitary District (County Sanitary District 1)
- Sausalito-Marín City Sanitary District
- Sleepy Hollow Fire Protection District
- Southern Marin Fire Protection District
- Stinson Beach Fire Protection District
- Stinson Beach Water District
- Strawberry Recreation District
- Tamalpais Community Services District
- Tiburon Fire Protection District
- Tiburon County Sanitary District (County Sanitary District 5)
- Tomales Village Community Services District

C. Dependent Special Districts
(Appointed Governing Boards)

- County Service Area 1 (Loma Verde)
- County Service Area 6 (Gallinas Creek)
- County Service Area 9 (Northbridge)
- County Service Area 13 (Upper Lucas Valley)
- County Service Area 14 (Homestead Valley)
- County Service Area 16 (Greenbrae)
- County Service Area 17 (Kentfield/Larkspur)
- County Service Area 18 (Las Gallinas)
- County Service Area 19 (Country Club)
- County Service Area 20 (Indian Valley, Country Club, and Domingo Canyon)
- County Service Area 23 (Terra Linda)
- County Service Area 25 (San Marin)
- County Service Area 27 (Ross Valley)
- County Service Area 28 (West Marin)
- County Service Area 29 (Paradise Cay)
- County Service Area 31 (Unincorporated Area)
- County Service Area 33 (Stinson Beach)
- Marin/Sonoma Mosquito and Vector Control District
- Marin County Parks Open Space District
- San Rafael Sanitation District
- Corte Madera Sanitary District No. 2
- Murray Park Sewer Maintenance District
- San Quentin Village Sewer Maintenance District
- Marin County Flood Control and Water Conservation District

Organizations



Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Thursday, May 26, 2016

Dr. Martin Luther King Jr. Library
One Washington Square, Room 225
San Jose, California

Name: Colin Heyne Title: Dep. Director
Agency: Silicon Valley Bicycle Coalition
Address: _____
E-mail: colin@bikesiliconvalley.org Phone: (408) 464-5195

Use this form to submit any comments. Use the other side if additional space is needed.

I greatly prefer the Connected Communities & Big Cities scenarios to the Main St. scenario. Highway widening & greenfield development are anathema to our state & regional environmental & transportation goals.

Suggestion: Show existing population, jobs, & housing distribution on poster next to scenario "pics."

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



Association of
Bay Area Governments



METROPOLITAN
TRANSPORTATION
COMMISSION



June 7, 2016

Via Email

Tina A. Thomas
Amy Higuera
Thomas Law Group
455 Capitol Mall, Suite 801
Sacramento, CA 95814
Tel.: (916)287-9292
Email: tthomas@thomaslaw.com
ahiguera@thomaslaw.com

Metropolitan Transportation Commission
Public Information Office
375 Beale Street, Suite 800
San Francisco, CA 94105
eircomments@mtc.ca.gov

Association of Bay Area Governments
375 Beale Street, Suite 700
San Francisco, CA 94105
info@abag.ca.gov

RE: Settlement Agreement in *Communities for a Better Environment et al. v. Metropolitan Transportation Commission et al.*, Case No. RG13692189

Dear Tina and Amy –

We write on behalf of our clients because it appears that the Metropolitan Transportation Commission (“MTC”) and Association of Bay Area Governments (“ABAG”) have not complied with the settlement agreement entered into in *Communities for a Better Environment et al. v. Metropolitan Transportation Commission et al.*, Case No. RG13692189. We ask that you please rectify this lack of compliance.

As you are aware, the litigation referenced above concluded when MTC, ABAG and Petitioners Sierra Club and Communities for a Better Environment (“CBE”) entered into a settlement agreement on June 18, 2014. The potential compliance issues with these provisions of the settlement agreement are addressed in turn below.

A key feature of the settlement agreement requires the preparation of a Feasibility Analysis for the Priority Development Areas (“PDA”), prior to the issuance of a notice of preparation (“NOP”) for the Plan Bay Area Environmental Impact Report (“EIR”). (Settlement Agreement, Section 5(c).) The agreement requires a Feasibility Analysis for the PDAs that includes analysis of: current transit availability for each PDA, development readiness in the PDA, analysis of risks of sea level rise and liquefaction in the PDA, housing and jobs information for the PDA, and public health information for the PDA. (Settlement Agreement, Section 5(c)(i)-(v).)

The NOP was issued on May 16, 2016.¹ However, we have not been provided with the Feasibility Analysis. The Feasibility Analysis also does not appear in the section of the Plan Bay Area website dedicated to documents required by the parties’ settlement agreement.² There is a document titled “PDA Assessment Update” posted on the website page, which was prepared in response to a different settlement agreement.³ This document is not, however, the “Feasibility Analysis” for which Sierra Club and CBE negotiated, and does not satisfy the requirements of our settlement agreement. Specifically, the document does not analyze transit availability, development readiness, environmental factors, housing and jobs factors, or public health information, in the detail required by the Settlement Agreement. (Settlement Agreement, Section 5(c)(i)-(v).) Notably, the document omits study of whether transit operates at required intervals, whether PDAs are at risk of sea level rise or liquefaction, whether PDAs are also situated in CARE communities, and the anti-displacement programs in place in the PDA. To the extent that this information is available, it must be included in the Feasibility Analysis for each PDA.

Further, the “PDA Assessment Update” does not cover all the PDAs in the Bay Area – it covers only 65 PDAs.⁴ The settlement agreement applied to all PDAs, which number over 170.⁵ We understand that MTC and ABAG are only required to provide the requisite information to the extent that this information is available. However, the existence of environmental documents and other public information suggests that such information is already available for at least some, if not all, of the PDAs omitted from the “PDA Assessment Update.” For example, Alameda County and several localities have prepared their own analyses of PDAs in their jurisdictions, or there is public information otherwise available about various PDAs. Therefore, MTC and ABAG should have access to information enabling them to prepare a Feasibility

¹ The Notice of Preparation is available at: http://mtc.ca.gov/sites/default/files/PBA2040_NOP-EIR_LegalNotice.pdf

² The materials prepared in accordance with the parties’ settlement agreement are available at: <http://planbayarea.org/plan-bay-area/plan-bay-area/legal-documents.html>

³ The materials prepared in accordance with MTC, ABAG and the Building Industry Association’s settlement are available at: <http://planbayarea.org/the-plan/quick-facts/Legal-Settlements.html>

⁴ See PDA Assessment Update at p. 2.

⁵ See Plan Bay Area, Frequently Asked Questions, available at: <http://planbayarea.org/about/faq.html#q10022>

Analysis for many, if not all, of the PDAs. As a method of illustration, we identify several examples of PDAs where MTC and ABAG should have had the requisite information:

- a. ***Alameda County PDAs*** – In 2015, the Alameda County Transportation Commission (“ACTC”) prepared a progress report covering PDAs in Alameda County, including such factors as: Complete Streets and Housing Elements status, PDA funding allocations, PDA coordination with other planning efforts, and housing data.⁶ ACTC’s report covered PDAs which do not appear to be included in MTC’s “PDA Assessment Update,” including: Dublin’s Downtown and Town Center, Fremont’s Centerville and Irvington District, Hayward’s the Cannery, Livermore’s Downtown, Oakland’s Fruitvale and Dimond districts, and the Union City Intermodal Station District PDA.
- b. ***City of Berkeley, Adeline and South Shattuck PDAs*** – The City of Berkeley received a \$750,000 Priority Development Area Planning grant from MTC to plan development in the Adeline and South Shattuck PDAs and some initial analysis of demographic and economic conditions, current land uses and infrastructure has already been prepared.⁷
- c. ***Treasure Island and Yerba Buena Island PDA*** – Treasure Island and Yerba Buena Island are another planned PDA.⁸ San Francisco’s Department of Planning and the Treasure Island Development Authority have prepared several environmental review documents covering this development.⁹ There are numerous concerns associated with development on the site, such as transportation access, soil contamination, and the continued availability of affordable housing on the site.¹⁰
- d. ***Dumbarton Transit Oriented Development PDA*** – The City of Newark has planned a Dumbarton Transit Oriented Development PDA, located near the Dumbarton Bridge. The City of Newark has already conducted environmental

⁶ The Alameda County Transportation Commission memorandum “2015 Alameda County Priority Development Area Investment and Growth Strategy Annual Progress Report” (May 28, 2015) is available at:

http://www.alamedactc.org/files/managed/Document/16389/2015_Update_AlamedaCounty_PD_A_IGS_May2015.pdf

⁷ See http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/1_Introduction.pdf

⁸ See <http://gis.abag.ca.gov/website/PDAShowcase/#nogo1>

⁹ See <http://sftreasureisland.org/environmental-review>

¹⁰ See <http://kalw.org/post/would-you-live-treasure-island#stream/0>, <http://www.sfchronicle.com/bayarea/article/Yerba-Buena-Island-plan-an-unwelcome-development-6434398.php>

review related to such development.¹¹ The Sierra Club has publicly written about its concerns with the feasibility of this PDA, due to lack of transit access, seal level rise, and contaminated soil risks.¹²

- e. ***Brisbane Baylands Development*** – Similarly, the City of Brisbane has prepared environmental analysis of the proposed Baylands development¹³ along the waterfront, which does appear on ABAG’s list of planned PDAs.¹⁴

MTC and ABAG must prepare a Feasibility Analysis that complies with the parties’ Settlement Agreement. Please advise us when such analysis will be provided.

The Settlement Agreement also requires MTC and ABAG to “disclose the effects of financing the construction of express lanes by using bridge toll revenues, and ... disclose the effect of such financing on the current uses of toll bridge revenues.” (Settlement Agreement, Section 5(b).) This disclosure shall be made 30 days before the release of the NOP for the EIR. However, this analysis does not appear to have occurred, and we request correction of this omission.

Additionally, the Settlement Agreement requires MTC and ABAG to issue healthy infill guidelines, titled “Planning Healthy Places” before the issuance of the NOP. (Settlement Agreement, Section 5(e).) BAAQMD has released guidelines that appear to address this part of the settlement.¹⁵ However, they are not referenced on the Plan Bay Area website nor have we been informed that these serve that purpose. If these are in fact the healthy infill guidelines, the guidelines and mitigations identified therein should also be considered and incorporated into the update to Plan Bay Area, as required by the Settlement Agreement.

We appreciate that MTC and ABAG have moved forward with constituting the Regional Freight New Technologies Task Force, and that the group is working towards developing the Freight Emissions Reduction Action Plan. We do note that it does not appear that the group has evaluated the potential for zero-emission truck lanes along Interstate 880, as required by the Settlement Agreement, Section 5(d)(i). Further, we understand that the task force has not yet focused on issues related Section 5(d)(ii), including funding sources. We expect that these issues will also be addressed by the task force.

¹¹ See e.g., [http://www.newark.org/images/uploads/comdev/pdfs/DumbartonTOD/Draft%20SEIR%20December%202013\(reduced\).pdf](http://www.newark.org/images/uploads/comdev/pdfs/DumbartonTOD/Draft%20SEIR%20December%202013(reduced).pdf) and

http://www.newark.org/images/uploads/comdev/pdfs/NewarkGP_DEIR_PublicReview.pdf

¹² See <http://theyodeler.org/?p=10597>

¹³ See http://www.ci.brisbane.ca.us/sites/default/files/1_intro.pdf

¹⁴ See <http://gis.abag.ca.gov/website/PDAShowcase/#nogo1>

¹⁵ See http://www.baaqmd.gov/~media/files/planning-and-research/planning-healthy-places/php_may20_2016-pdf.pdf?la=en

We appreciate your attention, and look forward to your prompt action to address these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Irene Gutierrez', followed by a long horizontal line.

Irene Gutierrez

Will Rostov

Counsel for Sierra Club and Communities for a Better Environment

From: [Heidi Tschudin](#)
To: [Fran Ruger](#); [Gary Jakobs](#); [Amy Higuera](#)
Cc: ["Tina Thomas"](#); [Adam Noelting](#)
Subject: FW: Comment on RTP
Date: Tuesday, June 14, 2016 4:54:58 PM

Heidi Tschudin
(916) 447-1809 office
[REDACTED]

From: Adam Noelting [mailto:ANoelting@mtc.ca.gov]
Sent: Tuesday, June 14, 2016 3:50 PM
To: Heidi
Subject: Fw: Comment on RTP

Please find the enclosed comments.
Adam

From: Sherman Lewis [REDACTED] on behalf of Sherman Lewis
<sherman@csuhayward.us>
Sent: Tuesday, June 14, 2016 2:38 PM
To: EIR Comments
Subject: Comment on RTP

Roads vs. Rail; cars vs. transit: The RTP should favor rail and transit over roads and cars.

In Alameda County, an anti-environmental Supervisor is trying to revive a long-dormant highway project from the 1980s. The proposed route 84 would be environmentally damaging, increase traffic on the Dumbarton Bridge and on Mission Blvd. in Fremont and Union City. It would increase traffic on the winding, scenic two-lane road through Niles Canyon and create pressure to widen it and straighten it for more and faster traffic.

This highway project directly parallels the most cost-effective way of increasing east-west transportation capacity in this area, rail service over the Dumbarton Rail Bridge. Restoring this bridge would benefit tidal flows in the South Bay, now stagnant due to an outmoded berm. It would serve many markets—inter-regional passenger service, ACE, the San Joaquin service. It would tie into Caltrain service, reaching the new Transbay Terminal. This choice tests MTC's commitment to its stated goals.

I also request that you study the RTP alternatives proposed by TRANSDEF, as they will place this one project decision into a region-wide context, and show the consequences of the different paths open to MTC.

--

Sherman Lewis
Professor Emeritus, Cal. State Univ. EB Hayward
President, Hayward Area Planning Association
[ayward.us](http://hayward.us)



Pam Grove

From: Melanie Newcomb <MNewcomb@barhii.org>
Sent: Wednesday, June 15, 2016 4:03 PM
To: EIR Comments
Cc: Melissa Jones; Amy Smith; Chuck McKetney; Michael Stacey
Subject: BARHII Comment Letter on Plan Bay Area Environmental Impact Report
Attachments: BARHII MTC PBA EIR Letter June 2016.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello,

In response to your request for comments on the Plan Bay Area Environmental Impact Report, please find a comment letter from the Bay Area Regional Health Inequities Initiative.

Melanie Newcomb | Project Specialist

Bay Area Regional Health Inequities Initiative (BARHII)

300 Frank H. Ogawa Plaza, Ste. 520, Oakland, CA 94612 | MNewcomb@barhii.org



Bay Area Regional Health Inequities Initiative

Alameda County | City of Berkeley | Contra Costa County | Marin County | Napa County | City and County of San Francisco | San Mateo County | Santa Clara County | Santa Cruz County | Solano County | Sonoma County

June 14, 2016

To: eircomments@mtc.ca.gov

Re: Scoping Comments for Plan Bay Area Environmental Impact Report (EIR)

Dear Mr. Noelting,

The Bay Area Regional Health Inequities Initiative (BARHII) is a collaborative of the eleven Bay Area Public Health Departments that plan and work together to achieve more equitable health outcomes in our region. We have welcomed the opportunity to partner with our regional planning agencies to help further the dialogue on how our region's plan to reduce greenhouse gas emissions can also make significant contributions towards improving equitable health outcomes for our residents. We are providing the following recommendations for what should be studied in the EIR to help further health equity goals:

The EIR should analyze and propose mitigation measures for the following topics:

1. **Impacts on circulation disaggregated by mode**, with a focus on pedestrians, bicyclists and transit users. More specifically, the EIR should assess safety, quality of services provided, and travel time (commute and non-commute) for these users.
2. **The environmental impacts of the displacement of low-income populations from their neighborhoods and the region**, either directly or indirectly due to rising housing costs. Physical changes in the environment caused by economic or social effects of a project may constitute significant environmental effects and economic and social effects of a project may be factors in determining the significance of physical changes in the environment. (CEQA Guidelines §§ 15131, 15064(e).)

As noted in a recent MTC staff report to the Regional Equity Working Group, displacement has far reaching effects, which include impacts to the environment: *Lower-income households may be displaced within the region, from a transit accessible and walkable neighborhood to an area that does not provide these amenities, or outside the region, to neighboring counties or another state. Both forms of displacement impact the economy, the environment and community stability and cohesion.*¹

This statement reflects broader findings in the literature which indicate that the displacement of low-income households from transit rich neighborhoods can increase vehicle miles traveled (VMT), and greenhouse gas emissions (GHG) and cause health problems.² Preliminary evaluation results suggest all three scenarios will cause significant displacement risk.

Because household income is a fundamental variable in predicting transportation behavior, the out-migration of populations of low-income households from transit proximate areas, and corresponding in-migration of higher-income households (or population level displacement) will have significant impacts on circulation, VMT, GHG emissions and the geographic distribution of air pollution. The EIR should therefore consider displacement and its corresponding environmental impacts. The UrbanSim model allows considerable opportunity to model changing household location choices by a variety of demographic factors, and MTC could look to tools under development by Dr. Paul Waddell.

In addition to impacts on circulation, VMT and GHG, we request the DEIR analyze the impacts of displacement to human health. Our *Displacement Brief* produced for commissioners at MTC's recent displacement forum summarizes these impacts, which include unsafe and toxic housing, asthma, poisoning, falls, burns, mental distress, behavioral problems, educational delays, depression, low birth weights, increased stress, blood pressure and Body Mass Index, and lower physical fitness.³

The DEIR should also propose *proactive and effective* mitigation measures to address displacement and its environmental impacts. As noted in a recent (5/13) presentation by MTC staff to the Planning Committee, meeting Plan Bay Area's housing equity targets will require strong action, including: new growth in currently higher-income areas, significant housing subsidies and affordable unit production and additional anti-displacement policies. The DEIR should include these and other mitigations, including an OBAG program capable of motivating local jurisdictions to protect existing tenants.

3. **Air Quality Impacts, including cancer risk, PM2.5, PM10 and other toxic air contaminants.** The DEIR should project concentration and/or health risk levels and changes to these levels by census tract, for Communities of Concern (COCs) versus non-COCs, and for BAAQMD CARE Areas. This analysis should include the impacts caused by the increases in regional goods movement resulting from population growth, and the impact on placing new residents in close proximity to major sources of diesel pollution such as freeways, ports, transportation hubs, and rail lines. The DEIR should also use the PBA land use model and Air District modeling to project changes in exposure at the household or person scale, disaggregating for age, race, income and gender.

The DEIR should include the recommendations of the Air District's recently released *Planning for Healthy Places*, particularly those directed at reducing emissions and exposure. Additionally, the DEIR should propose strategies to incentivize growth outside of potentially toxic areas.

4. **Exposure to noise and vibration.** The DEIR should project the levels of ambient noise and vibration exposure as well as changes to these levels by census tract, comparing Communities of Concern (COCs) with non-COCs, disaggregating for age, race, income and gender. The DEIR should estimate reductions in noise exposure from the implementation of policies such as (1) energy efficiency program resources, especially for low-income communities in geographic areas with high levels of ambient noise and air pollution, (2) building codes for energy efficiency upgrades, (3) and incentives for the development of energy-efficient homes and multi-unit housing with double-paned windows and other acoustical protections.

The DEIR should analyze and address the distribution of environmental impacts across all communities, including low-income people and people of color, to ensure that the benefits and burdens of Plan Bay Area are fairly distributed. The Plan Bay Area DEIR should explicitly analyze and address mitigations for impacts that disproportionately affect low-income people and people of color in the Bay Area. This includes the environmental impacts, disaggregated by race and income, related to inequitable access to transit, high transportation and housing cost burdens, lack of affordable housing, risk of direct and indirect displacement, and other public health factors (including those included above).

Study the Equity, Environment and Jobs (EEJ) Scenario as one of the DEIR alternatives.

Preliminary equity analysis results (presented at the June 3rd Planning Committee) suggest that the three scenarios all fall short of adequately addressing the needs of low-income communities and communities of color in the Bay Area. As health professionals, these are the communities where we see the most intractable health issues. In many cases, these health issues are caused by conditions outside of our control, including land use, transportation and housing. As proposed, the three scenarios studied make inadequate progress toward improving health outcomes in these communities. In the previous cycle of Plan Bay Area, the EEJ scenario demonstrated good performance on environmental goals, and would have significantly improved health and equity outcomes. This scenario should therefore be included in this DEIR.

We will continue to participate in discussions about Plan Bay Area in the upcoming months and look forward to seeing our comments addressed in the DEIR and later in the Final EIR. Thank you for your consideration.

Sincerely,



Melissa Jones, MPA
BARHII Executive Director



Chuck McKetney, DrPH
Co-Chair of BARHII
Alameda County Department
of Public Health



Michael Stacey, MD, MPH
Co-Chair of BARHII
Solano County Public Health
Department

¹ Regional Equity Working Group Packet, June 8th.

² Bay Area Health Inequities Initiative, Displacement Brief. (2016). Available at: <http://barhii.org/wp-content/uploads/2016/02/BARHII-displacement-brief.pdf>; Stephanie Pollack et al., Maintaining Diversity in America's Transit-Rich Neighborhoods (Dukakis Center for Urban and Regional Policy, 2010); TransForm and California Housing Partnership Corporation, Why Creating and Preserving Affordable Homes Near Transit Is a Highly Effective Climate Protection Strategy (May 2014). Available at: <http://www.transformca.org/sites/default/files/CHPC%20TF%20Affordable%20OD%20Climate%20Strategy%20BOOKLET%20FORMAT.pdf>.

³ Bay Area Health Inequities Initiative, Displacement Brief. (2016). Available at: <http://barhii.org/wp-content/uploads/2016/02/BARHII-displacement-brief.pdf>

**UNIVERSAL PARAGON CORPORATION**

150 Executive Park Blvd., Suite 4000
San Francisco, CA 94134

Tel: (415) 468-6676
Fax: (415) 468-6678

June 15, 2016

TRANSMITTED VIA ELECTRONIC MAIL:

June 15, 2016

MTC Public Information
aircomments@mtc.ca.gov
375 Beale Street
Suite 800
San Francisco CA 94105

Dave Cortese, Chair
Metropolitan Transportation Commission (MTC)

Julie Pierce, President
Association of Bay Area Governments (ABAG)

Re: Comments on the Plan Bay Area Draft EIR, due date June 15, 2016

Dear MTC Chair Cortese and ABAG President Pierce:

Universal Paragon Corporation, as owner and developer of the majority of the 684-acre Baylands site in the City of Brisbane, we would like to address the One Bay Area planning process and the implication for a preferred scenario plan. As part of the Baylands is one of the last remaining large transit-oriented development sites in the Bay Area, the future of the Baylands will be critical in meeting the goals of SB 375 and Plan Bay Area. We are urging you to 1) revise the RHNA forecast update for the City of Brisbane to include development potential for Brisbane Baylands as indicated below in Exhibit One and 2) to include increased development for transit corridor PDAs, TPPs and opportunity sites.

The Brisbane Baylands is designed to meet the smart growth best practices outlined in SB375 and AB32 with high density residential near transit to increase walkability, access to transit, and reduce car use and greenhouse gas emissions reductions.

Currently, the City of Brisbane is considering a few different scenarios for the Baylands, including the following that are listed in Exhibit 1, pulled from the Brisbane Baylands Specific Plan (February 2011):

PROPOSED
Baylands EIR Land Use Scenarios)

Component
Non-Residential
Total Non-Residential
Residential
Total Residential
Total Development

The proposed number of new residential units range up to 4,434 residential units, and non-residential uses would range from 6,900,000 square feet to 8,370,000 square feet. The number of new jobs would vary from 15,000 to 20,000 jobs.

Based on the 2013 Draft Plan Bay Area forecasts, the City of Brisbane would accommodate 890 more jobs and 270 more households, as demonstrated in Exhibit 2.

Exhibit 2. Excerpt from Plan Bay Area Forecasts, 2013

Jurisdiction or Area Name	Place Type	JOBS			
		2010	2040	2010-2040±	% Growth
Brisbane		6,780	7,670	890	13%
San Francisco/San Mateo Bi-County Area (with San Francisco)	Suburban Center	500	960	460	

Jurisdiction or Area Name	Place Type	HOUSING UNITS				HOUSEHOLDS			
		2010	2040	2010-2040±	% Growth	2010	2040	2010-2040±	% Growth
Brisbane		1,930	2,180	250	13%	1,820	2,090	270	15%
San Francisco/San Mateo Bi-County Area (with San Francisco)	Suburban Center	0	0	0		0	0	0	

The City of Brisbane is preparing a plan to redevelop part of their downtown, called 'The Parkside Plan.' This proposed plan is designed to address the City's shortfall in the RHNA Allocation of 293 units. We understand the City of Brisbane's preparation for the proposed Parkside Plan is designed to account for a portion of their shortfall in Regional Housing Needs Allocation of 293 units. In the Plan Bay Area Forecast Update, February 2015, even this low number of units is reduced from 270 to zero. Disregarding the development potential of this vast bi-county Priority Development Area undermines each of Plan Bay Area's goals, especially in providing adequate housing for the region.

None of the three Scenario Draft Concepts outlined in the January 29, 2016 Scenario Description and Strategies fully achieve the environmental and socio-economic goals of Plan Bay Area. We urge you to consider additional development for transit-corridor PDAs, TPPs and opportunity sites in Plan Bay Area.

Therefore, we also urge you to include the full range of land uses in the Exhibit One, above, as currently proposed for the Baylands, in the update for Plan Bay Area.

Thank you for giving me the opportunity to comment.

Sincerely,



Jonathan Scharfman
General Manager
UNIVERSAL PARAGON CORPORATION

cc: Ezra Rapport, Association of Bay Area Governments
Steve Heminger, Metropolitan Transportation Commission
Sandy Wong, City/County Association of Governments of San Mateo County
Clay Holstine, City of Brisbane City Manager
John Swiecki, City of Brisbane Planning Director

San Francisco Office
312 Sutter Street, Suite 510
San Francisco, CA 94108
(415) 543-6771

June 15, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105
EIRComments@mtc.ca.gov

RE: Notice of Preparation for Draft Environmental Impact Report for Plan Bay Area 2040

Dear MTC Commissioners and staff and ABAG Board members and staff:

Thank you for this opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for Plan Bay Area 2040.

Greenbelt Alliance is the San Francisco Bay Area's leading organization working to protect natural and agricultural landscapes from sprawl development and help our cities and towns grow in ways that create thriving communities for everyone across the income spectrum. We are the champions of the places that make the Bay Area special, with more than 10,000 supporters and a 58-year history of local and regional success.

We strongly encourage the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to ensure that the Environmental Impact Report for Plan Bay Area 2040 addresses the following items:

1) Provide a detailed assessment of the impacts each alternative will have on our region's natural resources

The EIR must analyze a reasonable range of alternatives and describe the environmental impacts of those alternatives. The public should be provided with a clear picture of the full range of impacts that each alternative will have on the many values provided by the Bay Area's natural and agricultural lands.

Some of the most important questions are:

- What will the effects of different development patterns be on our farms and ranchlands?
- Will habitat for rare, sensitive or endangered species be directly or indirectly impacted?
- Will habitat connectivity be directly or indirectly impacted?
- Will there be any fragmentation of habitat?
- Will any alternatives negatively impact the region's proposed trail network or other recreational lands?
- How will regional water consumption vary between the alternatives? Will groundwater recharge areas be preserved to protect our local water supplies or will they be paved over?
- What land use policies are in place today for any impacted lands? Are they currently covered by any protective policies (e.g. urban growth boundaries, hillside ordinances, rural zoning)? Could these

protections be weakened or compromised by the land use and transportation patterns outlined in the alternatives?

This information is needed to adequately assess the alternatives and ensure the most appropriate development footprint and policy strategies are included in the final plan.

2) Include effective strategies to curtail sprawl and foster more sustainable, equitable development

The California Environmental Quality Act (CEQA) requires public agencies to include feasible measures to avoid or mitigate significant environmental impacts. The EIR should analyze and include all feasible land use and transportation strategies that protect natural and agricultural lands and encourage smarter development patterns to avoid significant impacts on the Bay Area's natural resources. These strategies should include, but not be limited to, the following:

- a) A VMT fee on sprawling development, similar to the Central Valley's Indirect Source Rule
- b) Removal of outdated parking minimums for new development, particularly in PDAs
- c) Strong financial incentives for growing smartly, including stronger OBAG-like programs
- d) Conditioning discretionary transportation resources on land use patterns that avoid sprawl, such as prohibitions on receiving regional transportation revenues for jurisdictions that approve development on natural and agricultural lands
- e) A Regional Advanced Mitigation Program (RAMP) that strategically invests mitigation funds from transportation and other infrastructure projects to preserve and steward important natural and agricultural resources

MTC and ABAG should conduct a sensitivity analysis that identifies the scale of impact that each of these strategies would have in protecting natural and agricultural lands and achieving the other Plan Bay Area 2040 performance targets.

3) Include an alternative that maximizes equity and environmental outcomes

An alternative that builds upon the “environmentally superior alternative” from Plan Bay Area (“Equity, Environment and Jobs”) should be included. For Plan Bay Area 2040, this alternative should aim to achieve open space conservation, environmental health, housing affordability, displacement mitigation, equitable transportation, and middle-wage job growth goals for a more healthy, prosperous, and sustainable future for all Bay Area residents.

In addition, the EIR should analyze and include specific measures that would mitigate significant social equity impacts. For example, the EIR should include measures to mitigate displacement of low-income residents. When residents in inner-Bay Area locations are no longer able to afford to live in their communities, they often seek more affordable housing opportunities at the edges of the region. This results in longer commutes, additional traffic congestion, increased transportation-related pollution, and increased pressure for sprawl development, with its related environmental impacts. The EIR should include feasible measures to reduce this displacement pressure, thereby improving environmental and social equity outcomes.

4) Ensure expected GHG reductions provide the greatest possible array of co-benefits

SB 375 of 2008 is widely recognized as California's premier policy to reduce greenhouse gas emissions through smarter land use patterns that reduce the amount of per-capita driving across the state. This approach provides a broad array of co-benefits, including protection of important natural resources, improvements in public health, reduction in traffic, stronger economic performance, and municipal cost-savings from more efficient infrastructure investments.

The EIR should provide the public with a detailed accounting of how the alternatives would achieve the California Air Resources Board's SB 375 GHG-reduction target for the Bay Area. The GHG reduction approach adopted in the final plan should maximize the use of land use pattern changes to provide the greatest possible array of co-benefits and conform to intent and vision of SB 375.

Thank you for your consideration of these comments.

Sincerely,



Matt Vander Sluis
Program Director
mvandersluis@greenbelt.org

Alta Cunningham

From: Adam Noelting <ANoelting@mtc.ca.gov>
Sent: Wednesday, June 15, 2016 6:12 PM
To: Heidi Tschudin
Subject: Fw: 2017 RTP/SCS Scoping Comments

Please find the enclosed comments.
Adam

From: Fos <friendsofsmart@sbcglobal.net>
Sent: Wednesday, June 15, 2016 4:31 PM
To: EIR Comments
Cc: 'David Schonbrunn'; 'Steve Birdlebough'; 'Valerie Taylor'
Subject: Re: 2017 RTP/SCS Scoping Comments

Mr. Steve Heminger
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: 2017 RTP/SCS Scoping Comments

Dear Mr. Heminger:

Friends of SMART (Sonoma-Marin Area Rail Transit) strongly endorses the comments submitted June 15 2016 (today) by TRANSDEF, pursuant to the 2017 Regional Transportation Plan. We must stop expanding infrastructure for moving roadway *vehicles*, and instead invest in moving *people*. This is the pathway way to land preservation, productive economics, and greenhouse gas reduction.

If we don't start now, when does it become too late?

Thank you very much,

Jack Swearingen, Chair
Friends of SMART

Pam Grove

From: David Schonbrunn [REDACTED]
Sent: Wednesday, June 15, 2016 2:31 PM
To: Steve Heminger
Cc: EIR Comments
Subject: RTP Scoping Comments
Attachments: 2017 RTP Scoping Comments.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Steve,

Attached please find our RTP Scoping Comments. I hope we can have a productive discussion about additional alternatives that will be studied for the RTP.

I'd appreciate it if your staff could send an email indicating receipt.

Thank you,

--David

David Schonbrunn, President
Transportation Solutions Defense and Education Fund (TRANSDEF) P.O. Box 151439 San Rafael, CA 94915-1439

[REDACTED]

[REDACTED]

www.transdef.org

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

June 15, 2016
By E-Mail to:
eircomments
@mtc.ca.gov

Steve Heminger
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: 2017 RTP/SCS Scoping Comments

Dear Mr. Heminger:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating the regional planning of transportation, land use and air quality. Our focus in recent years has been on reducing the impacts of transportation on climate change. This marks the seventh Regional Transportation Plan process in which we have participated.

These comments are intended to test a coherent set of the latest policies from Caltrans:

California's goal for all sectors and economic activities is to reduce GHG emissions while we go about our daily business. For transportation, this means making significant changes in how we travel. We must provide access and mobility for people and businesses, yet reduce our single occupant miles travelled and advance cleaner vehicles and fuels. (California Transportation Plan 2040, Final Draft version ("CTP"), p. 87.)

TRANSDEF recognizes that the environmental review process was set into law for the purpose of improving projects. It was not intended to merely generate stacks of unread paper documenting foregone conclusions. As a result, we believe that the appropriate testing of different conceptual approaches to the solution of regional problems is both warranted and desirable.

An ongoing controversy exists as to the long-held MTC conclusion that "transportation investments do not move the needle," referring to the ability of an RTP to produce significant shifts in travel patterns, mode split and GHG emissions. TRANSDEF, on the

other hand, strongly believes that well-designed cost-effective projects, selected to advance specific strategic objectives, will produce better outcomes.

This was demonstrated in the 2005 RTP FEIR, in which the TRANSDEF Smart Growth Alternative outperformed¹ the adopted staff alternative. We believe that MTC's practice of selecting politically popular costly transportation projects for the RTP over better-performing ones is the core reason that total transit ridership in the Bay Area is now lower² than it was in 1982³--and far lower per capita, due to population growth.

To resolve this important policy question, we propose that MTC/ABAG study the following transportation sub-alternatives, based on the land use assumptions of the Big Cities Scenario, as defined by MTC/ABAG staff. We believe that comparing the outcomes of these sub-alternatives with the outcomes of the Big Cities Scenario will provide MTC/ABAG with invaluable data for policy making. In addition, utilizing inputs from CTP 2040 Scenario 2 will perform a comparison between MTC's model and the State's.

Cost-Effectiveness Sub-Alternative

This Alternative is guided by the chief conclusion of our strategic analysis: The Bay Area has far too many personal vehicles for the Single Occupant Vehicle (SOV) mode to be viable for commuting. We recognize that when a large percentage of the population insists on commuting at the same time, a mass transportation solution, rather than reliance on individual transportation, is required. The Alternative does not waste funds attempting the hopeless task of maintaining SOV mobility. It builds no additional SOV capacity.

Consistent with CTP 2040 Scenario 2, this Alternative tests building convenient transit options, hopefully resulting in a significant drop in the SOV mode share and GHG emissions.

This Alternative uses the transportation project definitions⁴ of the 2005 TRANSDEF Smart Growth Alternative.⁵ The input files of transit headways that were developed for the 2005 EIR should still be stored at MTC. If not, we can provide them to avoid unnecessary duplication of work.

Obviously some things have changed since we created the Alternative back in 2004. SMART and eBART will soon be operational, so their trips need to be input to the model. BART built the central section of our Delta DMU proposal, so that project should

¹ http://transdef.org/RTP/RTP_Analysis_assets/Technical_Report.pdf

² See graph at http://transdef.org/Bay_Area/Bay_Area.html

³ TRANSDEF had sought to enforce TCM 2, MTC's commitment in the State Implementation air quality Plan to increase regional transit ridership in 1987 by 15% over the baseline year of 1982.

⁴ http://mtcwatch.com/2004_RAFT_RTP/2004_RTP_Main.html

⁵ <http://transdef.org/RTP/RTP.html>

be omitted. Please contact us to resolve questions about handling other changes to the regional network.

Altamont Corridor Rail Project: Since we designed the Bay Area High-Speed Rail Service in 2004, the Altamont Corridor Rail Project was developed as a collaboration of ACE and CHSRA, among others. For our Alternative, we have replaced the Bay Area High-Speed Rail Service with the Altamont Corridor Rail Project, as the latter is better defined. An EIR for the project was scoped in 2009 but never completed. The 2011 Preliminary Alternatives Analysis⁶ has a list of preferred alternatives on p. 5-1. (Some of these alternatives bear a striking similarity to the Altamont HSR alternative⁷ TRANSDEF proposed to CHSRA in 2010.) For this project, we propose the following specifications/enhancements:

- 20 minute headways for the peak period and 30 minute off-peak.
- Service to Downtown San Francisco via the Dumbarton Rail Bridge and DTX.
- A new ROW from Stockton to Sacramento, allowing one-seat rides from Sacramento to San Jose and San Francisco.
- San Joaquin trains westbound from Stockton are rerouted to San Jose via this new line, greatly increasing the ridership.
- Travel time from Stockton to San Jose is 1:00.
- California HSR is assumed to not be functional during the Plan period.

Altamont Funding: This Alternative does not provide any regional contribution to BART extensions, making funding available for this project. As the transit solution for one of the top ten congested highway corridors in the region, this project should compete very well for cap and trade funding. For RTP purposes, assume a project cost of \$4 billion.

Highway Funding: Please note that, in striving for policy coherence, this Alternative provides no funding for so-called Express lanes or other highway capacity-increasing projects. Instead, like CTP 2040 Scenario 2, HOV networks are made continuous by converting mixed-flow lanes. (Appendix 7, p. 11.) Highway construction funding is used to meet the needs of SHOPP, and highly visible enforcement of HOV lane occupancy limits. HOV lanes will be presumed to operate at at least FHWA minimum speeds. Available funding not needed for basic maintenance is swapped with sales tax counties for money eligible to spend on transit operations.

Transit Speeds: Like CTP 2040 Scenario 2, significantly higher transit speeds are key to productivity and carrying large passenger loads at reasonable operating costs. In this Alternative, we propose these methods of achieving the 50% higher speeds assumed by Scenario 2:

- Widespread use of traffic signal priority for buses

⁶ [http://transdef.org/2017_SCS/Altamont Corridor Rail Project Preliminary AA Report.pdf](http://transdef.org/2017_SCS/Altamont%20Corridor%20Rail%20Project%20Preliminary%20AA%20Report.pdf)

⁷ http://transdef.org/HSR/Altamont_assets/Exhibit_C.pdf

- Arterial HOV lanes where needed to bypass congestion
- Automated enforcement of transit lanes, with all fines going directly to the transit operator.⁸
- Unlike CTP 2040 Scenario 2, HOV minimum occupancies are not changed, as TRANSDEF believes that would result in limiting the HOV mode share.

Land Use: We note with approval that the description of the Big Cities Scenario includes elements that have no basis in current law or policy, including changing parking minimums and the office development cap. MTC had raised serious feasibility concerns about our 2005 RTP Alternative because we proposed innovations like these. It is only by testing proposed policies that decision-makers can determine whether to support legislation to make the innovation possible.

In addition to incorporating all of the Scenario's land use assumptions, the Alternative includes:

- No public subsidies for the operation or construction of parking within PDAs.
- The conditioning of funding for PDAs on enactment of the parking and other policy reforms proposed by the Big Cities Scenario.
- Required unbundling of the parking from leases and residential purchase agreements.
- Encouragement for the permitting of micro-apartments and Junior Second Units.

This Alternative's focus on increasing the availability of convenient transit should meet a critical need of PDAs, and the Big City Alternative in particular. We would be pleased to discuss the proposed headways with staff, and adjust these specifications to find an optimal balance of ridership and cost, as well as adjust the dollar inputs to meet the financial realities of today.

Pricing Sub-Alternative

CTP 2040 Scenario 2 is described in Appendix 7 (pp. 11-12) as increasing the out-of-pocket cost of urban driving by 133% (from \$0.23 to \$0.55 per mile). We propose to achieve this by implementing some of the following pricing programs:

- Mixed-flow lane freeway tolling during congested periods.
- A parking charge on all commercial parking spaces, including privately owned ones. This could conceivably be achieved through public funding of the installation of parking management hardware: gates and access controls. This would enable excellent administration of employee commuter benefit programs.
- Impose a regional transportation mitigation fee on new development, based on additional auto trips and VMT added to the regional network. If the fee is high enough, it will increase the desirability of developing close to transit and decrease interest in greenfield sites. This could come in the form of an Indirect Source Mitigation Fee, which has been under consideration by BAAQMD.

⁸ <http://arch21.org/BusLanes/BusOnlyPaper.html>

While the Big Cities Scenario contains cordon pricing and incentive programs, the Notice of Preparation does not specify the degree of cost increase proposed. This Sub-Alternative therefore prescribes the increase in the cost of driving, and some of the potential ways to achieve it.

Back in 2004, the travel demand model was limited in its ability to study pricing. We were forced to use a daily parking charge as a surrogate for the road user charges we wanted studied. Please contact us to discuss what is possible with the current model.

A key part of this Sub-Alternative is drawn from the experience of LACMTA. After it entered into a consent decree with the Bus Riders Union, bus fares were very substantially reduced. Bus ridership went up dramatically. Conversely, after the consent decree expired, fares rose and ridership dropped. TRANSDEF proposes this Sub-Alternative model a fare reduction here in the Bay Area, to test whether price sensitivity is different up here. We propose cross-subsidizing fares from the revenues received through pricing, with a target of reducing fares by 80%.

For simplicity and directness of comparison, this Alternative uses the exact same transportation and land use assumptions as the Cost-Effectiveness Sub-Alternative.

Conclusion

TRANSDEF is committed to achieving GHG emissions reductions and VMT reductions at the regional level. These Alternatives represent our best thinking as to what can be done, and what needs to be done. Studying the Alternatives proposed here will place concrete choices before the agencies. We think it is far healthier for the agencies to either accept or reject the choices in public than avoid altogether the discomfort of "pushing the envelope." We stand ready to provide whatever further inputs might be needed or useful. We look forward to collaborating on the best RTP yet.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

CC:

Steve Kinsey, MTC

Ezra Rapport, ABAG

Jack Broadbent, BAAQMD

Larry Goldzband, BCDC

Stacey Mortensen, ACE & SJJPB

Pam Grove

From: David Schonbrunn [REDACTED]
Sent: Thursday, June 16, 2016 7:22 AM
To: EIR Comments
Subject: Link Problem

After submitting our comment letter, I discovered the link to a very long URL in footnote 6 was truncated due to a limitation of the word processor. The URL itself works, however, if copied and pasted.

Would it be useful to have a corrected letter where the footnote is not a hyperlink?

Sorry for the inconvenience.

--David

David Schonbrunn, President
Transportation Solutions Defense and Education Fund (TRANSDEF) P.O. Box 151439 San Rafael, CA 94915-1439

[REDACTED]

[REDACTED]

www.transdef.org

Pam Grove

From: David Zisser <dzisser@publicadvocates.org>
Sent: Wednesday, June 15, 2016 1:44 PM
To: EIR Comments
Cc: Steve Heminger; ezrar@abag.ca.gov; Ken Kirkey; Miriam Chion (miriamc@abag.ca.gov); Dave.Cortese@BOS.SCCGOV.org; [REDACTED]; aaguirre@redwoodcity.org; Thomas_W._Azumbrado@HUD.GOV; Jason Baker (jasonb@cityofcampbell.com); mayor@ci.berkeley.ca.us; david.campos@sfgov.org; Dorene Giacopini; dist5@bos.cccounty.us; district1@acgov.org; [REDACTED]; skinsey@co.marin.ca.us; mayoremail@sanjoseca.gov; mark.luce@countyofnapa.org; jpierce@ci.clayton.ca.us; Bijan Sartipi; officeofthemayor@oaklandnet.com; [REDACTED]; atissier@smcgov.org; scott.wiener@sfgov.org; aworth@cityoforinda.org; david.rabbitt@sonoma-county.org; peklund@novato.org; bharrison@fremont.gov; district1@acgov.org; eric.l.mar@sfgov.org; pradeep.gupta@ssf.net; dpine@smcgov.org
Subject: 6 Wins Comments on Notice of Preparation of Draft Environmental Impact Report for Plan Bay Area 2040
Attachments: 6 Wins NOP Comment Letter w attachment 6 15 16.pdf
Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please find attached comments from the 6 Wins for Social Equity Network on the Notice of Preparation of the DEIR for Plan Bay Area 2040. Please let me know if you have any questions.

Thank you,

David Zisser
Staff Attorney
131 Steuart Street | Suite 300 | San Francisco CA 94105
415.625.8455
dzisser@publicadvocates.org

Public Advocates Inc. | *Making Rights Real* | www.publicadvocates.org





June 15, 2016

BY EMAIL: eircomments@mtc.ca.gov

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: 6 Wins Comments on Notice of Preparation of Draft Environmental Impact Report for Plan Bay Area 2040

To Whom It May Concern:

Public Advocates offers these comments on the Notice of Preparation for the Draft Environmental Impact Report (DEIR) for Plan Bay Area 2040 on behalf of the **6 Wins for Social Equity Network**.¹ The 6 Wins is a coalition of more than 20 grassroots, faith, public health, environmental, labor and policy organizations across the Bay Area that work to improve the lives of low-income people of color through affordable housing, reliable and affordable local transit service, investment without displacement, healthy and safe communities, quality jobs and economic opportunity, and community power.

In order to fulfill the legal requirements of the California Environmental Quality Act (CEQA), the EIR should, among other things, (a) identify a reasonable range of alternatives that includes an Equity, Environment and Jobs (EEJ) alternative; (b) analyze the environmental impacts caused by economic displacement and lack of jobs-housing fit; and (c) include measures to mitigate economic displacement and improve jobs-housing fit, as described below.

A. Include an Equity, Environment and Jobs Alternative in the Alternatives Analysis

An EIR must analyze a “reasonable range of alternatives to the project,” with an emphasis on alternatives which “offer substantial environmental advantages over the project proposal.”² The purpose of analyzing alternatives is to assess options for attaining the basic objectives of the project while avoiding or substantially lessening environmental impacts and to evaluate the

¹ The 6 Wins Network includes the following member organizations: Alliance of Californians for Community Empowerment (ACCE), Asian Pacific Environmental Network (APEN), Breakthrough Communities, California WALKS, Causa Justa :: Just Cause, Center for Sustainable Neighborhoods, Community Legal Services in East Palo Alto, SF Council of Community Housing Organizations (CCHO), Ditching Dirty Diesel Collaborative, East Bay Alliance for a Sustainable Economy (EBASE), East Bay Housing Organizations (EBHO), Faith in Action Bay Area, Genesis, Housing Leadership Council of San Mateo County, North Bay Organizing Project (NBOP), Public Advocates, Regional Asthma Management and Prevention (RAMP), Rose Foundation and New Voices Are Rising, San Mateo County Union Community Alliance, Sunflower Alliance, TransForm, Urban Habitat, and Working Partnerships USA.

² *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 566 (1990); *California Native Plant Society v. City of Santa Cruz*, 177 Cal. App. 4th 957, 982-83 (2009).

comparative merits of each alternative.³ Specifically, “[t]he range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects” in order to “permit a reasoned choice”⁴ and “foster informed decisionmaking and public participation.”⁵

To accomplish these requirements, the EIR must include an updated version of the “environmentally superior alternative”⁶ identified in the CEQA process for the first Plan Bay Area: the Equity, Environment and Jobs Alternative. The three scenarios for Plan Bay Area currently being considered are inadequate to meet CEQA requirements. They all have substantial environmental impacts likely to be reduced by an updated EEJ scenario. We highlight this fact because the Metropolitan Transportation Commission (MTC) has made it clear that only the three scenarios they have developed for Plan Bay Area “will be the basis for the initial CEQA alternatives,”⁷ even though MTC acknowledges that all fall short on a number of important metrics.

Specifically, the preliminary evaluation by MTC and the Association of Bay Area Governments (ABAG) concluded that the scenarios perform poorly on a number of targets, including reducing adverse health impacts, not increasing the share of households at risk of displacement (which has foreseeable environmental impacts), and increasing non-auto mode share.⁸ Because an updated EEJ alternative is likely to improve performance on environmental metrics and meet the overall project objectives of Plan Bay Area, it must be included in the EIR.

For example, compared to the preferred alternative adopted in the last round, the EEJ alternative would have resulted in:

- 1,900 fewer tons of CO₂ emissions per day and 568,000 fewer tons of GHG emissions per year;
- 6.4 fewer tons of Toxic Air Contaminants (TACs) per year;
- 1,290 fewer tons of CO emissions per year; and
- Daily energy savings of 68 billion BTUs, the equivalent of burning 600,000 fewer gallons of gasoline each day.⁹

Despite these strong results, MTC and ABAG have refused to include the EEJ among the scenarios they evaluate against the performance targets or among the alternatives studied in the EIR. A “reasonable range of alternatives” should include the environmentally superior

³ 14 CCR § 15126.6

⁴ 14 CCR § 15126.6(c), (f).

⁵ 14 CCR § 15126.6(a). *See also Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 406-07 (1988).

⁶ MTC and ABAG, Plan Bay Area Final Environmental Impact Report – Final Certification (July 5, 2013), p.A-128.

⁷ MTC, Plan Bay Area 2040: Scenario Evaluation, Planning Committee Agenda Item 4a (May 6, 2016), p.3.

⁸ *Id.* at Attachment 5, pp.23-25 (slides 8-10).

⁹ Sustainable Systems Research, LLC, Summary Comparison of Plan Bay Area Performance Metrics for EEJ and Proposed Plan Scenarios (April 29, 2013), available at http://www.publicadvocates.org/sites/default/files/library/uc_davis_comparison_of_draft_pba_with_eej_alternative_summary.pdf.

alternative – as well as the one that performed best on a range of benefits. To this end, the EEJ should be updated and analyzed in this round’s EIR.

As detailed in our comments on the DEIR last round (attached), MTC and ABAG should update the EEJ alternative so that it matches more closely the scenario that was proposed by the community. Changes from the EEJ studied in the last EIR process should include:

- forcing housing into the desired infill zones in the EEJ alternative (as was done in the preferred alternative),¹⁰
- assuming there would be CEQA streamlining under the EEJ alternative (as was done in the preferred alternative),¹¹ and
- capturing in the model the benefits the EEJ alternative would achieve through deed-restricted affordable housing and anti-displacement protections.

Building upon the EEJ in these ways would likely yield even stronger environmental benefits.¹²

Moreover, the EIR alternatives will also become the basis for MTC’s federally-required equity analysis of Plan Bay Area. Last time, the EEJ was not only environmentally superior, but also provided the greatest benefits to low-income and minority residents, including the lowest H+T cost burden and the lowest risk of displacement. Failing to include an EEJ Alternative in the EIR will therefore also remove from consideration the alternative most likely to provide a full and fair share of the benefits of the regional plan to low-income and minority populations.

B. Analyze the Environmental Effects of Economic Displacement and Improper Jobs-Housing Fit

CEQA requires an analysis of direct and indirect impacts,¹³ including impacts resulting from social and economic consequences of the project.¹⁴ In addition, an EIR is required where “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”¹⁵ To fulfill its fundamental purpose, an EIR must “identify and focus on

¹⁰ Sustainable Systems Research, LLC, Technical Memorandum: Review of the Draft Environmental Impact Report for Plan Bay Area (May 15, 2013) pp. 2-6, 13-14, available at

http://www.publicadvocates.org/sites/default/files/library/ssr_technical_memorandum_5_16_13.pdf. In any event, the EIR alternatives must be modeled in a consistent manner. That was not the case in PBA 2013, when the UrbanSim land-use model was used to forecast the housing distribution for several EIR alternatives, but not for the preferred alternative. In the preferred alternative, instead of allowing UrbanSim to forecast how much of the housing distribution would fall within “Priority Development Areas” (PDAs) and “transit priority project zones,” MTC and ABAG manually assigned a significant share of the housing growth to these areas; UrbanSim was only used to model the distribution of those units within each PDA. Had the preferred alternative been modeled properly (and consistently with the alternatives), the resulting housing distribution would have been far less compact, raising serious questions about whether the region’s greenhouse gas (GHG) targets would be met.

¹¹ *Id.* at 14.

¹² *Id.*

¹³ 14 CCR § 15358(a).

¹⁴ 14 CCR § 15064(e); see *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal. App. 3d 123, 132 (social effects of increased student enrollment and potential for overcrowding could lead to construction of new facilities and were thus relevant under CEQA); see also *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1215 (EIR improperly dismissed the possibility that a large shopping center could drive other retailers out of business as an economic effect when urban decay and other blightlike conditions could result).

¹⁵ 14 CCR § 15065(a)(4).

the significant environmental effects of the proposed project,” including “changes induced in population distribution, population concentration, [and] the human use of the land (including commercial and residential development)...”¹⁶ Furthermore, “[a]n EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.”¹⁷

Low-income households living in areas of focused growth and investment, such as Plan Bay Area’s Priority Development Areas and Transit Priority Areas, are likely to experience increased displacement resulting from increased property values¹⁸ and subsequent rent hikes and evictions. As noted above, MTC and ABAG’s own evaluation of the scenarios indicates that the risk of displacement is likely to increase significantly in all three scenarios.

When low-income people in the Bay Area are displaced, they tend to move far from their jobs and to places with poor public transit,¹⁹ robbing the transit system of its highest propensity riders and adding high-polluting vehicles to the roads. As a result, displacement has significant adverse effects, including harming human health,²⁰ decreasing public transit utilization, increasing congestion and VMT, causing poorer air quality, increasing greenhouse gas emissions, and causing other environmental impacts.²¹ Similarly, an increase in road and highway usage may result in a significant environmental impact as roads and highways fall into disrepair and traffic congestion increases.²²

The DEIR must therefore evaluate the environmental and health consequences associated with economic displacement. Among other steps, the DEIR should model displacement and identify likely trends in displacement, including:

- areas likely to face displacement pressure,
- the number of households affected,
- the communities expected to absorb these households,
- the number of households with increased commutes resulting from displacement,

¹⁶ 14 CCR § 15126.2(a); *see also* Pub. Res. Code § 21002.1(a).

¹⁷ 14 CCR § 15151.

¹⁸ University of California, Berkeley and Los Angeles, Gentrification, Displacement and the Role of Public Investment: A Literature Review (Mar. 3, 2015), pp.17-20, available at http://iurd.berkeley.edu/uploads/Displacement_Lit_Review_Final.pdf.

¹⁹ *See* Federal Reserve Bank of San Francisco, Suburbanization of Poverty in the Bay Area (Jan 2012), available at <http://www.frbsf.org/community-development/files/Suburbanization-of-Poverty-in-the-Bay-Area2.pdf>; *see also* Brookings Institution, The Growing Distance Between People and Jobs in Metropolitan America (Mar. 2015), available at http://www.brookings.edu/~media/research/files/reports/2015/03/24-job-proximity/srvy_jobsproximity.pdf.

²⁰ Bay Area Regional Health Inequities Initiative, Displacement Brief (Feb. 2016), available at <http://barhii.org/wp-content/uploads/2016/02/BARHII-displacement-brief.pdf>.

²¹ TransForm and California Housing Partnership Corporation, Why Creating and Preserving Affordable Homes Near Transit Is a Highly Effective Climate Protection Strategy (May 2014), available at <http://www.transformca.org/sites/default/files/CHPC%20TF%20Affordable%20TOD%20Climate%20Strategy%20BOOKLET%20FORMAT.pdf>. *See* 14 CCR § 15064.4(b).

²² *See, e.g., Save our Peninsula Comm. V. Monterey Cty. Bd. Of Supervisors*, 87 Cal. App. 4th 99, 118, 139 (2001) (discussing traffic impact as a significant environmental effect).

- the impact on access to middle-wage jobs²³ for low-income households, and
- the location and quantity of resulting demand for additional housing construction.

In addition, academic research has found that many parts of the Bay Area have a poor match between housing costs and local wages – a poor “jobs-housing fit,” causing new workers, particularly low-wage workers, to travel further distances than those in existing jobs.²⁴ The DEIR must evaluate the environmental and health effects resulting from this mismatch.

C. Describe Measures to Mitigate the Effects of Economic Displacement and Improve Jobs-Housing Fit

Public agencies are also required to describe and discuss mitigation measures that could minimize *each* significant environmental effect identified in an EIR.²⁵ Mitigation measures are “the teeth of the EIR” because “[a] gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.”²⁶ Such measures must be at least “roughly proportional” to the impacts of the project, and must not be remote or speculative.²⁷ They must be “fully enforceable through permit conditions, agreements, or other legally binding instruments.”²⁸

Indeed, a project should not be approved “as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of the project.”²⁹ Measures or alternatives that mitigate the risk of displacement and therefore reduce the identified environmental impacts of displacement are feasible and should be incorporated into the EIR.³⁰ Such measures include:

- leveraging the One Bay Area Grant (OBAG) program to encourage local anti-displacement protections and affordable housing production,³¹ as proposed by the 6 Wins,³²

²³ “Middle-wage” jobs are defined as those that pay \$18 to \$30 per hour. SPUR, CCSCE, SMCUCA, Working Partnerships USA, Economic Prosperity Strategy: Improving Economic Opportunity for the Bay Area’s low- and moderate-wage workers (Oct. 2014), p. 8, available at http://www.spur.org/sites/default/files/publications_pdfs/Economic_Prosperty_Strategy.pdf.

²⁴ Alex Karner and Chris Benner, Job Growth, Housing Affordability, and Commuting in the Bay Area (May 29, 2015), pp. 40-41, available at http://planbayarea.org/pdf/prosperity/research/Jobs-Housing_Report.pdf; see also Chris Benner with Alex Karner, Why is Housing So Expensive? Beyond Balance to Jobs Housing *Fit*, presentation available at <http://calbudgetcenter.org/wp-content/uploads/Policy-Insights-2016-Benner.pdf>.

²⁵ See Pub. Res. Code §§ 21002.1(a)-b and 21081.6(b); see also 14 CCR § 15126.4.

²⁶ *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, 1039.

²⁷ 14 CCR § 15126.4(a)(2)(B) (citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994)); see also *Fed’n of Hillside & Canyon Ass’n v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261.

²⁸ 14 CCR § 15126.4(a)(2).

²⁹ Cal. Pub. Res. Code § 21002; see also 14 CCR § 15002(a)(3) (an agency must prevent avoidable damage “when [it] finds [mitigation measures] to be feasible”).

³⁰ See 14 CCR § 15131(c) (“Economic, social and particularly housing factors shall be considered by public agencies ... in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR”).

³¹ Such local policies have been adopted throughout the Bay Area and have a proven track record of reducing displacement. See UC Berkeley, Urban Displacement Project, Policy Tools, available at <http://www.urbandisplacement.org/policy-tools-2>.

³² 6 Wins Network, Recommended Modifications to the One Bay Area Grant Program to Advance Investment Without Displacement, Affordable Housing, and Economic Opportunity (Sept. 30, 2015), available at <https://drive.google.com/file/d/0B9IjCmacmnhWYWRyQXBtNDFJR0U/view?pref=2&pli=1>.


- funding for the development and preservation of affordable housing,
- more equitable distribution of development throughout both affluent and low-income neighborhoods, and
- reducing transit costs to low-income households to reduce the pressure of rising housing costs.

Policies to improve jobs-housing fit should also be considered as mitigation measures, including:

- increasing affordable housing near entry-level jobs,
- supporting investment and development patterns that prioritize the growth and retention of living-wage and middle-wage jobs near housing, and
- raising wages for low-income workers so that they are better able to afford housing.

To ensure a robust environmental analysis, a transparent process, and a Plan Bay Area that results in the greatest number of benefits and the least number of harms to the region's residents, it is critical that the DEIR include an EEJ Alternative, analyze the environmental effects of displacement and lack of jobs-housing fit, and explore measures to mitigate displacement and its effects and to improve jobs-housing fit.

Sincerely,



David Zisser
Staff Attorney

Copy: Steve Heminger, Executive Director, MTC (sheminger@mtc.ca.gov)
Ezra Rapport, Executive Director, ABAG (ezrar@abag.ca.gov)
Ken Kirkey, Director, Planning, MTC (kkirkey@mtc.ca.gov)
Miriam Chion, Director of Planning and Research, ABAG
(miriamc@abag.ca.gov)
Commissioners, MTC
Members, Administrative Committee, ABAG

Attachment: Comments on the draft Environmental Impact Report for Plan Bay Area (May 16, 2013)

Carolyn Clevenger, MTC EIR Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607
By email: eircomments@mtc.ca.gov

Re: Comments on the draft Environmental Impact Report for Plan Bay Area

Introduction

When the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) issued their draft Plan Bay Area (draft Plan), thousands of pages of documents and appendices went up on their website. Most of those pages are parts of the Environmental Impact Report (EIR) prepared to comply with the requirements of the California Environmental Quality Act (CEQA). These comments address concerns in each of the core components of the EIR:

- The basic function to fully inform the public.
- The project description.
- The analysis of alternatives.
- The analysis of project impacts.
- The mitigation measures.

A number of these concerns stem in part from the fact that there are key differences in how the land-use model, UrbanSim, was used to determine the housing distribution in the draft Plan, on the one hand, and in the Equity, Environment and Jobs (EEJ) alternative, and other alternatives on the other hand. Specifically, the EIR adjusted the modeling results for the draft Plan by using unspecified “calibration techniques,” but did not make the same adjustments in the modeling results for the other alternatives. The use of different methods obscures the comparison among Plan alternatives, and departs from the California Transportation Commission’s modeling guidelines for regional transportation plans.

The EIR is Inadequate as an Informational Document

The basic function of an EIR is to fully inform the public and decision makers about the environmental impacts of a project so that the public can provide informed input and the decision makers can make an informed decision. However, this EIR is so complex and confusing – so dependent upon unexplained assumptions embedded in computer models – that it is impossible for the public to fully understand its methodology and clearly evaluate its conclusions. To even attempt to decipher the methodology of the key land use models, the public has to plow through a technical appendix to the draft Plan document, which itself is an appendix to the EIR. Even academic modeling experts who have reviewed the technical appendices and asked for clarification from modeling staff at MTC and ABAG have been unable to determine the exact steps used to create the housing distribution for the draft Plan.

The EIR also falls short of its information function in even more basic ways. It does not inform decision-makers or the public of the health effects on disproportionately-impacted populations of the

increased emissions the EIR identifies as potentially significant. It also does not inform them of the disproportionate impacts on low-income populations that will result from economic displacement.

The Project Description in the EIR is Inadequate

It is impossible for an EIR to adequately inform the public and decision makers about the impacts of a project unless the EIR clearly and consistently describes the project in the first place. This EIR does not pass that test. Unlike every other EIR that has been prepared for SB 375 plans, and for that matter almost every other EIR that is prepared for any purpose, this EIR does not have a separate chapter, or section, entitled “Project Description.” Instead, Chapter 1.2 of the EIR is called “Overview of the Proposed Plan Bay Area.” As its title suggests, it provides an overview of certain features of the plan, but not a complete project description. The description of the core land use component required by SB 375, the Sustainable Community Strategy (SCS), is woefully incomplete. The description of the SCS basically amounts to the statement that it “calls for focused housing and job growth around high-quality transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas” (DEIR, p. 1.2-24), without providing any specifics about how this focused growth will be achieved, and without even providing a list of the PDAs where the growth will be focused.

For “details” about the SCS, EIR readers are directed to the draft Plan document, which in turn directs readers to the “Jobs-Housing Connection Strategy” (JHCS) published a year before the EIR. The JHCS states that there are 198 PDAs, and the EIR and the draft Plan document both state that there are “nearly 200” PDAs. However, the PDA Readiness Assessment, one of the many support documents published at the same time as the EIR and draft Plan document, states that “a number of changes or modifications have been made since” the JHCS was published, so “the current number of PDAs is 169.” Even though the core feature of the draft Plan is to encourage growth around PDAs, neither the EIR nor any of the documents it references provide a list of PDAs (only maps that are not at a scale to allow one to distinguish individual PDAs in proximity to each other, or to count them individually). There is also an inconsistency in the description of how much housing and jobs will go into the PDAs under the Plan. Among the EIR, SCS and JHCS, the housing number is variously described as “77 percent,” “79 percent,” “over 80 percent,” “80 percent” and “about 80 percent.” The jobs numbers are expressed as 63 percent sometimes and 66 percent other times – a discrepancy of more than 40,000 jobs. The unspecified “calibration techniques” discussed above, which were used to generate the description of how many housing units will be in PDAs as a result of the draft Plan, suggest that the EIR uses an elastic project description that changes shape as necessary to produce various outcomes. That is not a recipe for a useful EIR.

The EIR’s Identification and Analysis of Alternatives Falls Short

The EIR deserves praise for its inclusion of an Equity, Environment and Jobs (EEJ) Alternative, and for acknowledging that the EEJ alternative is the environmentally superior alternative. However, there are important differences between the robust EEJ alternative proposed to ABAG and MTC and the alternative analyzed in the EIR. These differences include: forcing housing into the desired infill zones in the preferred alternative, but not the EEJ alternative; failing to capture in the model the benefits the EEJ alternative would achieve through deed-restricted affordable housing and of OBAG anti-displacement protections; and assuming there would be no CEQA streamlining under the EEJ alternative. As result, the EIR has not in fact analyzed a fully-developed EEJ alternative.

The analysis of the impacts of the EEJ alternative inappropriately masks how much better the EEJ alternative performs compared to the preferred alternative by representing those differences as seemingly-small percentage point differences and then repeating the misleading statement that its benefits are only “marginal.” In fact, when one focuses on absolute numbers rather than misleading percentages, the analysis in the EIR shows substantially better performance by the EEJ alternative. Compared to the proposed plan, the EEJ scenario would result in:

- 1,900 fewer tons of CO2 emissions per day and 568,000 fewer tons of GHG emissions per year
- 6.4 fewer tons of Toxic Air Contaminants (TACs) per year
- 1,290 fewer tons of carbon monoxide emissions per year
- Daily energy savings of 68 billion BTUs, the equivalent of burning 600,000 fewer gallons of gasoline each day.

Furthermore, Sustainable Systems Research LLC concluded that if the modeling had been applied consistently, the EEJ alternative would show improved performance even beyond the performance that caused the EIR to select it as the environmentally superior alternative.

In addition, while the discussion of the EEJ alternative as the environmentally superior alternative drops hints that the alternative may be infeasible, it does not evaluate its feasibility at a level of detail that would be necessary for ABAG and MTC to make a finding of infeasibility. Any such analysis would need to individually evaluate the feasibility of the different major components, and not simply assume that one component can make an entire alternative infeasible. In fact, the VMT fee is not an essential part of the EEJ alternative. While it provides a useful tool for analyzing the benefits that a big boost in transit service would bring to the region, the bulk of those benefits can be achieved without a VMT fee through making \$3 billion in additional transit operating funds available in the final Plan, as recommended below. Because the issue here is only financial feasibility, a feasibility analysis would need to fairly apply the same feasibility standards to the preferred alternative, by, for example, acknowledging that it may not be feasible to assume that the same revenues that existed before redevelopment agencies were eliminated will be available now that they have been eliminated.

The EIR’s Analysis of Project Impacts is Inadequate.

The failure to base the impact analysis on a fixed, consistent project description permeates all of the individual sections of the impact analysis. The “calibration techniques” used in the land use analysis of the draft Plan are one extreme example of the fact that the impact analysis conducted through complex computer modeling appears to be result-oriented rather than a fair effort to characterize the actual impacts of the actual policy decisions that are supposed drive the analysis. As noted above, Sustainable Systems Research, LLC evaluated the inconsistencies in the modeling approaches and determined that EEJ would show even greater performance benefits relative to the draft Plan had the two been analyzed using comparable methods.

As discussed above, the impact analysis does not analyze the localized health effects on disproportionately-impacted populations of the increased emissions the EIR identifies as potentially significant. It also does not analyze the disproportionate health effects on low-income populations that will experience economic displacement, despite the fact that ABAG acknowledged in its 2007 to

2014 Housing Needs Plan that displacement caused by urban housing demand results in “negative impacts on health, equity, air quality, the environment and overall quality of life in the Bay Area.”

One important shortcoming in the impact analysis relates to the impact of economic displacement. The draft EIR notes correctly that CEQA does not require analysis of pure social or economic impacts. CEQA does, however, require analysis of the physical changes to the environment that are caused by the economic or social effects of a project. And yet the draft EIR does not analyze the social and economic effects of displacement, even though it acknowledges that “Changing development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether.” Instead, these issues are given inadequate consideration in the Equity Analysis, which is not part of the CEQA analysis. There is no attempt in the draft EIR or in the Equity Analysis to model displacement and identify likely trends in displacement, including areas likely to face pressure, number of households affected, and the impacts on the communities expected to absorb these households, and no attempt to mitigate the impacts of the significant displacement risks that the Equity Analysis found.

The EIR’s Mitigation Measures Fall Short.

To the extent the draft EIR does identify certain localized displacement impacts as significant, it does not propose sufficient mitigation measures even in the context of the artificially-constrained impacts it does address. The displacement mitigation measures focus on enhancing pedestrian and bike access, and general planning. No mitigation is proposed that adds any actual protection against displacement pressures.

Many of the mitigation measures (particularly for air impacts) set forth in the draft EIR are already required by applicable state or local regulations, and thus already required by law to be in the project. For example, (a) use of Tier 2 off-road equipment, (b) anti-idling requirements, and (c) controlling fugitive dust. As the Attorney General pointed out in her lawsuit challenging SANDAG’s SB 375 plan, measures that are already legally required should have been assumed to be part of the baseline of the project. By inappropriately calling them out as mitigation measures, the draft EIR side-steps the consideration of other mitigation measures that could reduce pollution, improve public health, and save lives.

The draft EIR correctly points out in many places that mitigation of a number of the identified impacts is outside the jurisdiction of ABAG and MTC. Nevertheless, ABAG and MTC have not adequately leveraged the mitigation potential of programs that are within their jurisdiction, namely the One Bay Area Grant program (OBAG) and the Regional Housing Needs Allocation (RHNA). The EEJ alternative does a much better job of targeting those programs to achieve the objectives of SB 375 and state and federal transportation and housing laws than the preferred alternative.

We recommend adding the following specific mitigation measures:

- **Transit operations:** Provide \$3 billion in additional operating revenue for local transit service in the final Plan, and commit to adopt a long-range, high-priority “Regional Transit Operating Program” to boost transit operating subsidies by another \$9 billion over the coming years, as new operating-eligible sources of funds become available.

- **SCS and RHNA housing distribution:** Shift 25,000 RHNA units from PDAs to “PDA-like places,” with a corresponding shift in the SCS.
- **Displacement protections:** Develop and incorporate into the draft EIR strong anti-displacement policies that future OBAG grant recipients will be required to adopt and implement, and provide substantial regional funding for community stabilization measures, such as land banking and preservation of affordable housing in at-risk neighborhoods.

Sincerely,

ACCE Riders for Transit Justice

Roger Kim, Executive Director
Asian Pacific Environmental Network

Kirsten Schwind, Program Director
Bay Localize

Carl Anthony and Paloma Pavel, Co-founders
Breakthrough Communities

Michael Rawson, Director
California Affordable Housing Law Project

Ilene Jacobs, Director of Litigation, Advocacy & Training
California Rural Legal Assistance

Wendy Alfsen, Executive Director
California WALKS

Dawn Phillips, Co-Director of Program
Causa Justa :: Just Cause

Tim Frank, Director
Center for Sustainable Neighborhoods

Nile Malloy, Northern California Program Director
Communities for a Better Environment

Amie Fishman, Executive Director
East Bay Housing Organizations

Genesis

Gladwyn d'Souza, Project Director
Green Youth Alliance

Joshua Hugg, Program Manager
Housing Leadership Council of San Mateo County

Melissa A. Morris, Senior Attorney
Law Foundation of Silicon Valley

John Young, Executive Director
Marin Grassroots/Marin County Action Coalition for Equity

Myesha Williams, Co-Director
New Voices Are Rising

Karyl Eldridge, Housing Committee Chairperson
Peninsula Interfaith Action (PIA)

Richard Marcantonio, Managing Attorney
Sam Tepperman-Gelfant, Senior Staff Attorney
Public Advocates Inc.

Anne Kelsey Lamb, Director
Regional Asthma Management and Prevention

Jill Ratner, President
Rose Foundation for Communities & the Environment

Allen Fernandez Smith, President & CEO
Urban Habitat

Brian Darrow, Director of Land Use and Urban Policy
Working Partnerships USA

Pam Grove

From: Matt WILLIAMS <[REDACTED]>
Sent: Wednesday, June 15, 2016 4:12 PM
To: EIR Comments
Subject: Comment letter
Attachments: Sierra Club Letter on NOP to MTC 6152016.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear MTC:

Please let me know that you have received this on time. Thank you.



June 15, 2016

via email to: aircomments@mtc.ca.gov

Metropolitan Transportation Commission
MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 94105

RE: Comments re Scoping of Draft Environmental Impact Report (DEIR) for Plan Bay Area (PBA) 2040

To Whom It May Concern:

On behalf of our more than fifty thousand members in the nine-county Bay Area Region (the Region), these comments regarding the recommended scope and content for the DEIR for the first update of PBA are submitted jointly by the three Chapters of the Sierra Club whose jurisdiction overlaps with that of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The Sierra Club continues to be very supportive of the goals of SB 375 to reduce Greenhouse Gas (GHG) emissions and Vehicle Miles Traveled (VMT). To accomplish these ends, viable Priority Development Areas (PDAs) must be made successful, and must include levels of transit service that will make travel by single-occupancy auto generally unnecessary. Adequate capital and operations funds must be ensured within the Regional Transportation Plan (RTP) to achieve public transit with headways of 15 minutes or less at peak commute times as well as implementation of Complete Streets to safely enable active transportation.

MTC and the Association of Bay Area Governments (ABAG) are commended for developing creative funding mechanisms such as the One Bay Area Grant (OBAG) program. But spreading such funds broadly for political goals merely undermines MTC's and ABAG's own objectives in being able to achieve a successful Sustainable Communities Strategy (SCS). OBAG funding should be significantly increased and directed toward those projects and PDAs that actively strive to cut GHGs and VMT, not toward pet projects.

We are disappointed by the decision to have this second round of Plan Bay Area represent only a minor update to the first "new" RTP. We had minimized criticism of the first process and its outcomes as a "beta version" by assuming (and hoping) that lessons learned from the first round

would be incorporated into a more aggressive successor attempt to achieve SB 375's goals throughout the Region. It would be beneficial to the public and decisionmakers for MTC and ABAG to present a comprehensive analysis of what PBA 2013 actually accomplished, what trends are observed leading toward reductions in GHGs and VMT, and what steps or policies have been determined to be counter-productive, and why. Avoiding this crucial information in the current update merely guarantees limited improvements in building and moving a better Bay Area. In addition, marginal projects and proposals included in PBA 2013 such as those to build or expand highways or that would induce sprawl and which have not yet had meaningful implementation should be identified, with the reasons for such lack of action, so that they do not receive any preferential treatment in this or future updates.

The Sierra Club requests that the transcripts be made publicly available from the scoping meetings that were held recently in San Jose, Oakland, and Santa Rosa. Rather than the standard format of a brief presentation by staff, followed by answering of questions from the attendees, whereby everyone is able to hear the same information about what the public agencies are considering, the format was broken into a series of "stations" where individual discussions were held around large-format posterboards. There was no capturing of the discussions, unless individual members of the public spent extra time to visit the court reporters' work-desks to present comments. Some attendees were told about this extra requirement as they checked in to the event, but the information was not conveyed consistently, and in some cases not even accurately. In Oakland, the lead consultant for the firm which was described as handling the CEQA review was observed as having to look up the composition of the MTC Commission (their client) after not being able to answer a question from a member of the public as to who would be making the decisions about Plan Bay Area.

Information presented to the public is not consistent or does not achieve established Targets and essential goals

According to regulations for the California Environmental Quality Act (CEQA), a major purpose of a DEIR and its adopted EIR is to provide information on which the public can base its advocacy and whereby decisionmakers can determine the most appropriate outcome. Specifically, "the range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."

The issue of which scenarios will be evaluated becomes problematic in light of the handout labeled "Plan Bay Area 2040 Scenario Analysis Performance Summary", with its chart labeled "Draft Performance Target Results." The color-coded outcomes of the Target Results indicate that the three MTC scenarios fall far short of achieving most of the adopted "targets," and which therefore do not satisfy CEQA by "accomplish(ing) most

of the basic objectives of the project.” The most that will be accomplished, according to the Target Results, would be under the MTC-proposed Connected Neighborhoods and/or Big Cities scenarios, where only 5 of the 13 Targets are determined to be “achieved.” This equates to less than a 39% success factor, well below a failing grade. **Notably, none of the MTC-proposed Scenarios achieve any of the Targets under the categories of Equitable Access or Transportation System Effectiveness.** Further, taken as a whole (including the “No Project” scenario), the evaluation of the Target Results yields an overall achievement rate of 30% (13 green dots out of a possible 52).

Of additional concern is the failure of the preliminary Target Results to achieve meaningful accomplishment for those goals identified as surrogates for State of Good Repair (i.e., Targets #12 and 13). Pavement condition needs to be significantly improved for the safety of pedestrians and bicyclists, especially through the consistent implementation of Complete Streets, and funding for road projects should be focused on streets that are used for transit service. Such accomplishments can then help to limit the rate of continuing needs for future funding. The DEIR should identify costs and timelines to achieve these objectives, as well as the problems that will be caused by failure to do so.

The document available on the PBA 2040 [website](#) labeled “Environmental Impact Document” identifies the process leading to selection of a preferred plan scenario, and states in part that:

“Among other issues, MTC and ABAG seek comments on:...Are there alternatives that should be evaluated?”

In multiple public meetings, including the Regional Equity Working Group (REWG), MTC staff have invited the submission of alternative scenarios by other agencies or members of the public and stated that such would receive full consideration in the process.

But, the Notice of Preparation states on Attachment A under the heading of “Scenarios to be Analyzed” that “MTC and ABAG will evaluate the three scenarios, and one or a combination of them will be identified as the preferred Plan, which will be analyzed as ‘the project’ in the EIR. The remaining scenarios may be analyzed as alternatives in the EIR.” There is no mention of other possible scenarios or alternatives. The handout sheet labeled “Frequently Asked Questions (FAQs),” under the heading of “What is the Project?” contains the same language as in Attachment A.

Alternatives to MTC’s scenarios need to be included and honestly evaluated

Because of the CEQA regulations and the deficiencies noted above, alternative elements must also be considered. The Sierra Club supports the objectives of the Equity, Environment and Jobs (EEJ) Alternative that was developed and analyzed for the 2013 PBA and urges that a similar package be considered for this round. While we fully support the goals of the EEJ alternative to ensure that affordable housing and jobs with dignity be available for all levels of the growing population throughout the region, Sierra Club National policy would prefer that the EEJ alternative be amended to ensure that sprawl development be minimized. PDAs need to be supported by policies and funding to ensure adequate densities that will make public transit services more successful and usable than merely “lifeline.”

We also recommend that a fully “aspirational” alternative be described and analyzed. At the June meeting of the REWG, a brief discussion occurred about the topic of “what would it take?” to achieve all (or at least a significant majority) of the Performance Targets for this round of PBA. The staff presentation, which was described as consistent with information that had been presented to the May meeting of MTC’s Planning Committee, included additional options such as increased investments in active transportation, public transportation programs, autonomous vehicle technology, and housing production in PDAs. Since staff has already reviewed much of this information, it should not be difficult to compile a full alternative. We recognize that such a package would not be fiscally constrained, but it would have the value of presenting decisionmakers and the public with a much truer picture of how far short the PBA outcomes fall compared to the targets that have been established. Such a comparison could truly be enlightening – just imagine a Bay Area Region that is healthy, mobile, and with equitable opportunity for all residents and workers!

Plan Bay Area should emulate the approach and philosophy of the draft California Transportation Plan 2040 (CTP)

The revised draft California Transportation Plan 2040, which is expected to be finalized in the near future, represents a major shift in the former “Highway Department’s” approach to mobility and its effects on the State’s environment and population. Concepts and policies such as sustainability, climate change, healthy communities, environmental stewardship, more transit service and greater access to public transit through lower or no fares, are just a few of the achievements which Caltrans is seeking to address. Plan Bay Area should identify how the local Regional approach will be influenced for the better by actions at the State level.

However, because of actions and policies that have been developed or are underway at the State level, MTC must be careful to not introduce, or take credit for in the RTP, reductions in VMT and/or GHGs that are attributable to others. Since several of the Region’s Congestion Management Agencies (CMAs) do not seem to have become cognizant of this precaution, MTC must be careful to avoid double-counting the lowered emission results from other actions or proposals.

Deficiencies in the public agencies’ compliance with the Settlement Agreement with Communities for a Better Environment (CBE) and the Sierra Club must be rectified, and improved educational information should be made available publicly

Our settlement agreement with MTC and ABAG, dated June 18, 2014 calls for a comprehensive Feasibility Analysis of each PDA, financial information regarding express lanes, healthy infill guidelines, and Freight New Technologies. These have not been produced, although they are required before the recent NOP was released.

As part of these scoping comments, the Sierra Club specifically incorporates by reference the letter from Earthjustice dated June 7, 2016 as addressed to MTC, ABAG, and outside counsel, a copy of which is attached for your convenience.

We have also observed that a significant percentage of local public officials still do not understand, or in too many instances are even aware of, the process and results of PBA 2013. Better educational materials should be developed regarding the DEIR results and the draft Plan, and should be widely disseminated to local officials, in particular to City Council members throughout the Region.

We also specifically request that the “Regional Transportation Plan Checklist” developed by the California Transportation Commission (CTC), and which is required to be submitted to Caltrans “along with the draft RTP” should be included in the documents made publicly available with the DEIR. The checklist (Appendix C in the [2010 Regional Transportation Plan Guidelines](#)) provides information that can be very useful to the public and to public agencies in identifying where specific information can be found in the PBA documents.

If you have any questions or desire further information regarding these comments, please do not hesitate to contact Matt Williams, Chair of the San Francisco Bay Chapter Committee on Transportation and Compact Growth, at mwillia@mac.com

Sincerely,



Michael J. Ferreira
Loma Prieta Chapter Chair



Victoria Brandon
Redwood Chapter Chair



Rebecca Evans
San Francisco Bay Chapter Chair

cc: Association of Bay Area Governments
Sierra Club California
Earthjustice
Loma Prieta, Redwood and San Francisco Bay Chapters



June 7, 2016

Via Email

Tina A. Thomas
Amy Higuera
Thomas Law Group
455 Capitol Mall, Suite 801
Sacramento, CA 95814
Tel.: (916)287-9292
Email: tthomas@thomaslaw.com
ahiguera@thomaslaw.com

Metropolitan Transportation Commission
Public Information Office
375 Beale Street, Suite 800
San Francisco, CA 94105
eircomments@mtc.ca.gov

Association of Bay Area Governments
375 Beale Street, Suite 700
San Francisco, CA 94105
info@abag.ca.gov

RE: Settlement Agreement in *Communities for a Better Environment et al. v. Metropolitan Transportation Commission et al.*, Case No. RG13692189

Dear Tina and Amy –

We write on behalf of our clients because it appears that the Metropolitan Transportation Commission (“MTC”) and Association of Bay Area Governments (“ABAG”) have not complied with the settlement agreement entered into in *Communities for a Better Environment et al. v. Metropolitan Transportation Commission et al.*, Case No. RG13692189. We ask that you please rectify this lack of compliance.

As you are aware, the litigation referenced above concluded when MTC, ABAG and Petitioners Sierra Club and Communities for a Better Environment (“CBE”) entered into a settlement agreement on June 18, 2014. The potential compliance issues with these provisions of the settlement agreement are addressed in turn below.

A key feature of the settlement agreement requires the preparation of a Feasibility Analysis for the Priority Development Areas (“PDA”), prior to the issuance of a notice of preparation (“NOP”) for the Plan Bay Area Environmental Impact Report (“EIR”). (Settlement Agreement, Section 5(c).) The agreement requires a Feasibility Analysis for the PDAs that includes analysis of: current transit availability for each PDA, development readiness in the PDA, analysis of risks of sea level rise and liquefaction in the PDA, housing and jobs information for the PDA, and public health information for the PDA. (Settlement Agreement, Section 5(c)(i)-(v).)

The NOP was issued on May 16, 2016.¹ However, we have not been provided with the Feasibility Analysis. The Feasibility Analysis also does not appear in the section of the Plan Bay Area website dedicated to documents required by the parties’ settlement agreement.² There is a document titled “PDA Assessment Update” posted on the website page, which was prepared in response to a different settlement agreement.³ This document is not, however, the “Feasibility Analysis” for which Sierra Club and CBE negotiated, and does not satisfy the requirements of our settlement agreement. Specifically, the document does not analyze transit availability, development readiness, environmental factors, housing and jobs factors, or public health information, in the detail required by the Settlement Agreement. (Settlement Agreement, Section 5(c)(i)-(v).) Notably, the document omits study of whether transit operates at required intervals, whether PDAs are at risk of sea level rise or liquefaction, whether PDAs are also situated in CARE communities, and the anti-displacement programs in place in the PDA. To the extent that this information is available, it must be included in the Feasibility Analysis for each PDA.

Further, the “PDA Assessment Update” does not cover all the PDAs in the Bay Area – it covers only 65 PDAs.⁴ The settlement agreement applied to all PDAs, which number over 170.⁵ We understand that MTC and ABAG are only required to provide the requisite information to the extent that this information is available. However, the existence of environmental documents and other public information suggests that such information is already available for at least some, if not all, of the PDAs omitted from the “PDA Assessment Update.” For example, Alameda County and several localities have prepared their own analyses of PDAs in their jurisdictions, or there is public information otherwise available about various PDAs. Therefore, MTC and ABAG should have access to information enabling them to prepare a Feasibility

¹ The Notice of Preparation is available at: http://mtc.ca.gov/sites/default/files/PBA2040_NOP-EIR_LegalNotice.pdf

² The materials prepared in accordance with the parties’ settlement agreement are available at: <http://planbayarea.org/plan-bay-area/plan-bay-area/legal-documents.html>

³ The materials prepared in accordance with MTC, ABAG and the Building Industry Association’s settlement are available at: <http://planbayarea.org/the-plan/quick-facts/Legal-Settlements.html>

⁴ See PDA Assessment Update at p. 2.

⁵ See Plan Bay Area, Frequently Asked Questions, available at: <http://planbayarea.org/about/faq.html#q10022>

Analysis for many, if not all, of the PDAs. As a method of illustration, we identify several examples of PDAs where MTC and ABAG should have had the requisite information:

- a. ***Alameda County PDAs*** – In 2015, the Alameda County Transportation Commission (“ACTC”) prepared a progress report covering PDAs in Alameda County, including such factors as: Complete Streets and Housing Elements status, PDA funding allocations, PDA coordination with other planning efforts, and housing data.⁶ ACTC’s report covered PDAs which do not appear to be included in MTC’s “PDA Assessment Update,” including: Dublin’s Downtown and Town Center, Fremont’s Centerville and Irvington District, Hayward’s the Cannery, Livermore’s Downtown, Oakland’s Fruitvale and Dimond districts, and the Union City Intermodal Station District PDA.
- b. ***City of Berkeley, Adeline and South Shattuck PDAs*** – The City of Berkeley received a \$750,000 Priority Development Area Planning grant from MTC to plan development in the Adeline and South Shattuck PDAs and some initial analysis of demographic and economic conditions, current land uses and infrastructure has already been prepared.⁷
- c. ***Treasure Island and Yerba Buena Island PDA*** – Treasure Island and Yerba Buena Island are another planned PDA.⁸ San Francisco’s Department of Planning and the Treasure Island Development Authority have prepared several environmental review documents covering this development.⁹ There are numerous concerns associated with development on the site, such as transportation access, soil contamination, and the continued availability of affordable housing on the site.¹⁰
- d. ***Dumbarton Transit Oriented Development PDA*** – The City of Newark has planned a Dumbarton Transit Oriented Development PDA, located near the Dumbarton Bridge. The City of Newark has already conducted environmental

⁶ The Alameda County Transportation Commission memorandum “2015 Alameda County Priority Development Area Investment and Growth Strategy Annual Progress Report” (May 28, 2015) is available at:

http://www.alamedactc.org/files/managed/Document/16389/2015_Update_AlamedaCounty_PD_A_IGS_May2015.pdf

⁷ See http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/1_Introduction.pdf

⁸ See <http://gis.abag.ca.gov/website/PDAShowcase/#nogo1>

⁹ See <http://sftreasureisland.org/environmental-review>

¹⁰ See <http://kalw.org/post/would-you-live-treasure-island#stream/0>, <http://www.sfchronicle.com/bayarea/article/Yerba-Buena-Island-plan-an-unwelcome-development-6434398.php>

review related to such development.¹¹ The Sierra Club has publicly written about its concerns with the feasibility of this PDA, due to lack of transit access, seal level rise, and contaminated soil risks.¹²

- e. **Brisbane Baylands Development** – Similarly, the City of Brisbane has prepared environmental analysis of the proposed Baylands development¹³ along the waterfront, which does appear on ABAG’s list of planned PDAs.¹⁴

MTC and ABAG must prepare a Feasibility Analysis that complies with the parties’ Settlement Agreement. Please advise us when such analysis will be provided.

The Settlement Agreement also requires MTC and ABAG to “disclose the effects of financing the construction of express lanes by using bridge toll revenues, and ... disclose the effect of such financing on the current uses of toll bridge revenues.” (Settlement Agreement, Section 5(b).) This disclosure shall be made 30 days before the release of the NOP for the EIR. However, this analysis does not appear to have occurred, and we request correction of this omission.

Additionally, the Settlement Agreement requires MTC and ABAG to issue healthy infill guidelines, titled “Planning Healthy Places” before the issuance of the NOP. (Settlement Agreement, Section 5(e).) BAAQMD has released guidelines that appear to address this part of the settlement.¹⁵ However, they are not referenced on the Plan Bay Area website nor have we been informed that these serve that purpose. If these are in fact the healthy infill guidelines, the guidelines and mitigations identified therein should also be considered and incorporated into the update to Plan Bay Area, as required by the Settlement Agreement.

We appreciate that MTC and ABAG have moved forward with constituting the Regional Freight New Technologies Task Force, and that the group is working towards developing the Freight Emissions Reduction Action Plan. We do note that it does not appear that the group has evaluated the potential for zero-emission truck lanes along Interstate 880, as required by the Settlement Agreement, Section 5(d)(i). Further, we understand that the task force has not yet focused on issues related Section 5(d)(ii), including funding sources. We expect that these issues will also be addressed by the task force.

¹¹ See e.g., [http://www.newark.org/images/uploads/comdev/pdfs/DumbartonTOD/Draft%20SEIR%20December%202013\(reduced\).pdf](http://www.newark.org/images/uploads/comdev/pdfs/DumbartonTOD/Draft%20SEIR%20December%202013(reduced).pdf) and

http://www.newark.org/images/uploads/comdev/pdfs/NewarkGP_DEIR_PublicReview.pdf

¹² See <http://theyodeler.org/?p=10597>

¹³ See http://www.ci.brisbane.ca.us/sites/default/files/1_intro.pdf

¹⁴ See <http://gis.abag.ca.gov/website/PDAShowcase/#nogo1>

¹⁵ See http://www.baaqmd.gov/~media/files/planning-and-research/planning-healthy-places/php_may20_2016-pdf.pdf?la=en

We appreciate your attention, and look forward to your prompt action to address these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Irene Gutierrez", followed by a long horizontal line.

Irene Gutierrez

Will Rostov

Counsel for Sierra Club and Communities for a Better Environment

Individuals

Pam Grove

From: Jake Brenneise [REDACTED]
Sent: Thursday, May 19, 2016 7:46 PM
To: EIR Comments
Subject: Please prioritize and enable "secondary suites" as a free-market, zero cost to taxpayers way to reduce the housing crisis

Follow Up Flag: Follow up
Flag Status: Flagged

By zoning for and enabling "secondary suites", we could dramatically reduce the cost of housing, while at the same time distributing those people rather uniformly across our residential areas.

The mercurynews had this comment:

Matt Regan, senior vice president of public policy at the Bay Area Council, suggested streamlining permitting processes to encourage homeowners to create second units. Citing Vancouver, British Columbia, where 35 percent of single family homes have such "granny units," he said that **if 10 percent of Bay Area homeowners were to receive such permits, then "150,000 units of housing can come on stream immediately."**

http://www.mercurynews.com/business/ci_29890334/policy-road-map-affordable-housing-santa-clara-county

Here is an analysis done on the impact of "secondary suites" across all of Canada:

Not only are secondary suites a source of affordable rental housing, they can also provide the needed extra income to first-time homebuyers for whom that additional income makes housing affordable in high-cost areas. For older households who no longer need a large house, the addition of a suite can generate needed income and security, as well as allow them to continue to live in their neighbourhoods and age in place.

http://www.cmhc-schl.gc.ca/en/inpr/afhoce/afhoce/afhostcast/afhoid/pore/pesesu/pesesu_001.cfm

How the Strategy Works

Secondary suites are an important supply of rental housing in many cities, towns and rural communities across Canada. For example, in 2014, it was estimated that there were about 26,600 secondary units in Vancouver, forming about a fifth of the rental stock. About a fifth of the rental stock in Edmonton is in secondary suites and accessory dwellings, as well. Rents in secondary suites are often lower than those for apartments in conventional rental buildings, and the suites can be developed with no or minimal government assistance. Secondary suites enable low- and moderate-income households to live in ground-related housing in a residential setting.

Not only are secondary suites a source of affordable rental housing, they can also provide the needed extra income to first-time homebuyers for whom that additional income makes housing affordable in high-cost areas. For older households who no longer need a large house, the addition of a suite can

Policy and Regulation

- [Modifying Development Standards](#)
- [Permitting Secondary Suites](#)
- [Providing for Garden Suites](#)
- [Reducing Length of Approvals](#)
- [Retaining Affordable Housing](#)
- [Using Development Levies](#)

generate needed income and security, as well as allow them to continue to live in their neighbourhoods and age in place.

- [Using Inclusionary Housing Policies](#)

What are Secondary Suites?

A secondary suite is a private, self-contained unit within an existing dwelling. Secondary suites are also called second units, accessory apartments, granny flats, in-law suites and basement apartments (since many are found in basements). A secondary suite has its own bathroom, kitchen, living and sleeping areas but can share a number of features with the rest of the house. Shared facilities may include a yard, parking area, laundry and storage space, and sometimes a hallway.

The secondary suite is usually created in a dwelling originally designed to accommodate a single family. Builders in some markets construct houses with apartments included at the outset or houses that can be easily converted (see [Designing Flexible Housing](#)).

How are Secondary Suites Created?

The majority of secondary suites are created through internal alterations, although some are built as additions to the main house. The size of the apartment will depend on the size and design of the house as well as the lot configuration. Secondary suites can be located in the basement, on a floor or in the attic. However, most secondary suites are found in basements, because such units are the easiest to develop and they allow for the greatest degree of privacy and separation. The following diagram illustrates a basement in a house before and after its conversion into a secondary apartment. Owners are required to have a building permit to add a secondary suite.

Legalizing Non-compliant Secondary Suites

Because many municipalities do not permit secondary suites, or only permit them in selected neighbourhoods, secondary suites are often created illegally. Even when secondary suites are legalized, homeowners may be reluctant to declare their unit because they will likely have to bear the cost of upgrading their unit to local and provincial building, fire and safety standards. Some owners do not legalize their units in the hope of continuing to avoid paying income taxes on their net rental revenue.

Municipalities are taking a variety of approaches to facilitate the documentation and upgrading of illegal suites. In order to ensure residents have adequate and safe housing, some municipalities developed specific programs to assist homeowners with secondary suite compliance. For example, the City of Saskatoon, Saskatchewan, offers to waive municipal building and plumbing permit fees for property owners to encourage the legalizing of existing secondary suites. The City of Burnaby, British Columbia, provides property owners who would like to legalize their secondary suite with the option of a complimentary suite feasibility inspection and report. This free

service is a coordinated inspection carried out by building, electrical, plumbing and gas inspectors.

Types of Regulations

Secondary suites are subject to a number of provincial, territorial or municipal requirements, including:

- zoning;
- building code;
- unit size;
- parking; and
- inspections and licensing.

Zoning

Most municipalities allow secondary suites in a limited number of areas; however, in recent years many municipalities have expanded the areas and building types where secondary suites are permitted, as illustrated by the following list:

- The City of Vancouver permits secondary suites “as of right” within the RS (one-family dwelling), RM (multiple-family dwelling) and RT (two-family dwelling) zones. They are also permitted in multiple-unit dwellings (apartments) and mixed-use developments.
- The City of Edmonton permits secondary suites “as of right” in all locations, in all low-density residential zones. A maximum of one secondary suite is allowed per single-detached dwelling. Requirements include providing three on-site parking spaces (tandem parking is permitted).
- Some municipalities, in the province of Quebec, for example, permit suites occupied by immediate family members only.

Although all provinces in Canada encourage the development of secondary suites as a means to provide options for affordable housing, only Ontario has enacted specific provincial legislation requiring municipalities to develop policies in their official plans and zoning provisions to provide for secondary suites. Changes made to the Ontario *Planning Act* in 2011 make it obligatory for municipalities to allow for secondary suites within single-detached, semi-detached and townhouse dwellings, as well as in ancillary structures, such as detached garages. These changes are intended to improve access to adequate, suitable and affordable housing. Municipalities must meet the new requirements set out in the *Planning Act* and bring their planning documents into conformity as part of their five-year review or sooner, at the discretion of the municipality.

In Quebec and British Columbia, the provincial legislation includes provisions granting municipalities the authority to regulate intergenerational dwellings and secondary suites, although they are not mandated. In Quebec, under section 113 of the *Act respecting land use planning and development*, municipalities have the authority to limit the occupancy of an additional

dwelling to a relative, a dependant, or persons who are or were related to the owner or occupant of the principal dwelling. As well, Saskatchewan, Manitoba and Nova Scotia provide financial assistance to property owners to construct or renovate secondary suites.

Building code

In Canada, the design and construction of new secondary suites and the upgrade of existing ones are governed by provincial and territorial codes. The provinces and territories often either adopt or adapt the National Model Construction Codes, which include the National Building Code (NBC) of Canada and the National Fire Code of Canada. The NBC includes specific floor area maximums, ceiling height minimums, window dimensions and smoke alarm installation, as they pertain to secondary suites. British Columbia, Alberta, Ontario and Quebec have their own provincial building codes that regulate the development of secondary suite codes, based on the National Model Construction Codes.

Some of the requirements that secondary suites must follow:

- Entrances — A secondary suite must have a separate entry door. This door may open to a vestibule shared with the rest of the house or may lead directly outside. An existing side or back door can often be used as the apartment entrance.
- Fire safety — Each wall, floor or ceiling separating the secondary suite from the rest of the house must provide adequate fire and sound resistance. According to a brochure prepared by the Province of Ontario, a combination of batt insulation and drywall supported on metal channels will normally enable standard wood-frame construction to meet code requirements. Other requirements include smoke alarms, carbon monoxide detectors and a fire exit.
- Height, moisture and natural light — If the apartment is provided in the basement, it must be dry and have adequate natural lighting and enough headroom (height varies by jurisdiction).

Unit size

The size of the secondary suite varies with the individual unit and the municipality. For example, North Vancouver has a minimum size of 27 square metres (400 square feet) and a maximum size of 968 square feet (90 square metres), while representing no more than 40 per cent of the habitable floor space of the building, for a secondary suite. An issue for some municipalities is to ensure that the secondary suite is “accessory,” that is, smaller in size than the main unit.

Parking

In most municipalities, a parking space is required for the secondary suite. Two parking spaces are the minimum usually required for houses with a secondary suite, but these requirements vary considerably. For example, in a built-up area that is well served by public transit, a lower parking standard may

be appropriate. In the city of Toronto, one parking space was considered sufficient for the main unit plus a secondary apartment, and so, no additional parking is required in the bylaw. But in Nanaimo, where two off-street parking spaces are required for a single-detached dwelling, a home with a secondary suite has to provide a total of three off-street parking spaces.

Inspections and licensing

The ability of municipal officials to inspect secondary suites depends on provincial legislation. Municipal officials have limited powers to inspect units unless they are considered a threat to health and safety. Generally, fire officials have the strongest powers to inspect a property. When a secondary suite is created legally, relevant municipal officials will inspect it. Some municipalities use licensing as a way to provide for inspections, but others are reluctant to enter into licensing arrangements because of the bureaucracy that this entails.

Financing

Typically, homeowners must take out a loan and/or second mortgage to create a secondary suite. The rent will usually exceed the cost of repaying the loan. As shown below, a secondary suite lowers the monthly carrying costs for a homeowner and also reduces the required annual qualifying income for a mortgage. Costs for installing secondary suites can range from \$20,000 to \$30,000.

How a Secondary Suite Can Reduce the Cost of Homeownership

House price	\$398,618
<i>(based on the Canadian average house price from the Canadian Real Estate Association)</i>	
Mortgage principal	\$318,894
<i>(based on a 20% down payment)</i>	
Monthly carrying costs	
• Mortgage payment	
<i>(based on a 4.32% annual interest rate and a 25-year amortization)</i>	
	\$1,733
• Taxes	\$397
• Maintenance and utilities	\$200
• Total***	\$2,330
<i>(based on a 30% gross debt service ratio)</i>	
Required annual qualifying income for mortgage	\$93,205
Conversion cost	\$25,000
Additional monthly carrying costs	
• Mortgage payment	\$135

• Taxes, maintenance and utilities	\$150
• Total	\$285
Total monthly carrying costs	\$2,615
Rent for additional unit	\$808
Net monthly carrying costs	\$1,807
Net monthly financial benefit	\$523
Required annual qualifying income for mortgage	\$72,285
% change in affordability (before tax)	22.5%

To make the conversion financially attractive, governments have had programs providing interest-free loans and forgivable grants through programs that usually had a high take-up rate.

Impact of Secondary Suites

Often, the opposition to secondary suites centres around their perceived impact on the neighbourhood. Communities that oppose secondary suites will cite worries that the densification will lead to the overcrowding of schools and neighbourhoods, increased parking problems, and higher use of water, sewer, and garbage collection services. However, research undertaken by CMHC in the past regarding the impact of municipal user fees on secondary suites found that secondary suites do not have an overall significant negative impact. Given the trend to smaller households, secondary suites generally do not place an extra burden on municipal infrastructure or services beyond the original design capacity. Conversely, by helping to reduce the decline in neighbourhood density, secondary suites can absorb underutilized capacity and allow for the more effective use of resources, such as for water, sewer, and garbage collection services.

In terms of infrastructure services, secondary suites tend not to overtax services but serve to offset the decline in school population. The impact on parking was found to be negligible, as people who live in secondary suites tend to own fewer cars on average than people who live in single-detached homes.

Secondary Suites in Canada

In 2014, CMHC completed a study using information on local secondary suite policies obtained from 650 Canadian municipalities in census metropolitan areas (CMAs) and census agglomerations (CAs). Overall, 77 per cent of these 650 municipalities permit secondary suites.

Size of Municipalities(population)	Percentage of Municipalities Permitting Secondary Suites
Rural (less than 5,000 persons)	68%
Small (5,000 to 29,999 persons)	82%
Medium (30,000 to 99,999 persons)	85%

Large (100,000 and over) 88%

Of the 149 municipalities that did not permit secondary suites dwellings, more than half (58 per cent) were rural areas, and just over a quarter (28 per cent) were small municipalities. Only 10 per cent of medium areas and 4 per cent of large areas did not permit these units.

The percentage of municipalities in CMAs that permit secondary suites increased from only 54 per cent (220 of 404 municipalities) in 2006 to 78 per cent (292 of 373 municipalities) in 2014.

The most frequently used zoning permissions among the municipalities that permitted secondary suites were imposing size limitations, including limiting the size of the secondary suite in relation to the primary building, limiting the number of rooms and/or specifying a minimum lot size to be permitted, and allowing the secondary suites within a primary dwelling.

Also popular were subjecting the suites to a specific approval process identified as discretionary or conditional (which could result in the suite being denied), imposing occupancy limitations (limiting the number of occupants in the suite and/or allowing only relatives, or persons with special needs, to occupy the suite), having a permitting process that involves municipal approvals or agreements, setting temporary use or time limitations on the suite, and allowing suites only in specific zones and/or specific types of dwellings.

Plan Bay Area 2040

Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Thursday, May 26, 2016

Dr. Martin Luther King Jr. Library
One Washington Square, Room 225
San Jose, California

Name: MARY Collins Title: _____

Agency: _____

Address: _____

E-mail: m Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

I support Big Cities Scenarios, but want
more inclusion of jobs in San Jose. Then housing,
land use needs to include business zoning
Major projects - no roads
Continue - maintaining low ridership lines
instead of just continuing highly used lines.

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



Association of
Bay Area Governments



METROPOLITAN
TRANSPORTATION
COMMISSION

Plan Bay Area 2040

Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Thursday, May 26, 2016

Dr. Martin Luther King Jr. Library
One Washington Square, Room 225
San Jose, California

Name: Karen Schlessor Title: _____

Agency: _____

Address: _____

E-mail: _____ Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

My primary concern is the housing shortage.
I believe we need to encourage development
of new housing at every level. We should
use tax incentives to encourage cities to
build / allow housing development. More
housing is the only way to bring down
the market rate, allowing more people
to afford to live in the Bay Area near jobs.
Better regional coordination is necessary to
improve both housing + transportation.

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



Association of
Bay Area Governments



METROPOLITAN
TRANSPORTATION
COMMISSION

Plan Bay Area 2040

Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Thursday, May 26, 2016

Dr. Martin Luther King Jr. Library
One Washington Square, Room 225
San Jose, California

Name: Roma Dawson Title: _____

Agency: retired - former legislative aide

Address: _____

E-mail: _____ Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

Concerned that San Jose is asked to build too much housing with no recognition of our lack of jobs (per employed resident). We should have a revenue incentive for building more housing.

None of the scenarios (though I can't find the detail I need)

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.

discuss our housing affordability crisis. I hope to see detailed analysis of all equity and displacement of low income residents.

I only 2 of the scenarios that encourage smart growth

The EIR should also focus on settling the issue of what is best to put by transit centers — jobs or housing to help guide cities' in land use decision.

Plan BayArea 2040

Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Thursday, May 26, 2016

Dr. Martin Luther King Jr. Library
One Washington Square, Room 225
San Jose, California

Name: Gloria Chun Hoo Title: _____
Agency: _____ (representing self - not the League)
Address: _____
E-mail: _____ Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

- (1) Suggest that EIR consider "ecosystem services" approach to evaluating the "value" of Open Space for purposes of GHG reduction & water quality
- (2) ^{we should REJECT} Main Streets Scenario - encourage too much suburban sprawl and threatens open space & parkland - (3) Does EIR focus on water use, availability & Quality - ? Capacity issues etc -
- (4) Does transit address "1st and last mile" ??
How can those "connections" - connectivity be encouraged ?

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



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(5) Most Supportive of a blend of Scenario

"Connected Neighborhood" & "Brighter"

— Feel ^{supportive of} the focus on more "distributed" housing
in Connected Neighborhood Scenario — is appropriate
esp. as it is along major transit corridor

BUT I believe that the transportation plans in
Brighter — is pragmatic, good for the environment
& makes great sense. Also hope "major project"
is not new roads — to meet GHG emission
reductions — need to focus more on
high ridership systems —

(6) EIR must address all impacts of
climate change Especially sea level rise !!

2436 Ninth Street
Berkeley, California 94710

EDWARD C. MOORE
ATTORNEY AT LAW¹

Tele: (510) 531-7272
E-mail: ecmoorelaw@gmail.com

*Received 5/31/2016
@ 6:05
ca*
✓

May 31, 2016

Metropolitan Transportation Commission
Plan Bay 2040 EIR Scoping Meeting
MetroCenter Auditorium
101-Eighth Street
Oakland, California

**(HAND DELIVERED AT
6:30 P.M. MEETING.)**

I have two concerns that cry out in me for competent evaluations of the adequacy of whatever 'thresholds of significance' are chosen to evaluate these concerns when studying the environmental impacts of alternative regional developmental scenarios for Plan Bay 2040.

I. OCEANVIEW WATERFRONT IN ALBANY AND BERKELEY AS A PRIORITY CONSERVATION AREA

The ocean-view waterfront west of Interstates 80/580 in the cities of Albany and Berkeley (the Waterfront) is in my opinion a Cultural Landscape currently eligible for listing on the National Register of Historic Places as an historic 'site' or 'district.' It is situated at waters' edge on an axis running from upper reaches of the Pacific through the Golden Gate, across the San Francisco Bay and up University Avenue culminating at a hub of higher-learning institutions in Berkeley. The Waterfront possesses high artistic values of great magnitudes in height and depth and breadth of significance for a diversity of people and numerous intellectual disciplines. Among its high artistic values is an actuality this particular Waterfront is associated with historic events which have made significant contributions to the broad patterns of American and world history. The Waterfront's 'high artistic values' and its 'association with historic events' are two separate criteria of significance by which National Register eligibility is determined.

I am requesting that henceforth the Waterfront be classified for purposes of regional planning as a Priority Conservation Area (PCA). Regionally significant open space is found at the Waterfront regarding which there exists a broad consensus for long-term protection. That open space

¹Voluntarily inactive as of March 1, 2010.

includes but is not limited to the McLaughlin East Shore State Park.

It is hoped that with this designation the Regional Transportation Plan will fund as infrastructure a new mode of public transportation to and from the Waterfront and its eventual ferry terminal and Albany's business district and Berkeley's revitalized downtown. A mode of transportation, that is, needing no parking lots.

I am not suggesting 141 acres of privately owned upland at the Waterfront (102 acres in Albany and 39 in Berkeley) known as Golden Gate Fields should not be developed in the event the lessee racetrack business relocates. What I am urging is that any future development of this historic 'site' or 'district' be concordant with and enhance (make more revealing) its significances as a Cultural Landscape for the future enrichment of our public university community and the public generally. It would be tragic if the privately owned Waterfront upland is evaluated for development purposes as little more than a picturesque infill site, as has happened repeatedly in the recent past (e.g., Fern Tiger's Shared Vision Planning Study for Albany; the Stronach Group Proposal for a National Laboratory Campus at Golden Gate Fields).

At some point in the not-distant future I plan to submit an application to California's Historic Preservation Officer in Sacramento requesting a formal designation of the Waterfront as eligible for listing on the National Register of Historic Places and the California Register of Historical Resources.

II. BERKELEY'S REGIONAL HOUSING ALLOCATION

Each Regional Housing Need Allocation (RHNA) is periodically calculated by the California Department of Housing and Community Development based on census data. Allocations of the number of new housing units that each city within a region must accommodate in the Housing Element of its General Plan are then distributed by the Association of Bay Area Governments (ABAG). Berkeley's RHNA Capacity for 2014-2022 is set at an additional 2,959 housing units spread among five income capacities.

Berkeley is a small, *densely populated* landlocked city of 115,500 with special needs and societal purposes directly tied to hosting UCB and allied institutions of higher learning including the Graduate Theological Union and Lawrence Berkeley National Laboratory. As a university community with 50,000-plus students, faculties and staffs included among its population, this city has atypical housing needs and merits something other than rote RHNA allocations.

Conceivably Berkeley may yet evolve into an exemplar urban setting reflecting wisdom and foresight by illustrating how a well-plan city can enhance the quality of urban life and perpetually inspire maturing health, morality and general welfare in its inhabitants. Downtown revitalization is coming along nicely. Unfortunately though this highly desirable outcome appears increasingly unlikely given how threatened the livability of Berkeley's neighborhoods are becoming due to rapidly developing oversized building outside the downtown core. Excepting the downtown core and the current Adeline Corridor project, pushes for increase density by permitting ever bigger buildings has not been preceded by planning for well-integrated neighborhoods. Instead the current approach involves authorizing oversized residential projects that permit densities above and beyond well-thought-out specific area plans such as the West Berkeley Plan (1993) and the University Avenue Strategic Plan (1996), or oversized residential building on San Pablo Avenue, a commercial zone and priority development area, without any integrated planning having been done for many decades.

This rush to increase density is driven by the 2014-2022 RHNA allocation, the One Bay Area Plan, seemingly rote applications of Not-So-Smart Growth, the state density bonuses and a region-wide shortage of affordable housing. Descent into a multi-generational chaos of poorly planned and integrated neighborhood-less 'family housing' for the masses with streets choked in automobile traffic is foreseeable. An all-too-American mediocrity is on the horizon as calls for ever-denser housing, offices and lucrative shopping will crowd out industrial west Berkeley while benzene wafts in from the adjacent Interstates 80/580. The oldest industrial and housing district in the East Bay (Berkeley Land & Town Improvement Association, 1873) is threatened by ad hoc calls by elected officials for R-3 'buffer zones' in an R1-A area to create a transition from the inflated residential housing foreseen on San Pablo Avenue

(i.e., a sprinkling of 8-12-story apartment complexes without sufficient schools, authorized by local density bonuses atop state density bonuses combined with transfers of development rights, etc.).

Higher learning teaches that dwelling is an art manifested by the interplay of a fourfold unity consisting of earth, sky, divinity and mortal human beings at play with one another in forming the world. (See Vincent Vycinas, *Earth and Gods – An introduction to the philosophy of Martin Heidegger* [1961 Martinus Nijhoff / The Hague].) This explanation of what human dwelling constitutes will seem strange to many who still see the earth as a de-divinized complex of blind powers subordinate to whatever human beings can manipulate it into providing. The lives of many who teach and practice in Berkeley are richly endowed lives – not rich in a material sense necessarily but rich in an appreciative awareness giving rise to artful expressions of the means by which especial aspects of humanity's past and future are seen and become known as ever present in the Present here and now given us to enjoy and make fruitful. Such awareness reflects a growth of higher learning and for most of us higher learning *begins* with higher education to varying degrees as a prelude to applying the principles taken to heart when dwelling in the world.

CONCLUSION

I ask that Berkeley's RHNA allotment be tempered in the future to facilitate this city's develop into an exemplar urban setting for a premier university community, rather than a bedroom community for the isolated masses built on transit corridors. I ask also for a substantial investment in infrastructure to develop an advanced system of public transportation that serves to connect the East Bay along San Pablo Avenue and serves to tie the cities of Albany and downtown Berkeley to their Waterfront without the intrusion of automobiles.

Thank you for your attention and consideration given to my two concerns regarding 2040 planning.

Very truly yours,


EDWARD C. MOORE



Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Tuesday, May 31, 2016

MetroCenter Auditorium

101 8th Street

Oakland, California

Name: Felena Title: _____

Agency: _____

Address: _____

E-mail: _____ Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

How do we provide for 'self-contained' senior housing to meet the growing senior population needs?

~~Do we~~
Please provide real data for us & keep up your efforts to be more transparent & accountable.

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



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Comment Form

Plan Bay Area 2040 Draft EIR Scoping Meeting

Thursday, June 2, 2016
Finley Community Center
2060 W. College Avenue
Santa Rosa, California

Name: Jennie Schultz Title: _____

Agency: _____

Address: _____

E-mail: _____

Phone: _____

Use this form to submit any comments. Use the other side if additional space is needed.

Well explained!

Written comments will be accepted at the scoping meetings; via mail to MTC Public Information, 375 Beale Street, Suite 800, San Francisco, CA, 94105; via fax to 415.536.9800; or via email to eircomments@mtc.ca.gov. Written comments must be received at the MTC offices no later than June 15, 2016. For more information, call the MTC Public Information Office at 415.778.6757.



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Pam Grove

From: Ferenc Kovac [REDACTED]
Sent: Friday, May 27, 2016 12:38 PM
To: EIR Comments
Subject: provincial concerns and comments attached
Attachments: mtc-may2016.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, my comments are not as global as perhaps you're looking for, but it is a view/concern from the untrained trenches.

Feel free to contact me if further information of discussion is needed.

Thanks,
Ferenc

As a Planning Commissioner in the City of the Town of Moraga, I want to make good decisions. Traffic is a big concern and we need better regional data.

To paraphrase our outgoing Mayor: Moraga does not have a traffic problem – it's only a problem when you try and get to (and fro) a major hub like BART or SR24.' Those are in our neighbor cities of Orinda and Lafayette. With Moraga, the three comprise Lamorinda.

Moraga has an MTC approved PDA – the Moraga Center Specific Plan (MCSP), which has a Moraga Traffic Hub. Unfortunately, it is essentially a bus stop, with no parking spots, some 4 miles from an actual traffic hub. In its approval process, what conditions/assumptions did the MTC impose on that 'hub?' As our friends at the CCTA indicated wisely, there is no funding for added bus runs, and even if there were, those buses would be stuck in the same one lane of traffic to/from Orinda and Lafayette. Also ,rush hour traffic is pretty much all day.

The EIR that was done for MCSP assumes significantly lower number of trips, claiming things like workforce housing. Moraga's existing commercial and business real estate is overbuilt and Moraga Center has a significant vacancy. Added first floor commercial space via form based coding will just add to the inventory of empty storefronts, as it does in many similar developments.

With the aging of America, and especially Moraga, we are considering senior-focused housing, and workforce needs may arise for senior care givers. Those jobs typically pay \$15/hour – and one such worker would be hard pressed to afford to rent, much less buy in Moraga. This will add to the traffic in and out of Lamorinda. Lafayette cannot even handle its own traffic.

Also, just when we got used to LOS, we are now faced with VMT and trip rights. What do those mean, and how can they help us make good decisions on new developments? Should VMT be a PVMT, accounting for number of passengers/occupants in the vehicles? How could impact fees we may charge help with the added traffic congestion, in our cul-de-sac town at the mercy of its upset neighbors?

We need an updated EIR/traffic study that is regional and accurate. Myopic studies and finger pointing do not provide accurate tools to help address problems, neither current nor future.

For the numerous projects that are in the works in Lamorinda, including those piecemeal projects adding under the 100 peak trips trigger, could we, say, get a development countdown number that will help ensure our quality of life and emergency vehicle egress meets the needs of our aging population?

Looks like a golden opportunity to help its tarnished image in Lamorinda, and help us move forward to a bright and workable future!

MTC/ABAG PlanBayArea2040 Comments

Ferenc Kovac



Pam Grove

From: Alan Burnham [REDACTED]
Sent: Saturday, May 28, 2016 12:57 PM
To: EIR Comments
Subject: EIR comments

Follow Up Flag: Follow up
Flag Status: Flagged

Dear MTC,

I downloaded and read the 2013 Plan Bay Area. I was disappointed that it contained a lot of fluff and not much hard information. I was hoping to see some more concrete indications of how to solve our transportation problems.

One of the bright spots in the report was pages 114-116, which used some specific criteria to rank various general approaches to transportation issues. One can argue about the price of carbon emission, but at least the criteria are clear. Unfortunately, it doesn't address specific problems very well.

I commute from Livermore to Palo Alto. To take public transportation would take me 2 hours each way. Driving off hours takes less than an hour, and mid-rush driving takes about the same as public transit. Transfers, space, and limitations of motion sickness limit my ability to work on mass transit. So I usually drive off-hours. I don't like it, but what would make me change?

For me, the driving issue is time, not cost. To me, sitting in traffic in a bus is worse than sitting in a car. Having an express bus lane from the Fremont ACE station to Palo Alto would reduce travel time significantly during rush hour. A light rail line from Fremont Bart to the ACE station to Palo Alto would solve the time and connection problems between ACE and Palo Alto even better. Going all the way to San Jose and back with the current system is not time-efficient. Adding more stops makes the situation worse.

If the MTC cannot come up with viable mass transit options, I and most other people will continue to drive and lobby for better roads, which your analysis shows has an excellent benefit to cost ratio. I would also lobby for a much higher gasoline tax, which would provide revenue for the roads and mass transit. Unfortunately, the state legislature is out to lunch on this issue. Consequently, localities pass sales tax increases to pay for transportation, which is a ridiculous approach. It provides absolutely no incentive to drive less.

So I propose that all new roads be express lanes to encourage car pools and raise revenue. If people would rather waste their time in a traffic jam, that is their decision. But it is not mine. One of the first new express lanes should be north from I-680 at Mission to Vallecitos Rd. It is jammed up from 2:30 to 8 pm.

Another specific concern is the logic for improving highway 84 from Livermore to 880. Putting more lanes from I-580 to Pidgeon Pass just creates a larger parking lot. The couple miles from Pigeon Pass to I-680 should be a priority upgrade, as well as another lane from that merge to the truck lane up the I-680 grade. Most slow vehicles do not use that truck lane, so it is now the fastest lane in general except for the occasional very slow truck, which causes lane change hazards.

Sincerely,
Alan Burnham
Livermore

Pam Grove

From: David Schonbrunn [REDACTED]
Sent: Sunday, June 05, 2016 6:27 PM
To: info@planbayarea.org
Subject: Notice of Preparation

This website is so poorly organized that, at first, I couldn't even find the NOP, or any information about submitting scoping comments. The home page is so cluttered with material aimed at making the plan accessible to the public that the only representation of the plan itself is the small box in the navigation bar saying "Plan."

Giving the Plan itself that low a hierarchical position in the structure of the overall Plan website is a serious communications failure. That series of pages should have been represented by a box at the top of the page at least as large as the boxes dedicated to "news" oriented features.

BTW, I had an extended discussion with John Goodwin at the Marin RTP event, and pointed out that the Open House displays were entirely silent on the challenge of climate change, and the need recognized by California Transportation Plan 2040 to seriously reduce driving. This is such a critical policy shift that the boards did not adequately inform the public about the actual constraints in planning this RTP.

I offered to make myself available, and could enlist colleagues as well, if staff were interested in further discussing these issues.

--David

David Schonbrunn, President
Transportation Solutions Defense and Education Fund (TRANSDEF) P.O. Box 151439 San Rafael, CA 94915-1439

[REDACTED]

[REDACTED]

www.transdef.org

Transcribed from written comment sheets submitted by Charles J. Cameron
Received via U.S. Mail; postmarked June 6, 2016

Date: June 2, 2016 – on Comment Form distributed at EIR Scoping Meeting

Dear MTC Public Info,

Please find my comments for this project.

1: As of now and since the new Union City Intermodal AC Transit CTR 2012/13? on phase I (the west side you can no prove to me and others that the current OPNS is demonstrating and achieving of the regions share of state greenhouse gas emissions reduction goals. As I now required to be updated every four years, as of now I do think Phase I (at the new Union City Intermodal Transit is farce and a waste of fed tax dollars and a big white elephant.

2: My reasons for this are many: Mostly by the strong (not legible) by the BART org. and by SB 375 (forces) and others as the former design for Phase I at the new Union City Intermodal center/ ____ was to be an: finger/or I scand design right in front of the Union City BART station with 16-19 sawtooth bays and or stops/layover spots and w/ all other veh. traffic circling around it to also BART rev.

3. Now after most all of the construction is done w/ Phase I one the west side and now the current design is a "C" shape dog-legged to the left. (While facing to the north). Things were so bad out there during construction and temp Temp. Const. of the bus & spot locations for AC Transit. Trunk Line bus Rt. 99 at the far end of the dog-leg design (over a football field away/walk to the fare gates or platforms in the cold/heat and rain & wind (Thus you have turned off all transit riders to use transit & to yes POV and or have "mom" schlept me/them to the Union City BART Station on the west side causing ____ greenhouse gas emissions and the vehicle/POV congestion on Union City, CA city streets namely Decoto Road, Alvarado-Niles Road, Mission Blvd. (State Rt. 238) into AM & PM commute times.

4. Now I and other members of the public that take and are transit needy and dependent that ____ take AC Transit as their first bus provider have long walks (and long wait times) into mostly open areas of the current bus layout and stops.

4a) The Union City Transit bus stops and the Route DB & DB1 are mostly much closer to the Entrance and Exit of the new intermodal transit ctr. Phase 1(West Dr.).

4b) For BART transit pax getting off BART they only have to walk two ____ lengths to take a cab with their luggage, kids, strollers in the cold/heat/rain/wind.

5) As per the earlier items the ____ of energy consumption and the drain on family and quality of living is all downgraded mostly for minorities and women and Newark to ____ (thus they become the new poor and homeless and on public services on all cat. youth, teens, veterans, seniors and the disabled community and air quality (including toxic air contaminants) and water quality for the nearby Alameda Flood Control Channel (for birds/ducks, fish, frogs, etc. feral cats to catch rats and mice in the area).

6) I have tried to bring up the above matters to MTC and I just get "miffed off" and put off and told to take it up with the BART organization which I did, but I get no answer and response from BART Director Mr. Tom Blalock for the/my area.

6a) I tried to bring up the above matters with the Alameda County Transportation Commission /ACTIA. Then after the changeover of Executive Director to now Mr. Art Dow and its Alameda County Transportation Commissions/ city watch dog comm at the/their annual report to the Comm. and public but I get "miffed and put off by former chair Mr. ____ Paxton (that __ 2/3 mo after ____2014/2015. None of the Ala rep. to the ever contacted me about my issues and concerns.

6b) I tried to bring up all these issues and matters to Ms. Joan Malloy, Planning director for the city of Union City, CA and I just get miffed and shrugged off and told to take it up with the BART organization.

The same holds true for Ms. Mitzy Tang ? the current public ____ director. She just “miffs me off” and does not know what sawtooth bus bays and has never been to S/Hay and Hayward and Bayfair to San Leandro BART Station to see what they are and how _____ in the original design back in 2000/2001 that were before the Union City Planning Committee on 5/31/2001 produced by SMWER__, Arup, Feher & Peers, Nelson Nygaard and Mundie & Associates (May 2001). The Intermodal station ____ Facility Plan (feel free to see pgs. 15-12 about the finder _____ with say tooth bay stops for buses and other pages

7) I did read this notice quickly as posted at Union city BART station on 6/3/2016 11 a.m. (West side and did think it was street paving work on the north/northern side of the BART station, but ??? Please see

8) I have sent in my comments before 3/3/2016 in reference to the federal review of MTC in the/its role in the Bay Area transportation planning process. e.g. the new Union City intermodal transit station and the 45 m. of waste full and misguide atten _____ and have ses and SB375. Feel free to talk and take up this matter with him. To: Mr. Ted Matley, FTA-TRO

Signed: Charlie Cameron

Attachment to above comment letter:

Flier titled Paving Work at Union City Station June 4, 2016

Comment: FYI – The Union City BART Station did have two 4’ mushroom (cap) type sit-down spots at one entrance and exit at the BART Station ever since 1972. The southern 4’ mushroom cap was removed 4/6 months ago when BART put in other revisions and floor tile on the west side “public” areas; and it was great having two sit-down areas on the rain and cold and heat to get your money out (w/ packages & _____. Now we have nothing in this area and a lack interest _____ and now all the more reason / & reasons not to take transit (bus) AC Transit & Union City Transit & DB Bus & other shuttles. Please note: Where _____ the shuttles come in for their workers vans one oversized motor coaches (in AC Transit bus stop areas (mostly) the P.M. commute home _____ the new intermodal Union City Bart Station is very hectic 4 p.m. – 7 p.m. in the summer month for various reasons I do feel now at the Union City BART Station things are mostly at a very tight BART station, _____ homebound times breaking pint at these pm 4 p.m. – 7 p.m. M/F. and it is lowering the quality of life for home bound commuters. P.S. They have to have a car or “moms” take them some where to _____ (evening meal) as the closest p/u in spots are in the two nearby shopping centers. Please address all my issues and concerns and sug.

*Signed: Charlie Cameron
Hayward, CA*

*Transcribed from written comment sheets submitted by Charles J. Cameron
Received via U.S. Mail*

Date: June 11, 2016

Dear MTC Public Info:

My additional comments on the/your and our: SF Bay Area Regional Transportation Plan/ & Sustainable Communities Strategy & EIR.

Item 1: FYI. Can I please bring to your attention. Still now after some four years since the “Clipper Card” is and has been introduced to the Bay Area: The City of Union City still does not participate in it with its Union City Transit!!! Serving Union City, CA & Union City BART (Intermodal station on the West side of Phase I. Note if a rider and _____ has a Clipper Card (Reg and _____ he or she has to wait for an AC Transit bus that runs every 15/20 minutes as per the schedule (may _____ be overcrowded due to breakdowns, driver no show’s and school kids and other reasons – forcing “moms” to drive _____ to Union City BART station. (Due to logistics and time reasons, thus the lowering of _____ quality of life this the lack of sustainability and communities _____.

Item 2: As of now AC Transit needs 140/145 new drivers to handle its new workload. Now as of & effective 6/26/2016 and into June 2017, all these new drivers and going to be “green” and will have a large turnover rate of mostly a minor _____. The dropout & failure rate (to get fired and have a bad accidents on their record, that they are just doomed to failure in the Bay Area and lack of sustainability communities ____.

Item 3: (not legible) To think outside the box for all Alameda County prisoners that are scheduled to get released -- get some instruction on how to use the bus, fares, service areas, jobs, social agencies, churches. Surely MTC, the Alameda Transportation Commission & the holy Roman Catholic Ch. & other faith based agencies can help out – just asking – please continue to be a instructor and mentor person.

P.S. My Phone #:

P.S. 1) AC Transit daily M/F is only now 190,000 riders a poor showing and failure MTC, SB 375 and Alameda County Transportation Commission – please address.

Signed,
Charlie Cameron

A black rectangular redaction box covering the signature area.

AMERIN pg 1 of 3



05/16/2016
9/20/16

NOTICE OF PREPARATION
Metropolitan Transportation Commission
San Francisco Bay Area Regional Transportation Plan /
Sustainable Communities Strategy
Environmental Impact Report

bus improvements, to provide access to increasingly dispersed job centers; technological advances to use

DEAR MTC PUBLIC INFO;

6/2/2016

PLS FIND MY COMMENTS FOR THIS PROJ,

ITEM ① AS OF NOW & SINCE THE NEW UNION CITY INTERMODAL TRANSIT CTR 2012/13? ON PHASE 1 (THE WEST SIDE, YOU CAN NOW PROVE TO ME & OTHERS THAT, THE CURRENT OPNS, IS DEMONSTRATING & ACHIEVING THE REGION'S SHARE OF STATE GREENHOUSE GAS EMISSION REDUCTION GOALS, AS I NOW REQUIRE TO BE UPDATED EVERY FOUR YRS, AS OF NOW I DO THINK PHASE 1 AT THE NEW UNION CITY INTERMODAL TRANSIT IS FAKE & A WASTE OF TAX DOLLARS & A BIG WHITE ELEPHANT.

② MY REASONS FOR THIS ARE MANY, MOSTLY BY THE STRONG AREA BUILT IN BY THE BART ORG. & BY SB 375 (FORCES) & OTHERS AS THE FORMER DESIGN FOR PHASE 1 AT THE NEW UNION CITY INTERMODAL CTR THAT WAS TO BE AN. FINGER ON ISLAND DESIGN RIGHT IN FRONT OF THE UNION CITY BART STA W/ 16-19 SAW TOOTH BARS & OR STOPS/LAYOVER SPOTS & W/ ALL OTHER VEH, TRAFFIC CIRCLING AROUND IT TO ALSO BART REVI, TRUCKS & SECURITY VAN, FOR MONIES PLS MOSTLY MON- SAT 12 AM/PM,

(3) NOW AFTER MOST ALL THE CONGR. IS DONE W/ PHASE 1, ON THE WEST SIDE & NOW THE CURRENT DESIGN IS A "L" SHAPE DOG LEGGED TO THE LEFT. (WHILE FACING TO THE NORTH) THINGS WERE SO BAD OUT HERE DURING CONGR. & TEMP. TOMB CONGR. OF THE BUS & SPOT LOCATIONS FOR A/E TRANSIT TRUNK LINE BUS RT. 99 AT THE FAIRLAND & THE DOG LEG DESIGN (OVER A FOOTBALL FIELD AWAY) WALK TO THE FAIR GATES & ON PLAT FORMS, ON THE COOL/HEAT & RAIN & WIND (THUS YOU HAVE TURNED OFF ALL TRANSIT RIDERS TO USE TRANSIT TO UES POV. & OK HAVE "MOM" SCHEDULED MEET THEM TO THE U/C BART STATION THE WEST SIDE CAMPING, WE GREEN HOUSE GAS EMISSIONS & ONE VEH. POV. CONGESTION ON UNION CITY, CA, CITY STS, NAMED DEBORAH, ALVARADO - NILES' RD, MISSION BUS (STATE ST) ON TO & OUT OF THE U/CITY BART STATION MOSTLY 7:38 UNTIL 4:00 PM, COMMUTE TIMES, FAIR

(4) NOW I & OTHER MEMBERS THE PURPOSE THAT TAKE & ARE TRANSIT NEED TO DEPEND AT THAT TIME TAKE A/E TRANSIT AS THEIR FIRST BUS PROVIDED HAVE LONG WALKS & LONG WAIT TIMES UNTIL MOSTLY OPEN AREAS & THE CURRENT BUS LAYOUT & STOPS, (4A) THE UNION CITY TRANSIT BUS STOPS THE RT. DISO DISI ARE MOSTLY MUCH CLOSE TO THE ENT. & EXIT AT THE NEW U/C NTELMODOR TRANSIT STATION (WEST SIDE)

(4B) FOR BART TRANSIT RAMP GETTING OFF BART THEY ONLY HAVE TO WALK TWO BASKETBALL COURT'S LENGTH TO TAKE A CABE W/ THEIR LUGGAGE & KIDS & STROLLERS/PER UNTIL THE COOL/HEAT RAIN & WIND!

(5) AS PER A RECENTER ITEMS, THE DRAINAGE
ENERGY CONSUMPTION, THE DRAINAGE FAMILY
LIVING IS ALL DOWN GRADED MOSTLY FOR MINORITIES
WOMEN & NEWARK, TO AGY. CY (THUS THEY
NEW POOR & HOMELESS! & PUBLIC SERVICES ON
ACCAT, YOUTH, TEENS, VETERANS, SENIORS &
THE DIS-ABLE COMMUNITY, & AIR QUALITY (INCL.
TOPIC AIR CONTAMINANTS), & WATER QUALITY FOR
THE NEARBY ALA, FLOOD CONTROL CHANNEL (FOR
BIRDS, DUCKS, BULBS, ETC. ETC, FISH - FROGS, (FEARFUL
TO CATCH RATS & MICE IN THE AREA) & CATS

(6) I HAVE TRIED TO BRING UP THE ABOVE MATTERS
TO: MTC, & I JUST GET "WIFFED OFF" & PUT OFF &
TOLD TO TAKE IT UP WITH THE BATHING, WHICH
I DID, BUT I GET NO ANSWERS & RESPONSE FROM
THAT DIR. MR. TOM BLACK FOR THE MY/ALBA.

(6A) I TRIED TO BRING UP THE ABOVE MATTERS
WITH THE ALA. CY TRANS. COMM. ACTION THEN
AFTER CHGOVERLY EXEC. DIR. TO NOW GNC,
MR. ALA DOWN & IS, ALA. CY TRANS. COMM.
(CITY, WATER & SO COMM) AT THE TIME
ANNUAL REPORT TO THE COMM & PUBLIC BUT
I GET "WIFFED" & PUT OFF BY FORMER CHAIR
JUST MR. JIM PAXTON (2/3 NO. APTIAL USE) ON
MY COMMENTS TO ANNUAL PUBLIC HEARING ON
2014/2015 NONE OF THE ALBA, REPTO THE CWC,
EVEN CONTACTED ME ABOUT MY ISSUES & CONCERNS.

Amerson Pg 2.83

(6) TRIP TO BIRMINGHAM AUGUST 1998
MATTERS TO MS. JOAN MACLOY, PLANNING
DIRECTOR CITY UNION CITY, CA. JUST
GETTING OFF "SHAGGY" & TOLD TO TAKE IT
UP WITH BASTOAG, THE SAME HOLD STRIKE
FOR MS. LITZ LANC? THE CURRENT PUBLIC WORKS
DIR. SHE JUST "WIPES ME OFF" & DOES NOT KNOW
WHAT I SAW TOOK BUS BAYS AND HAS NEVER
BEEN TO SHAY & HAY & BATA? TO SAN LEANDRO
BASTATION TO SEE WHAT THEY ARE & HOW
IT WAS DESIGNED THE OLD DESIGN BASTION
2000/2001 THAT WENT BEFORE THE U/CITY PLANNING
COMMISSION 5/31/2001 PRODUCED BY SKYLINE,
OVE AKUP, FEHLER & BEARS, NELSON NYGARD &
YUNDIE & ASSO. (MAY 2001) THE INTERMODAL
FACILITY PLAN, (FEEL FREE TO SEE PG 15 12, 43 ABOUT
TOOTH BAY - STOPS FOR BUSES (16/19) & OTHER PGS.

(7) DID READ THIS NOTICE QUICKLY AS POSTED
AT THE U/CITY BAST STATION (WEST SIDE) & I THINK IT
ON 6/3/2016 11 A.M.
WAS "STREET PAVING WORK ON THE NORTH/NORTHEAST
SIDE OF THE BAST STATION, BUT ??? - PLS SEE #5

(8) FYI I HAVE SENT IN MY COMMENTS BEFORE 3/3/2016
ALSO TO: MASTER MATLEY
LINKED TO THE FEDERAL FIA - TRO-19
REVIEW & IN THE ITS 90 SEVENTH ST, SUITE 15-300
ROLE IN THE BAP AREA ST. CA, 94103-6701
TRANS. PLANNING PROCESS
FOR THE NEW U/CITY
INTERMODAL TRANSIT
TR. & THE 45 M. OF WASTE
FULL & MISSGUIDE ATTEMPTS
TO HAVE SCS. & SB 375.
(FEEL FREE TO TAKE &
TAKE UP THIS MATTER W/HIM.)

Charles Cameron





Passenger Bulletin

News of Special Interest to Our Passengers

Bay Area Rapid
Transit
300 Lakeside Dr.
Oakland, CA 94612
(510) 464-6000
www.bart.gov

PAVING WORK AT UNION CITY STATION

JUNE 4, 2016

Dear BART Customers:

Work will start on Saturday, June 4, 2016 on the concourse level of the station to repave a portion of the entrance. The Northern half of the entrance (to the left of the Station Agent booth) will be closed off. There will be no access to the fare gates or ticket machines on that side of the station. Work should be completed June 19, 2016.

While the work is going on, access to the platform on the northern end of the station will also be limited for passengers travelling toward Fremont. This area will be used to stage materials for the work as well as the fare equipment that will be removed during the repaving. All passengers will be required to exit via the southern end of the station. There will be signs on the barricades indicating which way to go.

We realize that this will be inconvenient for you and appreciate your patience during this important maintenance work.

You can get automated BART Service Advisories (BSA) on your phone. BART offers both email and text options. To sign up for BSAs, please visit us at www.bart.gov/alerts.

For on-demand service information, you can use our mobile site m.bart.gov or request BART real time departures, service advisories and more via text message. To get started text "BART go" to 468311 or jump right in and text "BART" + your station name. We'll text you back in seconds. Follow us on Twitter @sfbart for news or @sfbartalrt for automated service advisories.

If you need language assistance services, please call BART's Transit Information Center at (510) 465-2278.

如需語言援助服務，請致電 BART 公共交通資訊中心，電話號碼為 (510) 465-2278。

통역이 필요하시면, BART 수송 정보 센터 (510) 465-2278로 전화해 주십시오.

Si necesita servicios de asistencia de idioma, llame al centro de información de tránsito del BART al (510) 465-2278.

Nếu quý vị cần các dịch vụ trợ giúp ngôn ngữ, xin gọi cho Trung Tâm Thông Tin Chuyên Chở Công Cộng của BART tại số (510) 465-2278.

Kung kailangan mo ang tulong ng mga serbisyo ng wika, paki tawagan ang BART Transit Information Center na (510) 465-2278.

F.Y.I - THE U/CITY BART STATION DID HAVE TWO
4' MUSHROOM CAP TYPE SIT DOWN SPOTS AS ONE
ENT. & EXIT THE BART STATION SINCE 1972, THE
SOUTHERN 4' MUSHROOM CAP WAS REMOVED 4/6/40,
AFTER WHEN BART PUT IN OTHER REVISIONS & FLOOR TILE
ON THE WEST SIDE "PUBLIC" AREAS & IT WAS GREAT
HAVING TWO SIT DOWN AREAS ON THE RAIN & COLD
& HEAT TO GET YOUR MY ONE YOU (W/ KIDS & SMALL
TODDLERS THEN) (NOW WE HAVE NOTHING IN
THE AREA & A LACK OF INTEREST AT BART -
F/Y "BULLING" & GETTING OVER ON YOU!!
& NOW ALL THE MORE REASONS & REASONS NOT
TO TAKE TRANSIT (BUS) A/C TRANSIT & U/CITY
TRANSIT & DASH BUS KIDS, & OTHER SHUTTLES
PLS NOTE! WHERE MOST OF THE SHUTTLES COME
ON FOR THEIR WORKERS, VANS, & ONE DIE &
OVER SIZED MOTOR COACHES (ON A/C TRANSIT BUS
STOP AREAS (MOSTLY) THE PM, COMMUTE HOME
FROM THE NEW GROSSERMAN U/CITY BART STA. IS
ONLY HEctic 4pm - 7pm, BUT THE WINTER MONTHS,
& ONLY HEctic 4pm - 7pm, BUT THE SUMMER MO, FOR
VARIOUS REASONS, I DO FEEL NOW AT THE U/CITY
BART STA, THINGS ARE MOSTLY AT A VERY TIGHT
PACKING DOWN AT THESE PM, 4pm, - 7pm M/F,
& IT IS LOWERING THE QUALITY & LIFE FOR HOME
BOUND COMMUTERS P.S. THEY HAVE TO HAVE A CAR/
OR YOU TAKE THEM SOMEWHERE TO P/H A
P.M. (EVENING MEAL) AS THE CLOSEST P/H MEAL SPOTS
ARE IN THE TWO NEARBY SHOPPING CTAS, PLS,
ADDRESS ALL YOUR ISSUES CONCERN & SUB,

V.P. To
Frank
Cunning

Pink Sheet

6/11/2016

DEAR MTC PUBLIC INFO, & SUBCOMMITTEE,
MY ADDITIONAL COMMENTS ON
THE FOUND & OUTSIDE BAY AREA REG,
TRANS PLAN & SUSTAINABLE COMMUNITIES
STRATEGY & E, G, K,

Item 1) F, E, C AND PS, BAY AREA TRANS,
SINCE NOW AFTER SOME FOUR YEARS SINCE
THE "CLIPPER CARD" IS & HAS BEEN UNDO,
TO THE BAY AREA THE CITY & CITY
STILL DOES NOT PARTICIPATE WITH
ITS UNION CITY TRANSIT, - SERVING
UNION CITY CA, & UNION CITY BAY
INTERMODAL STA, ON THE WEST SIDE OF
HASEL. NOTE OF R, RIDER & RAY
HAS A CLIPPER CARD (REG. CARD MEXICO)
ON YOUTH & WAITING FOR THE NEXT BUS
1) IS ON OUTBOUND ON ALVARADO - NILES RD,
UNION CITY, CA, SHE OR HE HAS TO WAIT FOR
A A/C TRANSIT BUS, THAT RUNS EVERY 15/20
MIN AS PER THE SCHEDULE, (UNION CITY
BE OVER CROWDED DUE TO KRAK DOWNS,
DRIVER NO SHOW'S & SCHOOL KIDS & OTHER
REASONS - FORCING "MOMS" TO DRIVE POU TO
UNION CITY MART STA, (DUE TO LOGISTICAL
ISSUE REASONS) - THIS THE LOWEST
POSSIBLE QUALITY & LIFE & THE
LACK OF SUSTAINABILITY & COMMUNITIES
UNION CITY AREA & CITY & HAYWARD &
FULTON & ALL OTHER TRANSIT OF DECEIVED
POV A U, N, A, & MEXICAN

② F&S AS NOW A/C TRANSIT NEEDS
 140/145 NEW DRIVERS TO HANDLE ITS
 NEW WK LD. NOW AS G & EFF. 6/26/2016
 UNTIL JUNE 2017, ALL THESE NEW
 DRIVERS ARE GOING TO BE "GREEN" &
 WILL HAVE A LG. TURNOVER RATE OF MOSTLY
 A MINORITY & WOMEN, THE DROP OUT
 FAILURE RATE (TO GET FIRED) HAVE A
 BAD ACCIDENTS ON THEIR RECORD, THAT
 THEY ARE JUST DOOMED TO FAIL AND
 GO TO THE BAY AREA LACK OF SUSTAINABILITY
 COMMUNITIES (LOSE THE HOMELESS FAMILY &
 PRISON FAMILIES BROKEN UP)

③ F&S - TO THINK OUTSIDE THE BOX
 FOR ALL ALAMEDA COUNTY PRISONERS THAT
 ARE SCHED TO GET REL, GET SOME INST,
 ON HOW TO USE THE BUS, TAXES, SERVICE
 AREA, VOS CB, SOCIAL AGENCIES (THURSDAY
 SURETY), THE ALAMEDA TRANS COMM,
 THE HOLY ROMAN CATHOLIC & HO
 OTHER, FAITH BASED AGENCIES CAN
 HELP OUT - JUST ASUG. - PLS. CONTINUE
 ON TO BE A INSTRUCTOR & MENTOR,
 PERSONS:

DUE TO
 A/C
 FIRST

P.S.

P.S. A/C TRANSIT
 DAILY M/F IS ONLY NOW
 190,000 RIDERS A WEEK
 LOOKS HOW LOW FAILURE
 RATE, SB 375 & ALA EY
 TRANS, COMM, - ADDRESS!

Charlie Tamm
 CHARLIE TAMM

Pam Grove

From: Wendy Jung [REDACTED]
Sent: Tuesday, June 14, 2016 4:33 PM
To: EIR Comments
Cc: Marina Carlson; Wendy C. Jung
Subject: Bay Area Plan 2040

Follow Up Flag: Flag for follow up
Flag Status: Flagged

MTC

Adam Noelting, Project Manager, Bay Area Plan 2040

Dear Mr. Noelting,

Thank you for the opportunity to comment on the plan for 2040.

1. **The inner cities build out (Main St. Scenario) is not in conflict with the build out along the corridors (Big Cities Scenario) of Oakland.** In fact the corridors offer both less expensive land and lower building costs, a robust combination.
 2. **The other option (connected neighborhoods scenario) using a transportation hub as a draw, has been available for years.** Unfortunately, this tested model has failed to generate high density housing at these sites despite generous redevelopment funding.
 3. **Why not consider an all of the above approach and add a chapter to futuristic planning?**
- Innovation and technology should drive creative solutions. For example,
- this plan should study reducing the need for single occupancy vehicles by driverless ride sharing. Many individuals would welcome the freedom car payments, insurance, car repairs, gasoline, and the many other expenses associated with car ownership. In addition to these economic issues, consider the public safety impact as an aging population can maintain freedom of movement without having to drive or rely on others. Or the convenience factor of busy younger folks having a car “on demand” for any number of needs. Operating fewer cars at maximum efficiency would save on energy (gasoline or

electric), parking spaces, transport people in greater safety, and make mobility something anyone could schedule and afford.

We already KNOW, thanks to UBER and LYFTM that this on-demand transportation model is viable, and dramatically expandable.

Driverless cars could be enlisted to get workers to and from the workplace. Transportation dollars could focus on critical road repairs. The three-car garage would become a thing of the past freeing up space for gardens, recreation, and additional housing.

The use of drones for small package delivery should also be promoted to reduce truck traffic as part of this automated transportation system.

If we could phase in even a relatively modest implementation of 5-10% percent over a few years, the savings would be significant, not to mention the positive impacts for our environment.

Finally I think you need to study the Urban Limit Line wherever it can be drawn. It is crucial for every County not only to save our transportation dollars and have them go further, but also to preserve the beauty of California by conserving natural resources and lightening our footprint.

Sincerely,

Marina Carlson

Wendy Jung

Wendy Jung
Jung Design

[Redacted]

[Redacted]

W jungdesign.net

Pam Grove

From: Brian & Jill Borders [REDACTED]
Sent: Wednesday, June 15, 2016 3:17 PM
To: EIR Comments
Cc: Jill Borders
Subject: PUBLIC COMMENTS for Draft EIR for Plan Bay Area - RTP/SCS 6/15/2016

Follow Up Flag: Flag for follow up
Flag Status: Flagged

June 15th, 2016

PUBLIC COMMENTS

To: Metropolitan Transportation Commission

Re: Draft Environmental Impact Report for Plan Bay Area 2040 - the Regional Transportation Plan (RTP) Sustainable Communities Strategy (SCS)

From : Jill Borders - Resident of San Jose - [REDACTED]

Please accept my public comments into the record as I am sending this within the Comment Period.

Dear MTC and ABAG,

First and foremost let me begin by telling you that I am heartbroken. Daily, I communicate with the “almost homeless” population that are living through the stress and anxiety of impending evictions due to being a victim of Plan Bay Area’s Priority Development Area’s and the Plan’s intention that PDA’s become the place where growth is accelerated. Plan Bay Area has worked just as planned: Have cities hold community meetings to make people feel like they are involved, change land use designations to match up with requirements in Plan Bay Area to qualify for grant money, let lobbyists and developers know that older buildings along transit corridors are up for grabs....and poof! Just like magic, you have perfected the “consisted with the general plan” requirement to get the Mayor and full council to unanimously pass projects that will end up demolishing rent-controlled buildings that target lower-income people there and effectively banishing them from the city upon being evicted. I know these people. I talk with them. I have heard their stories.

I am sick each night trying to rack my brain about what I am going to do to help them to make sure they have shelter. I do not exaggerate - some will become homeless. These are long term residents that DO NOT qualify for the rents that are now being charged everywhere in San Jose and the region. I am talking about a nursing school student that will have to stop her program and leave San Jose for good. I am talking about an elderly man that is disabled and uses the transit right outside his apartment door. I am talking about women that are pregnant and both are set to deliver only two months before the final day they will need to be out. I am talking about people that I have met that have already looked for an apartment and cannot make 3x’s the rent ANYWHERE in San Jose. And by the way, this run up in rent costs is not just market forces. Our Mayor has made it no secret that his desire is to reduce housing and increase jobs. Our entire general plan was based on this premise for the last four years! (1.3 jobs for every 1 employed resident) Limiting our supply may be a goal that sounds good on paper, but when implemented it means that when a mass displacement of 672 people out of a rent controlled property occurs, and there is no supply, these people have NO WHERE to go. But the MTC and ABAG awarded San Jose with a One Bay Area Grant and they awarded San Jose a MTC planning grant for the Winchester PDA Urban Village! Will those long term residents of this to-be demolished apartment complex see one

dime of that money? No, they won't. I've already asked. FEDERAL MONEY IS BEING USED TO PLAN THE AREA WHERE THIS MASS EVICTION IS HAPPENING. Plan Bay Area is a large reason why all of this began. Why do we feel no shame that we are awarding cities federal money, but those same cities won't use that money to assist those displaced from the very PDA the money is used to plan! I do not care that the Mayor continues to go around and discuss how we are sick of being a bedroom community. The facts are clear now. In an effort to stop being a bedroom community, we have become a tent-community!

While the MTC and ABAG sit around planning, there are vulnerable people being evicted systematically across the region in part due to Plan Bay Area's PDA framework. This cannot be denied. This is now factual information that we all know. I do not have to quote your own documents. You are well aware of the displacement issue. Instead of coming up with cold hard cash to relocate people to other cities and move them along to a more affordable way of life (really the only compassionate approach at this point), the MTC and ABAG try to talk to death about adding policies and language and other nonsensical solutions to a horrifying problem that is way beyond silly talk like, "Development without Displacement". Huh? Let's get real here. Plan Bay Area is setting up lower-income renters for demise. They are the kicking boys and it is just a fact. It is the truth of all truths about Plan Bay Area. I can no longer use language that sugar coats this fact: If you own a home, you're safe, you're valued. If you don't, you're just a renter. Plain and simple. The renter class is only as protected as the term of their leases and now, that doesn't mean a whole lot either. How many times do I have to hear at a meeting, "we must protect single-family homes" and then look at the map to see that the "growth" will mean the demolishing of two-story apartment complexes whose land-designations have been changed to accommodate seven story apartment buildings because density will save the world while not infringing on the all important property rights. The writing is on the wall for those vulnerable renters that call their apartment, "home". But Renters can just "move" right? Sure...no problem! "Move along renter...while we plan a wonderful new area at your expense! We need density now to save the environment!" Single-family home owners are the least dense form of housing there is, but let's protect them! Nothing new here in poverty land. The rich do get richer and more stable and the poor get poorer and move again.

In 2040, I suggest that somewhere in the region we should dedicate a monument to:

"The Renter" - that moved and moved and moved in order to save the world from greenhouse gases during the implementation of Plan Bay Area 2040!

While the MTC and ABAG continue to forge ahead with PDA's and their grand plans, I am dealing with the actual people that are losing their homes right near the bus stop (which they use), losing their homes where their children go to school, losing their homes where they are able to walk to their jobs at the regional shopping center, losing their homes where they have access to the grocery store across the street, losing their rent-controlled apartment that stabilized their lives in order to make steady progress attending nursing school and other colleges, losing their homes where they have been able to simply LIVE LIFE. All that is going away without a speck of compassion for them. Corporations like Greystar are now the owners of housing. They call the shots and the MTC and ABAG actually need these billion dollar companies to implement Plan Bay Area. We know that cities have no money and that the entire model of our society is crumbling under the weight of the monopolization of land by the wealthy. Cities are at the mercy of corporations to do the work of "investing" into communities. In other words, city's like San Jose need corporations like Greystar to push along an agenda that is really just a form of privatized eminent domain in hopes that all this new development will translate into tax dollars for the general fund.

I intended to comment on which of the scenarios has the best plan and why, but this has become a rather silly exercise as well. I'm quite certain that the MTC and ABAG know exactly what path they will take and it has already been figured out. We are not a part of the plan - we the people - that is. No, we are simply here awaiting the day when we too will be forced out.

Plan Bay Area makes me feel so angry and heartbroken. So much "talk" and so many shiny brochures and fancy box lunches at your displacement meeting, but no one actually saying out loud - "maybe we got this wrong". There are a lot of conspiracy theorists out there. I'm not one of them. I don't think this is some horrible world take over. I do think

however, it is a lot about money. It's always about money at the end of the day. Incentives dangled in front of unprincipled men and women will get you unprincipled results. This is what has happened in San Jose in my opinion.

My own home and existence is threatened here. I am in a PDA. I am one of those 69% of lower-income people that live in a very attractive PDA. I am one of those that moved here specifically because I do not have a car always available. I am one of those that has moved over and over again due to a landlord seeking more money. I am one of those that finally bought a manufactured home to try to gain stability only to find out now our local government put us in a PDA because the land underneath us is perfect for a jobs center and in their opinion is "underutilized". How horrifying. The MTC gives out federal dollars to a city like ours that changed our land use designation from residential to commercial and nominated our parcel to be in a PDA. Nothing like getting rid of the jobs/housing imbalance all in one swoop - out with that low tax producing mobile home community and in with a jobs center! WIN WIN for the city! My understanding is that the purpose of the PDA is to accelerate development. Thanks San Jose. How wonderful to know you really don't give a damn about me and my family. We are the landless and treated as such.

I was going to write a very factual and detailed comment to inform you about this and that, but the truth is I'm just sick of it all now. We all live with the fear of being displaced. An eviction notice now in San Jose is like a homeless sentence. The trauma of knowing that we are just sitting ducks waiting to be taken out by a corporation like Blackstone, Carlyle or Greystar and that our city has made appropriate land use changes ahead of time in the general plan to prepare ahead for the demise, is really more than I can take! My neighbors and I call it "the cloud". It is always over us and it is a constant stress we live with now. Sitting ducks, that's what we are. Speaking of ducks....it's good to know CEQA takes them into consideration during the EIR process for Plan Bay Area - I only wish people were treated with as much humanity as ducks! Perhaps the habitats of people already set up and thriving in a healthy human ecosystem will be evaluated in future EIR's as being worthy of being protected. Protect the humans! At one time that seemed so silly...now, not so much.

No little written policy about displacement is going to cover the enormous mistakes of Plan Bay Area and prevent the intentional growth in areas currently holding our lower-income residents. Instead of a silly line item and numerical point system involving "how many displacement measures does a city have...blah blah blah, THERE SHOULD BE A BOAT LOAD OF CASH SET ASIDE FOR THOSE DISPLACED OUT OF PDA'S so we can afford to officially relocate to a place that wants us! Cities, State and Federal government, should take responsibility for the redevelopment that is taking place in PDA's. People directly displaced in a PDA should receive money just like if a freeway or a bridge that was going in and was going to displace people. Plan Bay Area is a plan to incentive growth that indeed directly displaces citizens. Those citizens should be protected under laws that already exists that pay out to displaced persons when there is a capitol improvement. (Uniform relocation act) Accepting responsibility for the disparate impacts upon our most vulnerable residents, is the first step to acknowledging a problem and creating an actual solution. If we are committed to urbanizing our cities and have crafted all our general plans and regional plans to take this path, then this is a capital improvement. It does require relocation expenses be paid and rehousing people appropriately to occur. Anything less is an obvious evasion of government taking responsibility for its actions. Thomas Paine reminded us that security is the primary reason for government, if so, then why is government now the source of my insecurity?

Thank you for reading,

Jill Borders



Pam Grove

From: Sara Greenwald [REDACTED]
Sent: Wednesday, June 15, 2016 3:44 PM
To: EIR Comments
Subject: Plan Bay Area 2040 Draft EIR
Attachments: PBA 2040 DEIR comment final 2016.06.14.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Thank you for this opportunity to comment on the DEIR for Plan Bay Area (PBA) 2040. Please find my comment attached.

Sara Greenwald
[REDACTED]

Comment re: Plan Bay Area 2040 Draft Environmental Impact Report

PBA 2040 is an exciting opportunity to pull back from the brink of climate crisis. Scientists agree that greenhouse gases emitted by gas/diesel-powered engines wreak a significant portion of the catastrophic effect these gases have on our climate. They further agree that the catastrophe has begun, and that it may soon become irreversible.

As the author of a recent peer-reviewed study phrased it:

Targeting on-road transportation is a win-win-win. It's good for the climate in the short term and long term, and it's good for our health.

- Unger, N., T.C. Bond, J.S. Wang, D.M. Koch, S. Menon, D.T. Shindell, and S. Bauer (2010) Attribution of climate forcing to economic sectors. Proc. Natl. Acad. Sci., in press, doi: 10.1073/pnas.0906548107

In the Bay Area, about a third of greenhouse gas emissions come from the transportation sector. Public transportation to replace private gasoline-powered cars must be a top priority. The plan must specify how we will eliminate fossil fuel vehicles from the Bay Area by supporting transit, bikes, pedestrians, transit-oriented development, and zero emission vehicles including buses and trucks.

Plan Bay Area must:

- Set ambitious goals for reduction in automobile travel in the Bay Area
- Provide stronger incentives for carpooling
- Require employers to commit to reducing gas-powered trips per employee (for example, through transit commuter incentives and fees for employee parking)
- Chart a specific plan for providing convenient, inexpensive public-transit alternatives
- Name strict regulatory requirements for developers to provide for transit expansion to new housing
- Lay out specific goals and plans for increasing pedestrian, bicycle, and other human-powered transport on roadways

These needs are globally recognized. Several years ago, the Institute for Transportation and Development Policy published a policy guide that lays out a transit-oriented development Standard based on eight elements: walkability; bicycle-friendliness; a connected network of streets and paths; a robust transit system; a balanced mix of activities; dense, vertical building; compact development; and a shift away from personal motorized transport (J. Pyper Scientific American April 10, 2014). Plan Bay Area must live up to this standard.

Sara Greenwald



Alta Cunningham

From: Fran Ruger
Sent: Thursday, June 16, 2016 10:55 AM
To: Alta Cunningham
Subject: Fwd: MTC RTP scoping EIR Comments

Sent from my iPhone

Begin forwarded message:

From: Adam Noelting <ANoelting@mtc.ca.gov>
Date: June 15, 2016 at 10:09:05 PM PDT
To: [REDACTED],
<fran.ruger@ascentenvironmental.com> <fran.ruger@ascentenvironmental.com>
Subject: Fw: MTC RTP scoping EIR Comments

Please find the enclosed comments.
Adam

From: Gladwyn D'Souza [REDACTED]
Sent: Wednesday, June 15, 2016 8:39 PM
To: EIR Comments
Subject: MTC RTP scoping EIR Comments

Please study the TRANSDEF alternatives.

Please provide data on the success or failure of the current OBAP against the expressed VMT goals as required by SB375.

Regards,
Gladwyn D'Souza
[REDACTED]

HOWARD STRASSNER



June 17, 2016

Steve Heminger, via email
Metropolitan Transportation Commission
376 Beale Suite 800
San Francisco CA 94105

Re: 2017 RTP/SCS Scoping Comments

Dear Mr. Heminger,

An EIR should study all reasonable project alternatives so the decision making bodies and the public have sufficient information to make the best choice for the Region and the environment. For over twenty years the MTC has studied various capital spending plan combination of some transit and too much highway. Perhaps it is time to seriously study policy changes to start to reduce driving, as we must, for the region to comply with SB375 and AB32. In the past the MTC studies have stayed away from parking policy because the necessary policy changes are subject only to local control. This time the MTC should consider the ways in which regional funding can impose changes on local policy. I suggest that if the MTC studies the impacts of parking policy changes funding ways will be found to influence local policy. We should be mindful that even good transit cannot compete with an ample supply of cheap parking. I am pleased to make the following scoping comments for this important study:

1) First study the impacts of eliminating commercial project minimum parking requirements for new and existing projects, without regard to political feasibility. Project owners will appreciate the possibility of using their land more intensively for housing or additional commercial. The local community will appreciate increased real estate taxes on improved property and possible additional sales taxes. I suggest that the MTC can make this policy change feasible by holding back some transportation funding from counties who have communities which do not eliminate minimum parking requirements. This will be similar to the historical Federal reductions in highway funding based on speed limits and billboards. Since this policy change impacts projects desired by counties they will find ways to influence their communities. This policy change will require no regional funding to implement and will actually reduce the need for spending on new highways. The policy change is feasible because it covers a complete region and employees or shoppers cannot drive somewhere else to find easier parking. This policy change is also possible because we now have residential preferential parking permits to preserve curbside parking for residents. This study item will consider reduced parking apply.

2) With an entire region with no required parking minimums this study should consider the impacts of various levels of parking fees on every parking space in every garage or parking lot provided to serve employees or customers. I suggest that a low level fee will be \$3.00 a day per space and a high level fee might range to \$12.00 a day. These fees will probably have to be imposed gradually over a few years to give: garage owners; lot owners; drivers and communities time to respond and for funding to become available for alternative transit. These fees will be some mixture of fees and taxes but almost every space will be at the market rate. Some local

communities will prefer not to impose taxes but the MTC can help them to decide by offering a partial match of the actual taxes collected if the tax revenues and matching funds are used for local transit capital projects and transit operations or local contributions to regional transit. Because many lot and lot owners will start to charge for parking, drivers will respond first by car pooling and then demanding better transit. Some communities may choose to continue subsidizing parking to maintain cheap fees for shoppers but then they will collect less matching funds. Local legislatures and administrators will develop methods to gather parking fees and taxes to construct and operate the transit they desire using the matching funds they desire as some of their residents or employers demand better first and last mile transit. This item deals with making parking less cheap.

3) With a Region with less parking and fewer free parking spaces the MTC can study funding for the transit required over time. The funds available will be the regular flow of funds plus the additional funds generated by 2) above. Most importantly there will be less demand for additional highways.

The above, written as scoping comments, by a “Shoupista” acolyte is a prompt to the Region to consider correction of the Region’s parking imbalance as a partial solution to long term funding needs for highways and as a new revenue source for transit. These comments should be considered for study because the good Professor’s market rate parking and cash instead of free parking worked to reduce congestion.

Thank you for your consideration,

Howard Strassner,

PS: Your reduced BART fares for seniors comment at the Commonwealth Club this morning may apply to me but it would be fair. [14_Half_Fare_TriennialGuidance_FY2011.pdf](#)

For fixed route service supported with Sect on 5307 assistance, fares charged elderly persons, persons with disabilities or an individual presenting a Medicare card during off peak hours will not be more than half the peak hour fare.

Unsorted



Plan Bay Area 2040

Your Guide to this EIR Scoping Meeting



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Notes:

Sounds like a better-than-good plan!