FINAL ENVIRONMENTAL IMPACT REPORT

Plan BayArea 2040

SCH# 2016052041

Metropolitan Transportation Commission

Association of Bay Area Governments

JULY 2017

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METROPOLITAN TRANSPORTATION COMMISSION

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NOTICE OF AVAILABILITY and NOTICE OF PUBLIC MEETINGS
Metropolitan Transportation Commission Plan Bay Area 2040
Regional Transportation Plan/Sustainable Communities Strategy
Final Environmental Impact Report

Date: July 10, 2017
To: Interested Agencies, Organizations and Individuals
From: Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG)

The Final Environmental Impact Report (Final EIR) (SCH# 2016052041) for Plan Bay Area (PBA) 2040, the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (proposed Plan) for the San Francisco Bay Area is available for review as of July 10, 2017. Additional information and notice of public meetings is provided below.

The proposed Plan is a regional strategy for accommodating household and employment growth projected to occur in the Bay Area region through 2040, and a transportation strategy for the region based on expected revenues. The primary objective of the proposed Plan is to achieve mandated reductions of greenhouse (GHG) emissions and to provide adequate housing for the projected 2040 regional population level pursuant to The Sustainable Communities and Climate Protection Act of 2008 (Senate Bill (SB) 375, Statutes of 2008). The proposed Plan sets forth a transportation and land use blueprint for how the Bay Area can address transportation mobility and accessibility needs, regional housing responsibilities, economic conditions and forecasts, environmental concerns, and GHG emissions reduction requirements through the year 2040.

The region includes nine counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) totaling approximately 4.4 million acres (7,000 square miles). In 2015, the region had 4.01 million jobs, 2.76 million households, and 7.57 million people. The proposed Plan would accommodate projected growth for an additional 688,000 jobs, 666,000 households, and 2.06 million people by 2040 with a transportation investment strategy of $303 billion. MTC is required under State and Federal law to update the RTP/SCS every four years.

The Final EIR includes the Draft EIR, a copy of each comment on the Draft EIR received by MTC/ABAG during the public comment period, responses to comments on environmental issues raised in those comments, and corrections and clarifications to the Draft EIR.

The Final EIR is now available for public review online at the web link listed below or a free electronic copy may be obtained by contacting MTC at the contact information provided below.

http://2040.planbayarea.org/reports

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105
415.778.6757 office
415.536.9800 fax
eircomments@mtc.ca.gov

The document will also be available for public review in at least one library in each of the nine member counties. A list of library locations is available at the website listed below:

http://www.planbayarea.org/2040-plan/access-plan

MTC/ABAG will be conducting two public meetings to consider certification of the Final EIR and adoption of the proposed Plan. All interested agencies, organizations, and individuals are welcome to participate in these public meetings for the Final EIR. Oral comments will be accepted during these meetings.

July 14, 2017 **Joint MTC Planning Committee with the ABAG Administrative Committee (9:30 a.m.) at the Bay Area Metro Center - Board Room, First Floor, 375 Beale Street, San Francisco, CA 94105.** At this meeting, the decision-makers will make a recommendation to the MTC Commission/ABAG Executive Board regarding certification of the Final EIR and adoption of the proposed Plan.

July 26, 2017 **MTC Commission/ABAG Executive Board (7:00 p.m.) at the Bay Area Metro Center - Board Room, First Floor, 375 Beale Street, San Francisco, CA 94105.** At this meeting, a final action will be taken regarding certification of the Final EIR and adoption of the proposed Plan.

The following statement is required to be included in this notice: Pursuant to CEQA Guidelines Section 15087(c)(6), the nine county Bay Area region contains hazardous waste sites as enumerated under California Government Code Section 65962.5.

Do you need an interpreter or any other assistance in order to participate? Please call us at 415.778.6757. We require three days' notice in order to provide reasonable accommodation.

為了便於參加，您需要口譯員或其他任何協助嗎？請致電415.778.6757聯絡我們。我們需要提前3天通知才能提供合理的輔助服務。

¿Necesitas un intérprete o cualquier otra asistencia para participar? Comunícate al 415.778.6757. Necesitamos aviso con tres días de anticipación para proporcionar asistencia razonable.

Final Environmental Impact Report

For the

Plan Bay Area 2040

Regional Transportation Plan (RTP)/

Sustainable Communities Strategy (SCS)

State Clearinghouse Number SCH# 2016052041

PREPARED FOR:

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

AND

Association of Bay Area Governments
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San Francisco, CA 94105

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July 2017

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1 INTRODUCTION

This Final Environmental Impact Report (EIR) has been prepared on behalf of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in accordance with the California Environmental Quality Act (CEQA). This EIR analyzes the environmental impacts of the adoption and implementation of the proposed Plan Bay Area 2040 (proposed Plan), which is the update to Plan Bay Area, the 2013 Regional Transportation Plan (RTP) and the Sustainable Communities Strategy (SCS) for the San Francisco Bay Area.

1.1 PURPOSE

This Final EIR has been prepared in compliance with the CEQA Statutes and Guidelines. It responds to comments on, and provides revisions to, the Draft EIR published April 17, 2017.

This document, combined with the Draft EIR, constitute the Final EIR on Plan Bay Area. This Final EIR revises and incorporates by reference the Draft EIR, which is available as a separately bound document from MTC.

The primary purposes of this Final EIR are to respond to written and oral comments on the environmental analysis in the Draft EIR received during the public review period, and to revise the Draft EIR as needed. The public review period for the Draft EIR (State Clearinghouse No. 2016052041) was from April 17, 2017 through June 1, 2017. A list of the individuals, agencies, and organizations that commented on the Draft EIR and copies of the written and oral comments are included in Section 2 of this document. Responses to comments are also provided in Section 2. Some comment letters raised points relating to both Plan Bay Area 2040 and the Draft EIR; in accordance with CEQA, this Final EIR responds to comments on environmental issues in the Draft EIR and not on the proposed Plan. MTC and ABAG are separately considering all comments received on the proposed Plan and will provide a summary of these comments and any proposed Plan modifications as a part of staff reports to MTC and ABAG committees in July. Comments on the Plan that do not raise environmental issues are addressed separately by MTC and ABAG, as stated in the individual responses. To respond to some comments, revisions and refinements have been made to the Draft EIR environmental analysis and mitigation measures; these revisions are included in Section 3 of this Final EIR.

The Draft EIR discloses significant environmental effects of implementing the proposed Plan, identifies feasible measures to minimize the significant effects, and provides a comparative analysis of reasonable alternatives to the proposed Plan. "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters…" Rather, a Lead Agency, "need only respond to significant environmental issues and do[es] not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR" (CEQA Guidelines Sections 15204(a)).

Information provided in the responses to comments and in the revisions to the Draft EIR clarifies and amplifies the analysis presented in the Draft EIR. No significant new information, as defined by CEQA (CEQA Guidelines Section 15088.5), was added that would trigger recirculation of the Draft EIR. Specifically, there are no new significant environmental impacts, or a substantial increase in the severity of any significant impact, identified in the comments or responses that were not already identified in the Draft EIR. The Final EIR is available online at http://www.planbayarea.org and at The Hub @ 375 Beale and MTC/ABAG Library located at 375 Beale Street, San Francisco, CA 94105, as well as on USB flash drives at the libraries listed in Section 1.2 below.

1.2 DRAFT EIR PUBLIC REVIEW PROCESS

The Draft EIR was released for public review on April 17, 2017. The review process provided the public with opportunity to review the document and make comments. MTC/ABAG's Notice of Availability of the Draft EIR and public outreach efforts are described below:

- On April 3, 2017, MTC/ABAG issued a news release about the availability of the Draft Plan Bay Area 2040, the upcoming release of the Draft EIR, upcoming public meetings and upcoming public hearings on the Draft Plan Bay Area 2040 and Draft EIR. The news release also was published on the MTC (mtc.ca.gov) and Plan Bay Area (planbayarea.org) websites.
- On April 12, 2017, MTC/ABAG mailed the Notice of Availability to 60 public agencies.
- A four-panel brochure with a schedule of Draft Plan Bay Area 2040 and Draft EIR hearings and other information was mailed to 439 addresses. The brochure was also available at MTC in the library, lobby, and at all public meetings.
- On April 14, 2017, MTC/ABAG sent the Notice of Completion to the Governor's Office of Planning and Research State Clearinghouse.
- MTC/ABAG filed a Notice of Availability with the nine County Clerks in the Bay Area on April 13 and April 14, 2017, for posting for a period of at least 30 days.
- MTC and ABAG posted the Draft EIR on the Plan Bay Area website: http://planbayarea.org on April 14, 2017. The Draft EIR was available for viewing online or downloading.
- On April 14, 2017, MTC/ABAG issued an email communication announcing the Notice of Availability of the Draft EIR for public review to 3,046 Federal, State, regional, and local agencies, Tribal governments, and interested organizations and individuals with email addresses, as identified in MTC's contact database.
- On April 17, 2017, MTC/ABAG issued a news release about the availability of the Draft EIR and upcoming public hearings on the Draft Plan Bay Area 2040 and Draft EIR. The news release also was published on the MTC (mtc.ca.gov) and Plan Bay Area (planbayarea.org) websites and was translated in Chinese and Spanish. The news release was issued via an email communication to 3,764 accounts.
- On April 27, 2017, MTC/ABAG issued a news release about the upcoming open houses and public hearings on the Draft Plan Bay Area 2040 and Draft EIR. The news release was also published on the MTC (mtc.ca.gov) and Plan Bay Area (planbayarea.org) websites.
- On May 8, 2017, MTC/ABAG issued a news release about the upcoming public hearing on the Draft Plan Bay Area 2040 and Draft EIR. The news release was also published on the MTC (mtc.ca.gov) and Plan Bay Area (planbayarea.org) websites.
- On May 11, 2017, MTC/ABAG issued a follow-up news release regarding the upcoming public hearings on the Draft Plan Bay Area 2040 and Draft EIR in San José and Vallejo. The news release was also published on the MTC (mtc.ca.gov) and Plan Bay Area (planbayarea.org) websites.
- Legal notices about the availability of the Draft EIR and upcoming public hearings on the Draft Plan Bay Area 2040 and Draft EIR were translated into Spanish and Chinese and posted on the Plan Bay Area website (planbayarea.org).

- MTC/ABAG posted legal notices about the availability of the Draft EIR and upcoming public hearings on the Draft Plan Bay Area 2040 and Draft EIR in the newspapers and publications listed below:

  Contra Costa Times | April 14, 2017
  Daily Republic | April 14, 2017
  La Opinion de la Bahia (in Spanish) | April 16, 2017
  Marin Independent Journal | April 14, 2017
  Napa Valley Register | April 14, 2017
  Oakland Tribune | April 14, 2017
  Press Democrat | April 7, 2017
  San Francisco Examiner | April 14, 2017
  San Jose Mercury News | April 14, 2017
  San Mateo County Times | April 14, 2017
  Sing Tao (in Chinese) | April 14, 2017

- MTC/ABAG purchased display ads regarding the Draft EIR public hearings in the following publications:

  San Francisco Chronicle | April 28, 2017
  San Francisco Chronicle | May 5, 2017
  San Francisco Chronicle | May 14, 2017
  East Bay Times | May 2, 2017
  San José Mercury News | May 15, 2017
  San Mateo Daily Journal | May 2, 2017
  Marin Independent Journal | May 17, 2017
  Fairfield Daily Republic | May 10, 2017
  Santa Rosa Press Democrat | May 12, 2017
  El Observador (Spanish) | May 12 – 18, 2017
  Visión Hispana (Spanish) | April 21 – May 4, 2017
  La Voz (English/Spanish) | May 1 – 31, 2017
  Sing Tao Daily (Chinese) | May 2, 2017
  Sing Tao Daily (Chinese) | May 15, 2017
  San Francisco Bay View | May 1 – 31, 2017

- MTC/ABAG delivered the Notice of Availability and the complete Draft EIR document on April 17, 2017 to The Hub @ 375 Beale (Beale Street, San Francisco).

- MTC/ABAG mailed or delivered the Notice of Availability and the complete Draft EIR document on April 17, 2017, to the following Bay Area public libraries:

  MTC/ABAG Library (Beale Street, San Francisco)
  Alameda County Library | Newark Library (Civic Terrace Avenue, Newark)
  Calistoga Public Library (Myrtle Street, Calistoga)
  Cloverdale Regional Library (N Cloverdale Boulevard, Cloverdale)
  Daly City Public Library | Serramonte Main Library (Wembley Drive, Daly City)
  Dr. Martin Luther King, Jr. Library (E San Fernando Street, San José)
  Marin County Free Library | Civic Center (Civic Center Drive, San Rafael)
  Mill Valley Public Library (Throckmorton Avenue, Mill Valley)
  Petaluma Regional Library (Fairgrounds Drive, Petaluma)
  Redwood City Public Library | Downtown Library (Middlefield Road, Redwood City)
  Richmond Public Library (Civic Center Plaza, Richmond)
  San Francisco Public Library | Main Branch (Larking Street, San Francisco)
  Solano County Library | Fairfield Civic Center Library (Kentucky Street, Fairfield)
  Sonoma County Library | Central Branch (E Street, Santa Rosa)

- MTC/ABAG mailed the Notice of Availability and a USB flash drive with the complete Draft EIR document on April 17, 2017, to the following Bay Area public libraries:

  Alameda County Business Library (Stevenson Boulevard, Fremont)
  Berkeley Public Library | Main Branch (Kittredge Street, Berkeley)
  Belvedere Tiburon Library (Tiburon Boulevard, Tiburon)
  City of Palo Alto Library | Main Branch (Newell Road, Palo Alto)
  Contra Costa Public Library | Antioch Branch (W 18th Street, Antioch)
  Contra Costa Public Library | Pleasant Hill Branch (Oak Park Boulevard, Pleasant Hill)
  Dixon Public Library (N First Street, Dixon)
  Hayward Public Library (C Street, Hayward)
  Livermore Public Library (S Livermore Avenue, Livermore)
  Los Gatos Public Library (Villa Avenue, Los Gatos)
  Napa County Library | Main Branch (580 Coombs Street, Napa)
  Novato Library (Novato Boulevard, Novato)
  Oakland Public Library | Main Branch (14th Street, Oakland)
  San Leandro Public Library | Main Branch (Estudillo Avenue, San Leandro)
  San Mateo County Library | Half Moon Bay Branch (S Cabrillo Highway, Half Moon Bay)
  San Mateo Public Library | Main Branch (W Third Avenue, San Mateo)
  Santa Clara City Library | Main Branch (Homestead Road, Santa Clara)
  Santa Clara County Library | Gilroy Branch (W 6th Street, Gilroy)
  Solano County Library (Santa Clara Street, Vallejo)

- The MTC/ABAG Library sent out copies of the Draft EIR upon request.

The public review period lasted 45 calendar days, and closed on June 1, 2017. MTC/ABAG accepted written comments via mail, fax, and e-mail. MTC/ABAG also held three public hearings to receive oral comments, on May 12 in San Francisco, May 16 in San Jose, and on May 18 in Vallejo. Verbal comments made at these meetings were transcribed by a court reporter and accepted by MTC/ABAG as official Draft EIR comments.

1.3 DECISION-MAKING PROCESS

Before taking action on the proposed Plan, MTC/ABAG must certify the EIR and make the following findings of fact:

- the Final EIR has been completed in compliance with CEQA,

- the MTC Commission/ABAG Executive Board reviewed and considered the information contained in the Final EIR prior to considering the proposed Plan, and

- the Final EIR reflects the independent judgment and analysis of the Commission and Board (CEQA Guidelines Section 15090).

Prior to approving the proposed Plan, MTC/ABAG must also prepare one or more findings of fact for each significant environmental impact identified in the document (CEQA Guidelines Section 15091 and 15092). These findings must state that either:

- the proposed Plan has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact,

- changes to the proposed Plan are within another agency's jurisdiction and have been or should be adopted, or

- specific considerations make mitigation measures or alternatives infeasible.

For impacts identified in the EIR that cannot be reduced to a level that is less than significant, MTC/ABAG may issue a Statement of Overriding Considerations (CEQA Guidelines 15093) if specific legal, social, economic, or other factors justify approval of the proposed Plan, despite potential resulting unavoidable adverse environmental effects.

Following certification of the Final EIR and final action on the proposed Plan, MTC/ABAG will issue a CEQA Notice of Determination.

1.4 FINAL EIR ORGANIZATION

The Final EIR is organized as described below.

Section 1: Introduction

Section 1 describes the primary purposes of this Final EIR, as well as the Draft EIR public review process that took place and the decision-making process that will take place before MTC/ABAG take action on the proposed Plan.

Section 2: Comments and Responses on the Draft EIR

Section 2 lists all agencies, organizations, and persons who submitted either written or oral comments on the Draft EIR; reproduces and numbers all comment letters, comment cards, and transcripts; and provides a unique number for each comment in the right-hand margin. Section 2 also provides responses to comments, including master responses to similar comments raised by several different agencies, organizations, and individuals.

Section 3: Revisions to the Draft EIR

Section 3 lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR.

Section 4: References and Persons Consulted

Section 4 includes additional references used or persons consulted in the preparation of this document.

Section 5: Report Preparers

Section 5 lists those persons involved in the preparation of the Final EIR.

Appendices

Appendix A is the Mitigation Monitoring and Reporting Program. Appendix B is the revised Summary of Impacts and Mitigation Measures table. Appendix C contains attachments included with comment letter submissions.

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2 COMMENTS AND RESPONSES ON THE DRAFT EIR

This section contains copies of the written and oral comments received on the Plan Bay Area 2040 Draft EIR ("Draft EIR"), outlined in the table below, as well as responses to these comments. MTC/ABAG received over 60 comment letters and transcripts including oral comments at public hearings during the 45-day comment period, from April 17, 2017 through June 1, 2017. As required by the California Environmental Quality Act (CEQA), MTC/ABAG evaluated all comments on environmental issues (CEQA Guidelines Section 15088(a)). This Final EIR fulfills MTC's/ABAG's obligation to provide written responses to all comments raising environmental issues received during the public comment period (CEQA Guidelines Section 15088(b)). While MTC/ABAG are under no obligation to respond to comments received after the close of the comment period (Pub. Resources Code Section 21091(d)(2)(A); CEQA Guidelines Section 15088(a)), this Final EIR also includes responses to comments received through June 5, 2017.

2.1 ORGANIZATION OF COMMENTS AND RESPONSES

Table 2-1 provides a list of all agencies, organizations, and persons who submitted comments on the Draft EIR during the public review period. Each letter and each comment within a letter have been given an identification number, based on the order in which they were received. Responses are numbered so that they correspond to the associated comment. Where appropriate, responses are cross-referenced between letters or to a Master Response. Master Responses are provided for topics that are raised by multiple commenters.

Some of the comments received on the Draft EIR do not address environmental issues or the adequacy of the Draft EIR and instead offer suggestions or preference for the proposed Plan. This Final EIR does not provide detailed responses to comments that address comments on the Plan or that do not relate to the adequacy of the environmental analysis; rather, comments on the proposed Plan are noted and included in this Final EIR, which will be reviewed by the decision makers.

Table 2-1 List of Commenters

Letter/Comment Number	Date Listed	Commenter	Affiliation	Type of Comment
1	April 17, 2017	Vivian Warkentin	Individual	Email
2	April 21, 2017	Bill Mayben	Individual	Email
3	May 5, 2017	Sabrina Brennan	Individual	Email
4	May 12, 2017	Multiple EIR Public Hearing #1 at SF May 12		Oral
5	May 15, 2017	David Schonbrunn, President	Transportation Solutions Defense and Education Fund	Letter (via email)
6	May 15, 2017	Gerald Cauthen, Chair	Bay Area Transportation Working Group	Letter (via email)
7	May 16, 2017	Katja Irvin	Individual	Comment card
8	May 16, 2017	Louise Auerhahn	Individual	Comment card
9	May 16, 2017	Multiple EIR Public Hearing #2 in San Jose		Oral (transcript)
10	May 18, 2017	Katy Meissner	Individual	Comment card
11	May 18, 2017	Dolores Cordell	Individual	Comment card
12	May 18,2017	Walter Danz	Individual	Comment card
13	May 18, 2017	Robert McConnell	Individual	Comment card

Table 2-1 List of Commenters

Letter/Comment Number	Date Listed	Commenter	Affiliation	Type of Comment
14	May 18, 2017	Richard OL. Burnett	MTC PAC, Solano County	Comment card
15	May 18, 2017	Clyde Huff Jr.	Individual	Comment card
16	May 18, 2017	David Belef	Individual	Comment card
17	May 18, 2017	Andrea Ouse	Individual	Comment card
18	May 18, 2017	Multiple EIR Public Hearing #3 in Vallejo		Oral (transcript)
19	May 23, 2017	Mona Palacios, Executive Officer Lou Ann Texeira, Executive Officer Keene Simonds, Executive Officer Martha Poyatos, Executive Officer	Alameda LAFCO Contra Costa LAFCO Marin LAFCO San Mateo LAFCO	Letter (vial email)
20	May 23, 2017	Kenneth Gibson	Individual	Email
21	May 23, 2017	David Haubert, Mayor	City of Dublin	Letter (via email)
22	May 24, 2017	Leslie Citroen	Individual	Email
23	May 24, 2017	Brian Holt, Principal Planner	East Bay Regional Park District	Letter (via email)
24	May 29, 2017	Multiple	Individual	Email
25	May 30, 2017	Peter Hensel	Individual	Email
26	May 29, 2017	Barbara Solomon	Individual	Email
27	May 30, 2017	Paul Jensen	City of San Rafael	Letter (via email)
28	May 30, 2017	Greg Schmid	Individual	Email
29	May 31, 2017	Danny Castro, Community Development Director	City of Sausalito	Letter (via email)
30	May 31, 2017	Rosalynn Hughey, Assistant Director	City of San Jose	Letter (via email)
31	May 31, 2017	Melissa Jones, Executive Director	Bay Area Regional Health Inequities Initiative	Letter (vial email)
32	May 31, 2017	Nancy Arbuckle	Individual	Email
33	May 31, 2017	Elizabeth S.R. Cullinan, Director, Building and Planning	Town of Hillsborough	Letter (via email)
34	May 31, 2017	Bijan Sartipi, District Director	Caltrans, District 4	Letter (via email)
35	May 31, 2017	Linda Pfeifer	Individual	Email
36	May 31, 2017	Adam Garcia, Planning & Research Manager	Greenbelt Alliance	Letter (via email)
37	May 31, 2017	Erik VInk, Executive Director	Delta Protection Commission	Letter (via email)
38	June 1, 2017	None listed	Ditching Dirty Diesel Collaborative	Letter (via email)
39	June 1, 2017	John Rahaim, Director Harlan L. Kelley, Jr., General Manager	San Francisco Planning Department San Francisco Public Utilities Commission	Letter (via email)
40	June 1, 2017	Tina Peak	Individual	Email
41	June 1, 2017	David Schonbrunn, President	Transportation Solutions Defense and Education Fund (TRANSDEF)	Letter (via email)

Table 2-1 List of Commenters

Letter/Comment Number	Date Listed	Commenter	Affiliation	Type of Comment
42	June 1, 2017	Peter Drekmeier, Policy Director	Tuolumne River Trust	Letter (via email)
43	June 1, 2017	John Magdole	Individual	Email
44	June 1, 2017	Nicole Sandkulla, CEO/General Manager	Bay Area Water Supply & Conservation Agency	Letter (via email)
45	June 1, 2017	Matt Vander Sluis & Brian Schmidt Serena Unger Deb Callahan Elizabeth O'Donoghue Bill Keene Sandra Hamlat Stephen E. Abbors Sibella Kraus Laura Cohen Matt Gerhart Andrea Mackenzie	Greenbelt Alliance American Farmland Trust Bay Area Open Space Council The Nature Conservancy Sonoma County Agricultural Preservation and Open Space District East Bay Regional Park District Midpeninsula Regional Open Space District Sustainable Agriculture Education (SAGE) Rails-to-Trails Conservancy State Coastal Conservancy Santa Clara Valley Open Space Authority	Letter (via email)
46	June 1, 2017	Sonia Diermayer	Individual	Letter (via email)
47	June 1, 2017	Tyson R. Smith David Zisser	Winston & Strawn LLP Public Advocates	Letter (via email)
48	June 1, 2017	William Rostov	Earthjustice	Letter (via email)
49	June 1, 2017	Joseph LaClair, Planning Manager	County of San Mateo Planning and Building	Letter (via email)
50	June 1, 2017	Chris Augenstein, AICP Deputy Director, Planning	Santa Clara Valley Transportation Authority	Letter (via email)
51	June 1, 2017	Dawn Phillips Carol Taylor Jeff Levin Peter Cohen and Fernando Marti Jill Ratner David Zisser Mashael Majid	Causa Justa: Just Cause Transit Riders United East Bay Housing Organizations SF Council of Community Housing Organizations Rose Foundation for Communities and the Environment Public Advocates Urban Habitat	Letter (via email)
52	June 1, 2017	Robert Shaver, General Manager	Alameda County Water District	Letter (via email)
53	June 1, 2017	Tyra Hayes, AICP, Senior Planner	City of Vacaville	Letter (via email)
54	June 1, 2017	Shannon Fiala, Senior Transportation Program Analyst	California Coastal Commission	Letter (via email)
55	June 1, 2017	Trudi Ryan, Director, Community Development Department	City of Sunnyvale	Letter (via email)
56	June 1, 2017	Barbara Salzman	Marin Audubon Society	Letter (via email)
57	June 1, 2017	Pat Eklund	Individual	Letter (via email)
58	June 1, 2017 (rec'd June 2)	Elizabeth Scanlon, Manager Caltrain Planning	Caltrain	Letter (via email)

Table 2-1 List of Commenters

Letter/Comment Number	Date Listed	Commenter	Affiliation	Type of Comment
59	June 2, 2017	Robert Del Rosario, Director of Service and Planning	Alameda-Contra Costa Transit District	Letter (via email)
60	June 5, 2017	Elke Rank	Alameda County Flood Control and Water Conservation District, Zone 7	Letter (via email)
61	Multiple	Multiple Commenters via MTC Web comment tool		Web comments
62	May 31, 2017	Scott Morgan, Director State Clearinghouse	Governor's Office of Planning and Research	Letter
63	June 1, 2017	Scott Morgan, Director State Clearinghouse	Governor's Office of Planning and Research	Letter
64	June 1, 2017	Jed Holtzman, Senior Policy Analyst	350 Bay Area	Letter (via email)
65	June 1, 2017	Denise Louie	Individual	Email
66	June 1, 2017	Marc Roberts	City of Livermore	Letter
67	June 2, 2017	Cassandra Enos-Nobriga	Delta Stewardship Council	Letter

2.2 MASTER RESPONSES

Numerous comments raised similar and/or related issues or questions that are answered or clarified in one comprehensive or "master" response. For this Final EIR, the issues listed in Table 2-2 are addressed in Master Responses, numbered 1 through 8. Table 2-2 contains an index of master response topics and a summary of key issue areas addressed by the response. A reference to the master response is provided, where relevant, in responses to individual comments.

Table 2-2 Master Response Topics and a Summary of Key Issue Areas

Master Response # and Topic	Key Areas Addressed
1. Population and Employment Forecasts	Population and employment forecasts included in Plan Bay Area 2040. Forecast modeling tools and methodology.
2. Displacement and Housing Affordability	Housing affordability, Secondary effects related to displacement of existing uses.
3. Water Supply and Drought	Sufficiency of water supply, historic water use, water demand. Sufficiency of supply during droughts. Other water-related issues.
4. SB 375 and Greenhouse Gas Emissions Analysis	Requirements of SB 375, GHG emissions methodology,
5. Programmatic EIR	CEQA requirements for a programmatic EIR. Level of detail requirements. Requests for more detailed data and/or analysis.
6. Range of Alternatives	CEQA requirements for alternatives. MTC/ABAG process to develop preferred scenario and alternatives. Consideration of alternatives suggested by members of the public.
7. MTC/ABAG Role and Authority	Purpose of SB 375. Role of MTC/ABAG and local agencies. Allocation of transportation funding.
8. Climate Initiatives Program	Implementation status of *Plan Bay Area*'s climate initiatives and methodology and assumptions for initiatives in proposed Plan.

2.2.1 Master Response 1 – Population and Employment Forecasts

Numerous comments raised concerns regarding the regional and small geography forecast of jobs, population, and housing upon which Plan Bay Area 2040 ("proposed Plan") is based, and the related impacts assessment in the Draft EIR. While some comments focused on the scale of the regional forecast of households and jobs and its potential impacts on resources, the majority of comments focused on the number of households and jobs forecasted in specific local jurisdictions or Priority Development Areas (PDAs). Other comments questioned whether the land use strategies incorporated in the proposed Plan were realistic, or identified potential inconsistencies with existing general plans or other planning documents. Lastly, a number of comments discussed local jurisdiction control over land use decisions.

The proposed Plan will not, in itself, create household or job growth. The proposed Plan is not growth-inducing. The regional forecast projects overall changes in economic activity, population growth and composition for the region as a whole, as well as household growth and composition. This projected level of growth is reasonably expected to occur in the absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area. As required under state law, and pursuant to the role of a regional planning body, the proposed Plan provides a regional blueprint or strategy to better accommodate the region's projected growth in an equitable and efficient manner and in partnership with local governments who still retain local land use control, through coordinated land use and transportation policies, projects, and pubic investments. As stated on Draft EIR page 3.2-7, "…this growth is projected to occur under any alternative" and concludes that "…rather than fostering population growth and the construction of housing, the plan accommodates and manages that growth."

Federal and State regulations require MTC as the Bay Area's metropolitan planning organization (MPO) to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (Draft EIR page 1.2-4). Sustainable communities strategy (SCS) requirements also require identification of sufficient areas within the region to house projected long–term population growth (see Draft EIR page 1.2-6). This long-range regional forecast provides a set of common regional assumptions for the proposed Plan, and the alternatives, analyzed in the Draft EIR.

As a result, every four years, ABAG tracks and projects the region's demographic and economic trends to better understand growth dynamics in the nine-county Bay Area region. This regional demographic forecast of jobs, population, and housing becomes a fundamental first step in the long-range planning process. These growth projections are primary input assumptions for the proposed Plan and its alternatives. The forecast establishes the scale and type of growth that is to be assumed over the Plan period. The forecast describes changes in employment, population, households and income distribution, focusing on long-term trends, rather than cyclical variations. To project these trends, the forecast relies on both customized and in-house models to project economic activity, population growth and composition, and household growth and composition, including size and income distribution. Please see the proposed Plan's draft supplemental report library, *Regional Forecast of Jobs, Population and Housing*.

The regional forecast (2010 to 2040) estimates:

- An increase of 1.3 million jobs.
- An increase of 2.3 million people.
- An increase of 820,000 households.

The regional forecast (2015 to 2040) analyzed in the Draft EIR estimates:

- An increase of 688,000 jobs.
- An increase of 2.1 million people.
- An increase of 666,000 households.

The proposed Plan and the Draft EIR rely on the same regional projection; however, the Draft EIR uses a more recent baseline than the proposed Plan (2015 vs. 2010) in the analysis of physical environmental effects. Growth that occurred between 2010 and 2015 is assumed in the Draft EIR's baseline conditions. Growth from 2015 to 2040 is analyzed in the Draft EIR. Both the proposed Plan and Draft EIR assess the same total number of households and jobs in 2040.

The regional forecast projects job growth to slightly outpace national growth rates, with the Bay Area share of U.S. employment growing from 2.5 percent in 2010 to 2.69 percent in 2015, and to 2.76 percent in 2040. The jobs projection considers the potential effects that technology (i.e., automation) and changes in economic structure may have on specific industries in the Bay Area. The regional forecast projects a more diverse and aging region, with people 65 and over accounting for over half of all projected population growth. The regional forecast factors in the region's high cost of living on the overall jobs potential, as well as on household size. Overall, the forecast assumes the shares of the region's poorest and richest households will increase, while there will be a loss in the share for the middle categories. Household sizes are expected to rise through 2020 but then decrease back to 2015 levels, and the number of household workers are expected to increase over time. All of these factors have the potential to influence overall the locations of household formation and their corresponding travel choices, both of which are analyzed at a programmatic level throughout the Draft EIR. (See *Regional Forecast of Jobs, Population and Housing* draft supplemental report of the proposed Plan).

The Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill 375 (SB 375), requires California's 18 MPOs to develop an SCS or an Alternative Planning Scenario (APS) if an SCS is not feasible, as a new element of their federally mandated RTPs.

Pursuant to SB 375, the SCS must do the following:

- identify the general location of uses, residential densities, and building intensities within the region;
- identify areas sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth;
- identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region;
- identify a transportation network to service the transportation needs of the region;
- gather and consider the best practically available scientific information regarding resource areas and farmland in the region;
- consider the state housing goals;
- set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets for the region; and
- allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. § 7506 and Gov. Code, § 65080, subd. (b)(2)(B)).

The proposed Plan encourages a focused growth strategy to meet the SB 375 mandate of housing the region's forecasted growth in a way that reduces mobile source greenhouse gas (GHG) emissions, while at the same time achieving other key regional economic, environmental, and equity goals. The core premise of this growth strategy is to focus development toward the region's framework of PDAs and away from Priority Conservation Areas (PCAs). These PDAs are specific neighborhood areas within existing communities that are within walking distance of frequent transit, and are identified by local jurisdictions as being appropriate for smart, compact

development. By emphasizing established, walkable, transit friendly communities, the proposed Plan is able to leverage existing infrastructure to accommodate the future growth projected in the regional forecast in a more equitable and efficient manner, including reducing mobile source GHG emissions (Draft EIR page 1.2-18 – 1.2-19).

The State acknowledges that achieving the SB 375 mandates will require MPOs to consider and adopt "changed land use patterns" that depart from the business-as-usual model (represented as the No Project alternative in the Draft EIR). While the proposed Plan demonstrates that the regional forecast can be accommodated throughout the region, MTC/ABAG acknowledges that existing market conditions and land use policies within specific jurisdictions or portions thereof may not be able to accommodate the level of growth envisioned in the focused growth strategy. As a result, the proposed Plan's focused growth strategy modifies existing or identifies new land use strategies to increase the development potential of the region's framework of PDAs to realize the proposed Plan's envisioned focused growth strategy, without changing the total projected household or job growth in the region.

The impacts of these modified and new land use policies were simulated in *Bay Area UrbanSim*, the region's land use model. The UrbanSim model framework provides a consistent, theoretically-grounded means of generating small geography projections for the Bay Area as a result of different combinations of land use policies. The UrbanSim model framework simulates real-world choices and actions of households and businesses within the region. The regional forecast determines the overall demand for such things as housing, as well as the composition of households that will occupy them, but the UrbanSim model framework accounts for housing type and location choices. UrbanSim simulates how household income may influence housing type and location preferences. Similarly, UrbanSim simulates business building types and location preferences by industry. Households and businesses are assigned to buildings. Each building has attribute information on its size, age, and value, among other things. UrbanSim can assess the attributes of each parcel of land and its associated building(s), and consider how these attributes (i.e., value or zoning) affect its development potential. In the same manner, UrbanSim can simulate the effects of changes to these attributes and simulate how modifications to or introducing new land use polices will affect development potential. For example, increasing the allowable building height or land use density/intensity increases development potential by allowing a taller building or more of them, possibly leading to more households and jobs than currently would be anticipated at that location. The Draft EIR identifies a number of land use strategies modeled to increase the development potential of PDAs and influence the overall regional growth pattern (Draft EIR pages 1.2-21 and 3.1-4 through 3.1-8). For additional information on the UrbanSim model framework and the land use polices analysis, see the proposed Plan's draft supplemental report library, *Land Use Modeling Report*.

Consistent with SB 375, the proposed Plan is designed to provide a broad array of incentives and voluntary measures and strategies that can be adapted to local circumstances, to encourage local agencies and project proponents to pursue projects that are consistent with the proposed Plan's objectives. For example, the transportation projects in the proposed Plan were selected to complement a certain type of land development (balanced and compact within previously developed areas) and discourage another type of development (imbalanced, sprawling, and on greenfields). Similarly, the proposed Plan encourages localities to adopt land use policies and programs that promote focused growth rather than growth beyond targeted areas. Moreover, the CEQA streamlining provisions included in SB 375 – which will be activated by adoption of the proposed Plan – are designed to reduce the time and cost associated with developing projects consistent with the proposed Plan.

Small geography (i.e., county, city, town, or PDA) projections are the result of the UrbanSim land use policy analysis and simulations. This includes not only the location and intensity of projected growth of households and jobs, but also the composition (employment industries, household income and size). The resulting small geography projections are what differentiate the proposed Plan and the alternatives, and allow for the comparative analysis and evaluation of their potential impacts and merits including their ability to reduce mobile source GHG emissions. The impacts of these small geography projections are fully analyzed in the programmatic EIR.

As noted in a number of comments, the resulting small geography projections may deviate from local jurisdiction expectations or projections or from historic trends. This is a result of the departure from the business-as-usual approach, the modification of existing, and the addition of new, land use policies that

encourage and lead to the envisioned focused growth development pattern. SB 375 does require that general plans be considered in the plan development process, but is clear the land use policies included in the SCS (proposed Plan) do not regulate land use and are not required to be consistent with general plans.

It is also relevant to point out that while the regional forecast is updated every four years and provides a set of common regional assumptions for the proposed Plan, local general plans do not go through the same regular update schedule, and as a result do not use the same common growth assumptions as the regional forecast.

2.2.2 Master Response 2 – Displacement and Housing Affordability

Several comments raised concerns with the Draft EIR's analysis of impacts related to housing affordability and the risk of displacement. It is important to recognize from the outset that displacement risk is not in and of itself an environmental impact, and that the proposed Plan itself will not create population or job growth. The proposed Plan is the regional strategy to accommodate the projected population and job growth in the region. The analysis of displacement risk addressed the following three main areas of concern:

- Displacement of lower-income residents out of the region – because the proposed Plan houses all future growth within the region, there are no associated environmental impacts to be cited or studied in the Draft EIR.

- Displacement of lower-income housing due to construction of transportation or land use projects at the site of existing residential units – any potential physical impacts related to redevelopment of existing housing sites with transportation and/or land use projects under the proposed Plan is addressed in the Draft EIR.

- Displacement of lower-income households from their neighborhoods due to rising cost of housing – the physical impacts associated with relocation of households within the region are associated primarily with changing commute patterns for lower-income workers and are captured in the Draft EIR. The socio-economic impacts, which are not subject to CEQA, are not analyzed in the Draft EIR.

The Draft EIR concluded the proposed Plan's impacts related to increased risk of regional displacement will be less than significant; however, the proposed Plan may result in the potential physical displacement of existing residential units, necessitating the construction of replacement housing elsewhere. The environmental impacts associated with the replacement housing are potentially significant (Draft EIR pages 2.3-25 through 2.3-27).

The land use and transportation modeling undertaken for the proposed Plan takes into account projected demographic shifts and changing land use patterns. Because of this, the impacts of projected growth under the proposed Plan, including the physical effects of construction of replacement housing, as well as impacts associated with increased commute times for displaced residents who move to housing further from jobs, are considered throughout the Draft EIR analysis of impacts.

Specifically, the EIR includes a qualitative analysis, which recognizes that there will be some increase in displacement risk at an individual household level and the land use model takes this into account. However, precise quantitative environmental impacts cannot be calculated because the model – and any reasonable approach not reliant on a model – cannot predict whether a particular displaced household will relocate next door, one block away, or one county away. Nor does the model provide specific information about the causes of changing demographics. For example, the land use model can show where a new concentration of low-income households arises in 2040, but it does not discern whether that concentration is a result of displacement from within the region, or from new migration from outside the region.

On a localized basis, the Draft EIR's analysis of environmental impacts related to an increase in the risk of displacement - in particular, impacts on transportation, air quality, and GHG emissions – are based on the projected regional changes in economic activity, population growth and composition, as well as household

growth and composition, and the proposed Plan's forecasted development pattern. MTC/ABAG forecast changes in demographics and land use development patterns in the proposed Plan's draft supplemental reports, *Forecast of Jobs, Population, and Housing* (pages 7-9) and *Land Use Modeling Report* (pages 12-16). MTC/ABAG's demographic projections include changes in concentrations of households based on income. MTC's travel model incorporates these demographic projections to evaluate the potential transportation impacts of the proposed Plan's implementation, which becomes input for the analysis of air quality, greenhouse gas, and noise impacts (see also Master Response 1, Population and Employment Forecasts, for a discussion of forecasting). Thus, the land use and transportation modeling of the proposed Plan takes into account projected demographic shifts, and was a factor in determining the significance of physical changes in the environment, consistent with the requirements of CEQA (CEQA Guidelines Sections 15131, 15064(e)).

In other words, the physical impacts related to the risk of displacement are embedded in the transportation model outputs because the shifting demographics resulting from projected population growth and how the proposed Plan accommodates that growth are assumed in the model. Because of this, the Draft EIR concludes that the impacts of projected growth under the proposed Plan, including the physical effects of construction of replacement housing, as well as impacts associated with increased commute times for displaced residents who move to housing further from jobs, are evaluated throughout the EIR's analysis of impacts (Draft EIR pages 2.3-26 through 2.3-27).

Some comments request consideration of socio-economic policy issues arising out of the risk of displacement of residents because of affordability; however, the potential environmental impacts of these policy concerns are unspecified and speculative, and so they cannot be modeled or otherwise determined with specificity (CEQA Guidelines § 15145; Fort *Mojave Indian Tribe v. Department of Health Services* (1995) 38 Cal. App. 4th 1574, 1600 ["speculation does not establish… a deficiency in [an] EIR"]). Further, CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Pub. Resources Code §§ 21151, 21060.5, 21068). "Economic and social changes resulting from a project are not treated as significant environmental effects [citation] and, thus, need not be mitigated or avoided under CEQA" (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 209 Cal.App.3d 1502, 1516).

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)). Social and economic effects in and of themselves, however, are not significant environmental effects on the environment under CEQA (*Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560 [findings that the decision to approve a project with social impacts represents "a political and policy decision" and not "an environmental issue for courts under CEQA."]; *Melom v. City of Madera* (2010) 183 Cal.App.4th 41, 55; Draft EIR page 2.3-25).

The socio-economic causes of displacement and efforts to alleviate displacement pressure are therefore properly addressed in the proposed Plan's draft supplemental report library in two reports; the draft *Performance Assessment Report* ("Draft Performance Report") and the draft *Equity Analysis Report* ("Draft Equity Report"). The Draft Performance Report and Equity Report evidence the robust analysis of the socio-economic issues related to transportation, housing affordability and displacement risk that MTC/ABAG have undertaken. MTC/ABAG have also committed to specific actions to help address housing affordability and displacement as part of the proposed Plan process, as evidenced in the proposed Plan and its supplemental reports.

2.2.3 Master Response 3 – Water Supply and Drought

As discussed in Master Response 5, Programmatic EIR, Plan Bay Area 2040 ("proposed Plan") is a programmatic document and the EIR includes a program-level assessment of impacts related to water supply over a 23-year planning horizon. The Draft EIR discloses that the region faces questions regarding water supply deficiencies particularly during drought years in some but not all water service areas (see, e.g., Draft EIR, pages 2.12-10 to 2.12-13, 2.12-27 to 2.12-29). For the purposes of CEQA, however, "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that

the proposed project's incremental effects are cumulatively considerable" (CEQA Guidelines, § 15064, subd. (h)(4)). In fact, the Draft EIR notes that water shortages over the planning horizon studied are not expected in the areas served by Contra Costa Water District, Marin Municipal Water District, San Francisco Public Utilities Commission, and Zone 7 Water Agency (Draft EIR Table 2.12-3).

As noted by several commenters, multiple drought years could affect water supplies. Multiple drought years are addressed by water suppliers in urban water management plans, which are required for agencies that provide water in quantities of over 3,000 acre-feet per year or to 3,000 or more customers. Water agencies plan for drought through multiple stages, defined by each district, based on historic shortages experienced during three sequential multiple dry years. For example, the Marin Municipal Water District identifies three stages of water rationing, which correlate to restrictions and prohibitions on end users (MMWD 2016). The Santa Clara County Water Agency identifies five stages of drought, which correlate to short-term water use reductions and actions (public information campaigns, fines) (Santa Clara County Water District 2016). The Zone 7 Water Agency, which provides water to the East Bay, identifies four water shortage stages that correlate to actions ranging from voluntary conservation to surcharges and prohibitions on some water uses (Zone 7 Water Agency 2016). Regardless of planning completed by individual water purveyors, the Draft EIR concludes that at a regional level, changes in land use projected development could result in insufficient water supplies. These water supplies may be further limited because of the effects of climate change-related periods of drought (Draft EIR Impact 2.12-1). For this reason, this impact is considered significant and unavoidable.

The analysis in the Draft EIR and the conclusions presented should be interpreted in a larger context, based on case law in California. "CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432). This is because other statutes addressing the coordination of land use and water planning demand that water supplies be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases (*Id*. at pages 432-434, citing Gov. Code, § 66473.7 and Wat. Code, §§ 10910-10912). Plans that must be updated on a periodic basis provide ample opportunity for agencies to address and respond to maturing risks to long-term water supply projections (*Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33, 56).

In *In re Bay-Delta* (2008) 43 Cal.4th 1143 (*Bay-Delta*), the California Supreme Court explained both the practical limitations to, and CEQA requirements for, addressing water supply impacts in a first-tier programmatic Draft EIR. "[W]ater supply plans must remain flexible as they are subject to changing conditions, such as changes in population projections, demographics, new or revised environmental restrictions, pollution of sources, or water supply effects from prolonged droughts. As a result, one cannot be certain that a particular future water source identified at the first-tier stage will ever materialize, or that the source will even be suitable 10 or 20 years later as changed conditions may make another source more advantageous" (*Bay-Delta*, *supra*, 43 Cal.4th at pages 1172-1173). The Court concluded that "identification of specific [water supply] sources is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of obtaining water from potential sources may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review" (*Id*. at page 1169).

Bay-Delta concerned the adequacy of a Program EIR for a 30-year plan adopted to restore the Bay-Delta's ecological health and to improve management of the Bay-Delta water for the various beneficial uses. Like the plan in *Bay-Delta*, the proposed Plan is a first-tier plan with a planning horizon set more than two decades into the future (2040). The Draft EIR includes an analysis of the proposed Plan's potential impacts on water supply that is commensurate with the Plan's first-tier nature. Specifically, the Draft EIR includes a discussion of the watersheds located in the region (see, e.g., Draft EIR pages 2.12-1 to 2.12-2), the major water supply agencies located within the region and the sources of water relied on by those agencies (see, e.g., Draft EIR pages 2.12-3 to 2.12-9), the water supply infrastructure relied on to transport surface waters to the region (see, e.g., Draft EIR pages 2.12-9 to 2.12-10), future water supply projections made by the major water supply agencies located within the region (see, e.g., Draft EIR pages 2.12-10 to 2.12-12), and how drought impacts supply (see, e.g., Draft EIR page 2.12-13). This satisfies all requirements for first-tier analysis.

Moreover, based on the region's existing and projected future population, significant water supply issues exist within the region. The EIR discloses and discusses these issues; however, the proposed Plan will not resolve the region's pre-existing water supply issues. Nor does the proposed Plan create the projected future growth. Rather, the proposed Plan accommodates growth that is projected to occur regardless, and does so in a way that has the potential to lessen significant water supply issues within the region. Specifically, the proposed Plan focuses future growth within already developed areas. This development pattern has two distinct benefits. First, the proposed Plan should help protect the region's water supply by reducing development pressure in rural areas; areas where per capita water use is typically higher. Second, approximately two-thirds of the water used by Bay Area water agencies comes from nonlocal sources, primarily the Sierra Nevada and the Sacramento-San Joaquin Delta (Delta). As a result, the region relies on a diverse network of water infrastructure including aqueducts and storage facilities to convey supplies to its residents. By concentrating future growth within already developed areas, the proposed Plan benefits from existing water supply infrastructure and reduces the need for new water infrastructure to be developed to service new areas.

Finally, while the region's population has continued to grow, demand management and conservation programs have helped keep the overall increase of water use in the Bay Area stable (see Draft EIR Figure 2.12-5). In other words, per capita water use has substantially declined in the region over the last quarter century. The continued urban densification promoted by the proposed Plan – in addition to the continued implementation of water conservation, reuse and recycling programs by local water agencies and municipalities – will help to continue the downward trajectory of per capita water consumption within the region resulting from the California Water Conservation Act of 2009, which calls for a 20 percent reduction in per capita water use by 2020, the California Urban Water Management Planning Act, water efficiencies in landscaping and local water conservation measures, including tiered pricing.

Notwithstanding the proposed Plan's water supply benefits, the Draft EIR concludes the proposed Plan's water supply impact is potentially significant and unavoidable without implementation of project- level mitigation because the region's projected population growth has the potential to result in a significant water supply impact. The proposed Plan does not induce new growth and merely accommodates future population growth already projected to occur within the region in a manner that is anticipated to reduce additional water supply demands created by that growth, the analysis and conclusion reached in the Draft EIR are conservative. The water supply analysis included in the Draft EIR complies with the requirements of CEQA.

2.2.4 Master Response 4 – SB 375 and Greenhouse Gas Emissions Analysis

Several commenters questioned the analysis of the SB 375-related GHG impacts included in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases," and whether the analyses under various criteria meet the requirements of SB 375. The Draft EIR includes four separate significance criteria that evaluate GHG emissions with implementation of the Plan considering four distinct categories of requirements and regulations. Specifically:

- Impact 2.5-1 addresses whether the proposed Plan can achieve the targets under SB 375 based on per capita emissions from cars and light-duty trucks.
- Impact 2.5-2 addresses whether implementation of the proposed Plan would result in a net increase in direct and indirect emissions from all sectors in 2040.
- Impact 2.5-3 addresses whether implementation of the proposed Plan would substantially conflict with the statewide GHG target of 40 percent below 1990 levels by 2030.
- Impact 2.5-4 addresses whether implementation of the proposed Plan would substantially conflict with local plans or policies adopted to reduce GHG emissions.

SB 375 TARGETS

As is identified above, Impact 2.5-1 is the only impact analysis that addresses the SB 375 per capita GHG emissions reduction targets. The other three impact discussions provide information on GHG emissions based on other State and local requirements, and those analyses are not bound by the same considerations as the analysis of impacts under SB 375. The following provides additional context and information that will assist in understanding why the Draft EIR analyzed GHG impacts of the proposed Plan in the four ways described above to give a full picture of potential impacts.

Draft EIR pages 2.5-14 through 2.5-20 describe various State regulations intended to address climate change. Most foundational is the Global Warming Solutions Act of 2006 (AB 32), which created a comprehensive, multi-year program to reduce GHG emissions in California to 1990 levels by 2020. Two years later, the Legislature adopted the Sustainable Communities and Climate Protection Act of 2008 (SB 375), which requires MPOs in the State to include a sustainable communities strategy (SCS) in their regional transportation plans (RTP) that demonstrates how the region could achieve the GHG emissions reduction targets set for the region through integrated land use and transportation planning that reduces vehicle miles traveled (VMT), thereby reducing GHG emissions from cars and light-duty trucks.

SB 375 tasked the California Air Resources Board (ARB) with establishing GHG emissions reductions targets for each region for 2020 and 2035 relative to a year 2005 baseline. The ARB targets for the San Francisco Bay Area are a 7 percent per capita reduction by 2020, and a 15 percent per capita reduction by 2035, relative to per capita emissions in 2005. SB 375 further requires ARB to update the regional targets no later than every eight (8) years. The 7 percent/15 percent reduction goals represent the current (adopted 2011) GHG reduction goals for MTC/ABAG as provided by the ARB. ARB is in the process of updating GHG reduction goals for the next SCS cycle; if adopted, they will take effect for RTP/SCS's prepared starting in 2018.

To ensure SB 375's goals of reducing GHG emissions from cars and light-duty trucks are being met as intended, MPOs are tasked with documenting the technical methodology they intend to use to estimate the GHG emissions from their respective SCSs. In accordance with SB 375, MTC documented its technical methodology to estimate GHG emissions from the proposed Plan and its alternatives analyzed in the Draft EIR. The methodology discusses the process of developing the regional projections of households and jobs, and how the regional forecast becomes an input into the region's integrated land use and travel forecasting models. The methodology goes on to describe the approach of estimating GHG emissions from the travel forecasting models' estimates of Bay Area travel data, as well as estimating GHG emission reductions through off-model analyses to account for reduction estimates not captured within the travel forecasting model.

ARB is tasked with reviewing MTC's technical methodology, as well as commenting on any aspects it concludes will not yield accurate estimates of GHG emissions. On May 3, 2017, ARB responded to MTC's submitted technical methodology stating that the submitted methodology, "fulfills the requirement under California Government Code section 65080 (b)(2)(J)(i) that each Metropolitan Planning Organization submit to CARB a description of the technical methodology it will use to estimate greenhouse gas emissions from its 2017 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)."

The response from ARB went on to confirm MTC's approach, and concluded: "Based on our initial review, staff believes there are no aspects of the submitted technical methodology that would yield inaccurate estimates of SB 375 GHG emissions. CARB staff has no other suggested remedies to recommend at this stage." A final technical evaluation will occur after the adoption of the proposed Plan, at which time ARB will make a final determination. MTC's technical methodology along with ARB's technical evaluation will be posted on ARB's SB 375 website, https://www.arb.ca.gov/cc/sb375/sb375.htm.

SB 375 AND THE SCOPING PLAN

In response to AB 32, ARB also developed and adopted its 2008 Climate Change Scoping Plan as a roadmap of ARB's plans to achieve the Statewide GHG reduction target established by AB 32. The 2008 Scoping Plan assigns various amounts of GHG reductions for each sector of the State's GHG inventory. For the transportation

sector, the 2008 Scoping Plan calls for a reduction of 31.7 million metric tons (MMT) per year of carbon dioxide equivalent (CO_2e) from improved vehicle technology standards with implementation of the Advanced Clean Car Standards (Pavley), 15 MMT CO_2e from improved fuel composition standards under the Low Carbon Fuel Standard, and 5 MMT CO_2e from land use and transportation planning developed by each MPO under the Regional Transportation-Related GHG Targets (2008 Scoping Plan, page 17). Thus, the regional planning effort required by SB 375 accounts for a small portion of overall Scoping Plan GHG reductions (5 MMT CO_2e), but it is still an important contribution to the State's GHG emissions reduction efforts under AB 32, and is entirely separate and in addition to other Scoping Plan measures (2008 Scoping Plan, pages 38, 46, 47-51; see also *Bay Area Citizens v. Assn. of Bay Area Governments, et al.* (2016) 248 Cal.App.4th 966, 1012).

The Scoping Plan must be updated every five years, and ARB adopted the First Update to the Climate Change Scoping Plan (First Update) on May 22, 2014. The First Update concludes that the State is on track to meet the near-term 2020 goal of reducing emissions to 1990 levels, and well positioned to maintain and continue reductions in the years beyond (First Update, ES2). The First Update notes that the first round of SCS plans developed under SB 375 to influence land use development (including *Plan Bay Area*) met or exceeded the ARB-set regional GHG reduction targets.

ARB is in the process of updating the Scoping Plan (2017 Draft Scoping Plan Update, as cited in the Draft EIR page 2.5-15) to reflect the passage of Senate Bill 32, which codifies a state-wide 2030 GHG emissions reduction target of 40 percent below 1990 levels. The 2017 Draft Scoping Plan Update identifies several programs that are mandated to meet this statewide GHG target. These programs, summarized in part on Draft EIR pages 2.5-15, include: providing 50 percent of electricity via renewable sources by 2030; reducing carbon intensity of fuels; maintaining GHG standards for vehicles including adding over 4 million zero-emission vehicles to the road system by 2030; continuing the Cap-and-Trade program and strengthening it to meet declining caps (e.g., lower GHG emissions), and also to achieve co-benefits such as reducing toxic air emissions; and several other programs. No single program, in isolation, will allow the state to achieve the 2030 goal. It will require success in each program to meet the goal.

In summary, just as the RTP/SCS is but one mechanism to reduce statewide GHG emissions to meet the AB 32 goal, it will also be one of the mechanisms needed for the State to reduce GHG emissions to meet the SB 32 target. However, many additional actions will be needed to achieve the SB 32 goal, all of which must be implemented by agencies other than MTC/ABAG. This is consistent with the discussions of Impact 2.5-1 (attainment of SB 375 targets for the proposed Plan) and Impact 2.5-3 (attainment of SB 32 targets).

2.2.5 Master Response 5 – Programmatic EIR

Several commenters raise questions regarding the level of detail provided in the Draft EIR analysis of various impacts. As described on Draft EIR page 1.1-3, the analysis presents a programmatic assessment of the potential impacts of the proposed Plan, focusing on the entire set of projects and programs contained in the proposed Plan. Individual land use development and transportation project impacts are not addressed in detail; rather the focus of the EIR is on the entire program of projects, in the aggregate (Draft EIR page 1.1-3).

A program EIR is defined as one that addresses "a series of actions that can be characterized as one large project and are related either:

(1) Geographically;

(2) As logical parts in the chain on contemplated actions;

(3) In connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or

(4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental impacts which can be mitigated in similar ways"(CEQA Guidelines section 15168).

"The level of specificity of an EIR is determined by the nature of the project and the 'rule of reason'" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 407). "[W]here an EIR covers several possible projects that are diverse and geographically dispersed, the agency has discretion to evaluate the potential environmental impacts of the individual projects in general terms in the EIR, while deferring more detailed evaluation of the projects for future EIRs" (*California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 271, citing *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1170-1171). Here, the proposed Plan is a long-term, regional-scale plan covering 101 cities and nine counties over the next approximately 23 years. Accordingly, the EIR analyzes the proposed Plan at a programmatic level.

Program EIRs are commonly used in conjunction with the process of tiering, which is the "coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. …" (CEQA Guidelines, section 15385). In addressing the appropriate amount of detail required at different stages in the tiering process, the CEQA Guidelines state that "[w]here a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof…, the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographic scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand" (CEQA Guidelines, section 15152, subdivision (c)). As explained by the Supreme Court, "[t]iering is properly used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases" (*In re Bay-Delta*, *supra*, 43 Cal.4th at pages 1169-1170).

Consistent with these provisions of CEQA, the EIR does not evaluate subcomponents of the proposed Plan; nor does it assess project-specific impacts of individual projects, although it provides environmental analysis and mitigation that is intended to address the range of impacts and mitigation that may be associated with individual projects. This approach does not relieve local jurisdictions of responsibility for determining whether project-specific impacts require additional analysis in subsequent second-tier CEQA documents (Draft EIR, page 1.1-4). In sum, "it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the…program, leaving project-specific details to subsequent EIRs when specific projects are considered" (*In re Bay-Delta*, *supra*, 43 Cal.4th at page 1174).

2.2.6 Master Response 6 – Range of Alternatives

Numerous commenters raised concerns regarding the alternatives included in the comparative analysis disclosed in Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The majority of commenters focused on the level of growth assumed across all alternatives, questioning if reduced projections of households and jobs should be considered. Other commenters focused on whether the alternatives represented a "reasonable range of alternatives." Finally, several commenters focused on why their suggested alternatives were not analyzed or whether the analyzed alternative represented, precisely, the alternative they suggested during scoping. Each of these categories of comments is addressed below, following a discussion of general CEQA requirements for alternatives.

CEQA REQUIREMENTS

CEQA requires EIRs to evaluate a reasonable range of alternatives to the proposed project that could feasibly attain most of the basic project objectives and that would avoid or substantially lessen any of the significant

environmental impacts. In addition, CEQA requires assessment of the likely foreseeable future condition if the proposed project were not implemented; this scenario is called the No Project alternative.

The Draft EIR evaluates the proposed Plan and four alternatives which assume the same regional forecast of projected household and job growth demand, as well as funding available for transportation system investments. These alternatives were discussed in a public forum and recommended by the MTC Planning Committee/ABAG Administrative Committee on December 9, 2016, and confirmed by the MTC Commission/ABAG Executive Board at their respective December 2016 meetings.

The four alternatives recommended for analysis are briefly described below. A full description of each alternative is provided in Draft EIR, Section 3.1, "Alternatives to the proposed Plan."

- **Alternative 1: No Project Alternative**. An EIR must analyze the "no project alternative" (CEQA Guidelines, § 15126.6(e)). The purpose of the no project alternative is to allow a comparison of the environmental impacts of approving the proposed project with the effects of not approving it. The no project alternative must discuss the existing conditions, "as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services."

  The No Project Alternative represents implementation of the general plans of all nine counties and 101 cities in the Bay Area without influence of a regional plan that integrates transportation, growth, and GHG reduction. No new regional land use plan would be developed and no new SCS policies would be implemented to influence the locations of housing and employment centers in the region. Transportation projects that would occur under the No Project Alternative would be substantially limited compared to the proposed Plan, consisting of five major regional transit, three local transit, and two highway projects from the previous plan that are fully committed with funding and completed environmental review.

- **Alternative 2, the Main Streets Alternative**, provides a plan that targets future population and employment growth to the downtowns of every city in the Bay Area to foster a region of moderately-sized, integrated town centers. This alternative comes closest to resembling a traditional suburban pattern, because it would result in increased greenfield development relative to the proposed Plan. To support this alternative's dispersed growth pattern, transportation investment priorities would emphasize highway strategies, including the expansion of high-occupancy toll lanes on all regional highways and highway widenings at key bottlenecks.

- **Alternative 3: Big Cities Alternative** concentrates future population and employment growth in the locally-identified PDAs and TPAs within the Bay Area's three largest cities: San Jose, San Francisco, and Oakland. Neighboring cities that are already well-connected to these three cities by transit would see moderate to substantial increases in population and employment growth, particularly in their locally-identified PDAs and high opportunity areas. To support this alternative's big city-focused growth pattern, the transportation infrastructure within and directly serving the region's core would be maintained to a state of good repair, modernized to boost service and improve commutes and capacity, and expanded to meet increased demand. Bicycle and pedestrian infrastructure would be expanded in these cities, including a robust network of bike sharing

- **Alternative 4: Environment, Equity, and Jobs (EEJ) Alternative** includes strategies to focus more growth in suburban communities than the proposed Plan, in part to reduce risk of displacement in urban areas. In addition, the EEJ Alternative includes more funding for bus operations in suburban areas to serve lower-income residents and reduces funding for highway expansion and efficiency projects with the objective of reducing adverse environmental impacts. This alternative would encourage intensification of land use beyond PDAs to include jobs-rich, high-opportunity TPAs not currently identified as PDAs. This alternative seeks to strengthen public transit by boosting service frequencies in most suburban and urban areas, other than on Muni, BART or Caltrain, and providing free transit passes to youth throughout the region.

LEVEL OF GROWTH ASSUMED ACROSS ALTERNATIVES

The proposed Plan and each of the alternatives assume the level of growth that MTC/ABAG have forecasted for the region, as described in Master Response 1, Population and Employment Forecasts. Neither the proposed Plan, nor its alternatives, are growth inducing. The projected level of growth in the regional forecast is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the 9 counties and 101 cities of the Bay Area. Federal and State regulations require MTC as the Bay Area's MPO to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (Draft EIR, page 1.2-4). The alternatives to the proposed Plan are designed to accommodate the same households and jobs projections. The proposed Plan alternatives, described in Draft EIR Section 3.1, "Alternatives to the Proposed Plan," are defined by their land use polices, which influence the respective forecasted development patterns and transportation investment strategies for each alternative, in a way that when combined, represent regional strategies to accommodate the region's projected growth in a more sustainable manner. The jobs projection accommodated in the proposed Plan and alternatives is a result of the projected regional changes in economic activity. Regional housing projections were increased to provide sufficient housing to accommodate the projected growth in jobs. Draft EIR Table 1.2-1 discloses that MTC and ABAG were required, per a settlement agreement with the Building Industry Association of the Bay Area (BIA), to establish a Regional Housing Control Total (RHCT) and Forecasted Development Pattern. Thus, an alternative that reduces household or job projections relative to the proposed Plan would not be consistent with Federal and State regulations, nor MTC/ABAG's settlement agreement with BIA (Draft EIR Table 1.2-3 on page 1.2-7), and is therefore not appropriate for consideration. Please see Master Response 1, Population and Employment Forecasts, for additional details related to this issue.

In April 2016, the MTC Planning Committee/ABAG Administrative Committee confirmed the RHCT in relation to the scenarios. The discussion reiterated the SB 375 mandates that the SCS must identify areas within the region sufficient to house all the population of the region, as well as referencing the BIA's challenge of the EIR for *Plan Bay Area* alleging violations of SB 375 and CEQA. The settlement agreement requires MTC/ABAG to establish a "Regional Housing Control Total," which is an estimate of "housing demand" that "shall have no increase in in-commuters over the baseline year" of the proposed Plan. This discussion along with the adoption of the regional forecast by ABAG in February 2016, established the overall demand of households and jobs each scenario would accommodate. See Master Response 1, Population and Employment Forecasts, for more information on the regional forecast of households and jobs.

REASONABLE RANGE OF ALTERNATIVES

The Draft EIR generally assesses the impacts of the proposed Plan and each alternative, via their respective land use growth and transportation project footprints, relative to known resources; as well as the impacts of the combination of the forecasted development pattern and transportation projects on traffic, air quality, GHG emissions, and noise. As noted under "Level of Growth Assumed Across Alternatives," above, the projected level of growth in the regional forecast is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the 9 counties and 101 cities of the Bay Area. The majority of impacts of the proposed Plan and alternatives are anticipated to be similar in type and magnitude, with differences in impacts revolving around the location and size of land use growth and transportation project footprints assessed in the Draft EIR.

The land use growth footprints are projected to be similar across all alternatives, due to the demand of the regional forecast as well as a reliance on the region's PDA and PCA framework; however, the alternatives have different geographic focuses (e.g., East Bay, North Bay, South Bay, West Bay), both in where land use policies are applied and where new residential and commercial developments are projected to occur. As a result, the forecasted development patterns for the alternatives have the potential to reduce or avoid impacts relative to the proposed Plan. Figure 2-1, below, depicts the locations of where zoning policies were altered across alternatives. Draft EIR tables 3.1-2, 3.1-4, 3.1-5, 3.1-6, and 3.1-7 disclose the comparative differences of each alternative's forecasted development pattern in terms of total households and jobs projected by county, share of growth projected in TPAs, and the projected growth footprint by county.

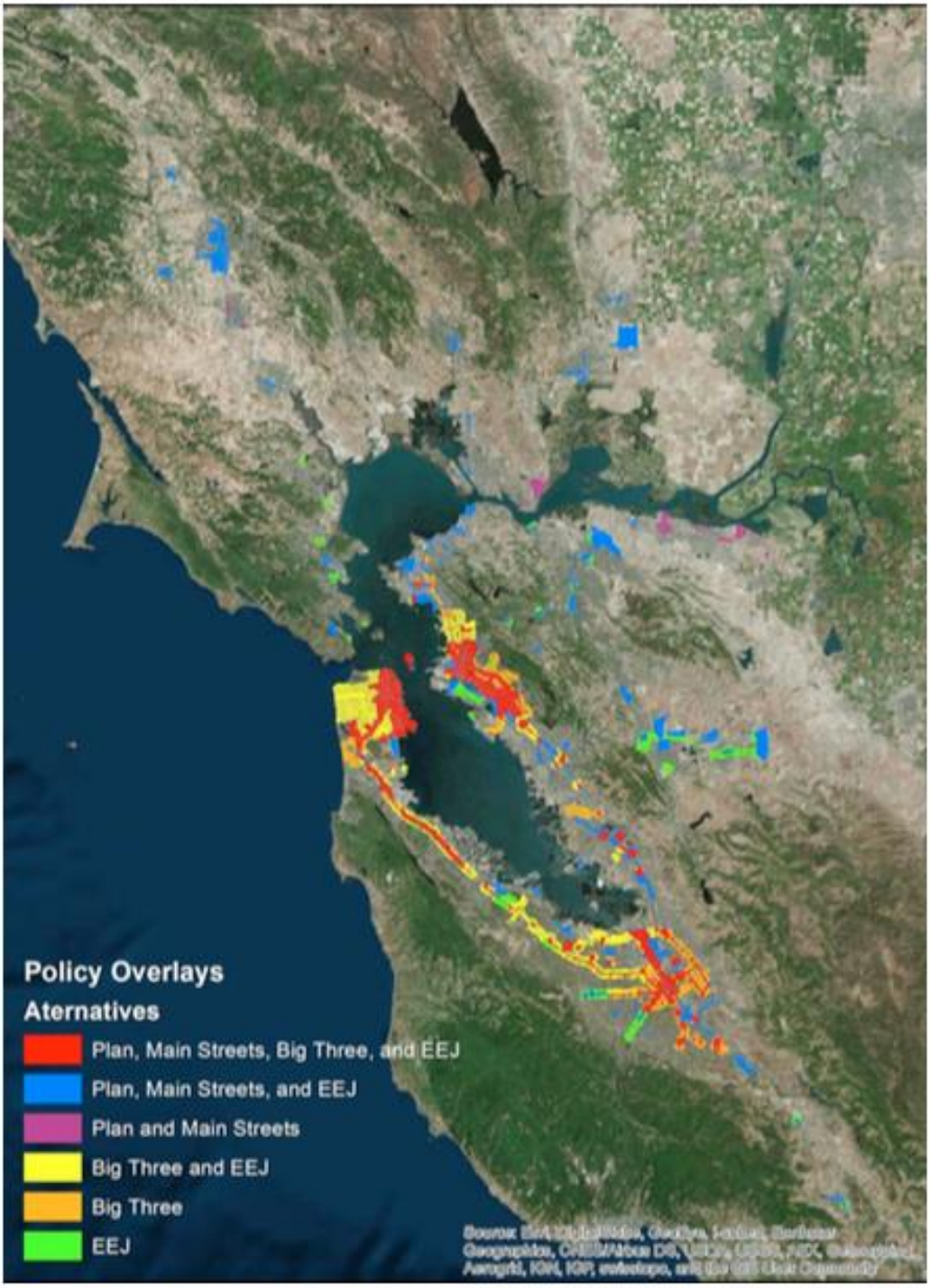

Figure 2-1 Zoning Policy Overlays (proposed Plan's Draft Supplemental Report, Land Use Modeling Report, p 18)

Like the land use growth footprint, the mix of transportation investments are similar across alternatives because the discretionary transportation dollars available for system investments are consistent across the alternatives; however, the mix of investments vary by mode and purpose (e.g., transit, highway, or bicycle/pedestrian, as well as maintain, modernize, or expand). Maintenance and modernization projects tend to be within the existing right of way of highway or transit corridors, therefore those project types would have less construction related impacts relative to projects outside the existing right of way. For the same reason, extensions or expansions of highway or transit corridors would have more impacts relative to projects within

the existing right of way. Therefore, the alternative's different mix of transportation investments have the potential to reduce or avoid impacts relative to the proposed Plan. Draft EIR tables 3.1-8 and 3.1-10 disclose the comparative differences of each alternative's transportation investments in terms of modal investments and the projected construction footprint by county. Specific major transportation projects by mode and alternative are identified in Draft EIR Table 3.1-11.

Similar to the land use policies, the transportation investments across alternatives are intended to influence and accommodate regional travel demand. Therefore, much like influencing land use density or intensity, the transportation investments influence supply by increasing highway capacity and transit seat miles. Draft EIR Table 3.1-9 discloses the transportation system capacity across each alternative. The table reflects total highway (freeway + expressway) and roadway (arterial + collector) capacity across the proposed Plan and alternatives. In terms of transit, Table 3.1-9 discloses the total seat miles of fixed guideways (rail + ferry) and bus services (local + express) across the proposed Plan and alternatives.

When accounting for these differences in supply, the travel forecasting modeling analyses discloses the alternatives lead to variations in Bay Area travel behavior, including VMT, mode share, delay, and other metrics disclosed in Draft EIR Table 3.1-13. These variations were only marginally different across alternatives at the regional scale, despite the variations in the geographic focus areas of the forecasted development patterns and the mix of transportation investments. Although the alternatives altered the supply of the region's transportation network, as previously discussed, the reliance on the regional forecast meant the regional demand was consistent across all alternatives.

The fundamental objective of the CEQA alternatives is to avoid or substantially lessen any of the significant environmental impacts of the proposed Plan. The manner in which these impacts could be avoided or lessened were determined by variations in the alternatives' land use growth and transportation project footprints, as well as the influence of each alternative on transportation system supply. The alternatives evaluated in Draft EIR Section 3.1, "Alternatives to the Proposed Plan" clearly demonstrate variations in the geographic distribution of projected levels of household and job growth, the size of the land use growth and transportation project footprints, and the modal supply of the transportation system, representing a reasonable range of alternatives.

SCOPING ALTERNATIVES

A number of commenters questioned why their suggested alternative was not analyzed in the Draft EIR. Draft EIR Section 3.1, "Alternatives to the Proposed Plan" discusses these alternatives and discloses why they were considered but not recommended for analysis (Draft EIR, pages 3.1-16 – 3.1-18). CEQA requires that a reasonable range of alternatives to the proposed Plan be analyzed in the Draft EIR. As noted under "Reasonable Range of Alternatives," *above*, an alternative's ability to avoid or substantially lessen any of the significant environmental impacts of the proposed Plan requires both variations in the alternatives' land use growth and transportation project footprints, as well as each alternatives influence on transportation system supply. As a result, the Draft EIR concluded that:

- The **Connected Neighborhoods Alternative**, one of the planning scenarios identified in the Notice of Preparation (NOP) as a potential CEQA alternative, should be dropped from further analysis. The Connected Neighborhoods Alternative was substantially different from the two other planning scenarios recommended for analysis, Main Streets and Big Cities; however, the Connected Neighborhoods Alternative's land use growth footprint, transportation project footprint, and transportation system supply was deemed too similar to the proposed Plan to presume it would substantially avoid or lessen significant impacts of the proposed Plan (Draft EIR page 3.1-16).

- The **Modified Big Cities Alternative (TRANSDEF)**, suggested during scoping comments and further described on Draft EIR page 3.1-16, should be dropped from further analysis. This conclusion was based in part on this alternative's reliance on the land use growth footprint of the Big Cities Alternative. The land use growth footprint of the Big Cities Alternative was recommended for analysis in the Draft EIR, which

means that the TRANSDEF alternative's land use growth footprint would not substantially avoid or lessen impacts relative to the Big Cities Alternative and thereby contribute to a reasonable range of alternatives. The transportation project footprint and transportation system supply of the TRANSDEF alternative was also deemed too similar to other alternatives recommended for analysis in the Draft EIR to presume it would substantially avoid or lessen impacts relative to other recommended alternatives and contribute to a reasonable range of alternatives. While the specific program of projects suggested may have differed from the proposed Plan and other recommended alternatives, the types of projects and their ability to alter regional transportation system supply were very similar to the types of projects and changes in supply to the Big Cities and EEJ alternatives (Draft EIR page 3.1-16).

Another underlying strategy of this alternative is to increase the cost of driving, particularly to single occupant vehicles, and lessen their share of regional travel. This strategy is fundamental to the SCS. Reductions in VMT are correlated to the region's ability to reduce GHG emissions. As disclosed in Draft EIR Table 3.1-13, increases in VMT are tied to the changes in economic activity of the regional forecast; therefore, VMT per capita offers a comparative look to baseline conditions. Draft EIR Table 3.1-13 discloses that all alternatives reduce VMT per capita from baseline conditions. To achieve these results, the proposed Plan and other alternatives assume a number of baseline policies that increase the cost of driving, including the implementation of a regional gas tax and increases to regional bridge tolls. The proposed Plan also includes a number of specific pricing projects (including, but not limited to express lanes and San Francisco cordon pricing) to increase costs to drivers while leveraging revenues to invest into transportation system investments. The EEJ Alternative goes even further and includes implementation of a regional VMT tax on the region's higher-income travelers. The proposed Plan and alternatives by way of their land use forecasted development patterns coupled with the changes to transportation system supply, demonstrate the ability to alter travel behavior and increase the relative attractiveness of non "drive alone" mode shares. As discussed in Master Response 1, Population and Employment Forecasts, the proposed Plan's focused growth strategy is intended to direct growth into existing communities that are within walking distance of frequent transit, and are identified by local jurisdictions as being appropriate for smart, compact development. The *Land Use Modeling Report* identifies two land use policies directly tied to VMT to influence the region's forecasted development pattern and realize the focused growth strategy. The first policy is discussed under Senate Bill 743 on (page 21) and the second under the Regional Development Fees and Subsidies (page 22) in the proposed Plan's draft supplemental report, *Land Use Modeling Report*. The SB 743 land use policy slightly increases the cost of development in suburban locations and conversely slightly decreases the cost in urban locations. The second land use policy assesses a development fee for certain types of new development in high VMT locations and transfers a subsidy to areas of low VMT. As a result of the combination of land use and transportation strategies, Draft EIR Table 3.1-14 discloses that both auto oriented (drive alone + carpool) commute times are forecasted to degrade and get longer across all alternatives, whereas transit commute times are forecasted to improve and become shorter among the proposed Plan, Big Cities, and EEJ alternatives. These strategies and projects were deemed the most feasible of suggested strategies.

A version of the Modified Big Cities Alternative was analyzed in the 2005 EIR and was identified as environmentally superior to the proposed plan. In its Findings adopting the 2005 EIR, MTC noted significant reservations about the feasibility of this alternative and therefore its ability to meet the project objectives. (December 2016, Planning Committee staff report)

- The **EEJ Alternative**, suggested by the 6 Wins Network during scoping, should be analyzed in the Draft EIR. A version of the EEJ Alternative was evaluated in the EIR for *Plan Bay Area* ("2013 EIR") and re-suggested for consideration as a planning scenario in Fall 2015, and then again as a CEQA alternative in May 2016 during the NOP comment period by the 6 Wins Network. As disclosed on Draft EIR page 3.1-7, a fundamental objective of the EEJ Alternative is to reduce the risk of displacement in urban communities. The 2013 EIR concluded that the EEJ Alternative was identified as environmentally superior to the proposed plan because it lessened some of the significant unavoidable impacts, although not to a level below significance. In its Findings adopting the 2013 EIR, the EEJ Alternative was deemed to be less capable of achieving the project objectives and infeasible for economic and policy reasons by the MTC Commission/ABAG Executive Board.

Some commenters questioned why the EEJ Alternative was not considered as a stand-alone planning scenario. MTC/ABAG developed three scenarios (Main Streets, Connected Neighborhoods, and Big Cities) designed to incorporate and contemplate the 3 E's (Equity, Environment, and Economy) across each scenario rather than as a stand-alone focus for only one alternative. The scenarios were intended to consider the impacts of three distinct land use patterns and the transportation infrastructure and policies needed to reduce per capita GHG emissions. The reduction of GHG emissions was not the only focus of each scenario. The MTC Commission/ABAG Executive Board were simultaneously adopting a series of goals and performance targets to measure the scenarios and inform the adoption of the region's preferred scenario. Please see the proposed Plan's draft supplemental report, *Scenario Planning Report*, for a discussion of these issues.

Some commenters suggested the EEJ Alternative analyzed in the Draft EIR was not developed to the extent needed to reflect the NOP scoping feedback. MTC/ABAG undertook a series of steps to create the EEJ Alternative, and to do so in a way that was consistent with the other CEQA alternatives. The process of developing the EEJ Alternative is summarized below:

- The 6 Wins Network initially proposed the EEJ Alternative in a letter dated August 2015 during the MTC Commission/ABAG Executive Board's plan target-setting process. As noted above, MTC/ABAG concluded the goal of the planning scenarios were to address the 3 E's across all scenarios. The 6 Wins Network submitted a high-level proposal for an EEJ Alternative during scoping, but the letter lacked sufficient details to model in MTC's integrated model framework used to assess the merits of the alternatives.

- In December 2016, MTC/ABAG began recreating the EEJ Alternative as analyzed in the 2013 EIR, based on the specific land use policies and transportation investment strategies. MTC/ABAG also modified or identified new land use policies for inclusion in the updated alternative through the scoping suggestions. Lastly, as discussed in Part A, above, fundamental planning assumptions had changed since the 2013 EIR, therefore the EEJ Alternative had to be updated to reflect the new regional projections of household and job growth. The transportation projects and level of transportation dollars available for investment also differed from the 2013 EIR, which required modification to the investment strategy.

- On December 7, 2016, representatives of MTC/ABAG and the 6 Wins Network met at 375 Beale Street (San Francisco) to discuss the land use and transportation strategies to be modeled and evaluated in the EEJ Alternative. MTC/ABAG reiterated that the EEJ Alternative would be developed in the same manner as the other alternatives, and clarified that discussion would center on the input strategies and iterations based on the evaluation would not occur. This is the same approach taken when developing the other alternatives. Land use policies and transportation investment strategies of the alternatives were not altered to achieve "better" performance. MTC/ABAG representatives also noted that a number of land use policies proposed by the 6 Wins Network could not be modeled using the best available tools. MTC/ABAG representatives also discussed the timeline for receiving input and feedback from the 6 Wins Network.

- As a follow up to the meeting, MTC/ABAG representatives provided a packet of materials that were specifically requested by 6 Wins. This packet of materials detailed the land use policies and transportation investments assumed to be modeled in the alternative. Staff subsequently received additional revisions from the 6 Wins Network representative on the EEJ Alternative. On December 19, staff also received requests for inputs and outputs to the model, as well as clarifications to why some policies had not been modeled. MTC/ABAG representatives provided clarification why not all policies proposed had been modeled and explained that the model outputs would be found in the Draft EIR.

- The EEJ Alternative analyzed in the Draft EIR reflects the requests of the 6 Wins Network, to the extent feasible. As previously noted, the MTC/ABAG representatives noted that a number of policies proposed by the 6 Wins Network were not able to be modeled using the best available tools.

2.2.7 Master Response 7 – MTC/ABAG Role and Authority

Numerous commenters raised concerns regarding MTC/ABAG's authority to influence land use decisions, fund specific transportation projects or programs, and condition transportation funding to more closely align with regional goals. Each of these categories of comments is addressed below, following a discussion of MTC/ABAG's statutory role and authority.

ROLE AND AUTHORITY

The following text is replicated from the Draft EIR Section 1.2.3, "Project Background," under the "Agencies" subheading:

The Metropolitan Transportation Commission (MTC) is the transportation planning, financing, and coordinating agency for the nine-county San Francisco Bay Area. It covers the same geographic area as the Association of Bay Area Governments (ABAG). MTC is the federally designated Metropolitan Planning Organization (MPO) and the state-designated Regional Transportation Planning Agency (RTPA) for the region. MTC is responsible for preparing and updating the Regional Transportation Plan (RTP) every four years. MTC was formed in 1970 and functions under state and federal law as the regional transportation planning agency (RTPA) and MPO with a focus on transportation planning, distribution of federal transportation funding, and air quality conformity. ABAG is a joint powers agency formed in 1961 pursuant to state law and serves as the Council of Governments (COG) for the region. As required by state law, ABAG updates the Regional Housing Need Allocation (RHNA) every eight years and allocates specific housing targets to individual cities and counties. ABAG focuses on regional land use, housing, environmental quality, and economic development.

LOCAL LAND USE CONTROL

A number of commenters questioned MTC/ABAG's authority over land use decisions. The purpose of Senate Bill (SB) 375 is, in part, to "encourage developers to submit applications and local governments to make land use decisions that will help the state achieve its climate goals under AB 32, assist in the achievement of state and federal air quality standards, and increase petroleum conservation" (SB 375, Stats. 2008, ch. 728, § 1(f) [uncodified legislative findings]). The CEQA streamlining benefits provided by SB 375 are some of the mechanisms utilized to create incentives for the development of land use projects that will help the state achieve its climate goals under AB 32 and SB 32 (the extension of AB 32 from 2020 to 2030 and the addition of new GHG emissions reduction targets). It is important to note, however, that while the Draft EIR provides lead agencies with CEQA streamlining benefits for certain projects, neither the proposed Plan nor the Draft EIR limit in any way the land use authority of any city or county (Gov. Code, § 65080, subd. (b)(2)(K)).[1]

In other words, even after the proposed Plan is adopted by MTC/ABAG, the lead agencies for future land use development projects retain the discretion to: (1) carry out or approve projects that are not consistent with the Plan; (2) exercise their discretion to deny approval of projects even if they are consistent with the Plan; and (3) reach environmental conclusions and/or adopt mitigation measures that differ from those identified in this EIR. In short, the proposed Plan, if adopted, is advisory and not binding at the local level. For this reason, unless MTC/ABAG have regulatory or approval authority over a future project implemented pursuant to the proposed Plan, MTC/ABAG must rely on incentives or planning assistance in the form of planning grants and technical assistance to local jurisdictions in an effort to align local plans with the forecasted development pattern of the proposed Plan. As discussed throughout the Draft EIR, an implementing agency that elects to take advantage of the CEQA Streamlining provisions of SB 375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must commit to the mitigation measures set forth in the Draft EIR, as applicable and feasible, to address site-specific conditions and to reduce impacts to less than significant.

[1] "Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region." (Gov. Code, § 65080, subd. (b)(2)(K).)

Cities and counties, not MTC/ABAG, are ultimately responsible for the manner in which their local communities continue build out in the future. For this reason, cities and counties are not required to revise their "land use policies and regulations, including [their] general plan, to be consistent with the regional transportation plan or an alternative planning strategy" (Gov. Code, § 65080, subd. (b)(2)(K)). The proposed Plan merely provides a transportation and land use vision that "*if implemented*, [would] achieve the GHG emissions reductions targets" for the region (Pub. Resources Code, § 21155, subd. (a) (emphasis added)). The land use portion of the proposed Plan will only be implemented insofar as local jurisdictions act upon the Plan's policies and recommendations.

TRANSPORTATION PLANNING & PROGRAMMING

With respect to transportation planning, MTC functions as both the regional transportation planning agency — a state designation — and, for federal purposes, as the region's MPO. As such, it is responsible for regularly updating the RTP, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle and pedestrian facilities. MTC also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the RTP. The proposed Plan is the first update to *Plan Bay Area* (adopted by MTC/ABAG in 2013), the region's first long-range integrated transportation and land use/housing strategy required under SB 375 with the goal of accommodating future population growth and reducing greenhouse gas emissions. The vast majority of funds prioritized in the proposed Plan are dedicated (by mode) to public transit and (by function) to operation and maintenance of existing facilities.

In its role as MPO, MTC also prepares and adopts the federally-required Transportation Improvement Program (TIP) at least once every four years. The TIP is a comprehensive listing of all Bay Area surface transportation projects that are to receive federal funding or are subject to a federally required action, or are considered regionally significant for air quality conformity purposes. The TIP covers a four-year period and must be financially constrained by year, meaning that the amount of funding committed to the projects (also referred as "programmed") must not exceed the amount of funding estimated to be available. The 2017 TIP was adopted by MTC on September 28, 2016, and received final federal approval from FTA and the Federal Highway Administration (FHWA) on December 16, 2016. The 2017 TIP, as adopted, included approximately 700 transportation projects with approximately $6.3 billion of federal, state, regional, and local funds "programmed" in four fiscal years: FY 2016-17, FY 2017-18, FY 2018-19, and FY 2019-20.

In its role as the RTPA and MPO, MTC programs and allocates on the order of $1.2 billion in transportation dollars annually. Of the amounts it programs and allocates, nearly 100 percent is stipulated by law or regulation to be used for transportation purposes. Recognizing the increasing link between transportation and land use, MTC has used its authority within the legal framework of individual funding sources to impose policies or condition transportation funding in an effort to achieve regional goals. MTC has done this starting in the late 1990s through the Transportation for Livable Communities (TLC) Program, the Transit Oriented Development (TOD) Policy, the Housing Incentive Program, the PDA Planning program and most recently through the One Bay Area Grant (OBAG) program discussed in more detail below. These programs have sought to strengthen the connection between housing and land use – increasing the livability of communities within walking distance to transit, spurring more housing development near transit, and rewarding commitments to affordability in these communities. The common underpinning of the programs is that MTC must rely on its transportation funding resources for implementation of each of the above-described programs. Transportation funding resources have detailed eligibility requirements and restrictions, and MTC has worked within these requirements to encourage a link between housing and transportation. However, MTC does not have the authority as is recommended by some of the commenters, to unequivocally take transportation funding and use it for housing purposes. Therefore, MTC has been judicious when linking transportation funding eligibility to housing policies. MTC has relied on housing policies that are set forth in law, such as the requirement to have an adopted housing element and comply with the Surplus Lands Act. In OBAG, jurisdictions (cities and counties) must have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for 2014-2022 RHNA by May 31, 2015 and must adopt a surplus land resolution by the date the congestion management agencies (CMAs) submit their OBAG 2 project

recommendations to MTC. The resolution must verify that any disposition of surplus land undertaken by the jurisdiction complies with the State Surplus Land Act, as amended by AB 2135, 2014.]

In a few limited cases, MTC has been able to partner with a sales tax agency to exchange transportation dollars for more flexible funds to help fund pilot programs – the Transit Oriented Affordable Housing (TOAH) and Preservation Pilot (previously called NOAH) – that are direct investments in housing or housing loan programs. The dollars that have been used to fund these investments (totaling $20 million to date) are not an on-going or reliable funding stream so MTC has not relied upon them in the assumptions about future funding programs.

2.2.8 Master Response 8 – Climate Initiatives Program

Numerous commenters raised concerns with the proposed Plan's investment in the Climate Initiatives Program to reduce GHG emissions. Some commenters questioned the effectiveness of individual climate strategies, including the emission reduction calculations and assumptions, and the implementation status of the initiatives identified in *Plan Bay Area*.

PROGRAM HISTORY

In 2009, MTC programmed $80 million to implement the Climate Initiatives Program, a regional effort to reduce transportation GHG emissions through a program of climate reduction strategies ("climate strategies"). The majority of funding was allocated to local governments or used by MTC for innovative pilot projects to test their ability to reduce GHG emissions. MTC committed to further investment in the Climate Initiatives Program with the adoption of *Plan Bay Area* in 2013, which directed funding toward the expansion of the most successful climate strategies identified in the Climate Initiatives Program.

In 2015, MTC directed ICF International to assess the climate strategies in *Plan Bay Area* and explore new strategies for inclusion in its update, the proposed Plan. This assessment included findings from the implemented climate strategies, as well as new and emerging strategies not included in *Plan Bay Area*. Data collected to evaluate each strategy commenced in 2011 and, in most cases, continued through 2013 or 2014, when the evaluations were completed. The overall goals of this evaluation were to:

- Determine the emission reductions, cost effectiveness, and co-benefits of each major project and activity. The term co-benefits refers to societal benefits that occur in addition to primary emission reduction benefits that each project is expected to generate.
- Identify key lessons learned to improve the design and implementation of future projects or programs and support replication of successful projects elsewhere in the Bay Area.
- Produce accessible resource documents to ensure that performance evaluation results and lessons are transferred to communities throughout the Bay Area.

Based on the assessment, MTC retained many of the climate strategies that were included in *Plan Bay Area*, namely:

◢ Commuter Benefits Ordinance, ◢ Car Sharing, ◢ Regional Electric Vehicle Charger Network, ◢ Vehicle Buyback and PEV Incentive,	◢ Clean Vehicles Feebate Program, ◢ Smart Driving, and ◢ Vanpools and Employer Shuttles.

New strategies and those not currently captured by MTC's travel model were added to the proposed Plan:

◢ Targeted Transportation Alternatives, ◢ Trip Caps,	◢ Bike Share, and ◢ Bicycle Infrastructure.

The GHG reduction methodology for the climate strategies provided in *Plan Bay Area* was approved by the California Air Resources Board (ARB) during their *2014 Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the ABAG and MTC SB 375 Sustainable Communities Strategy*. For the strategies that continue in the proposed Plan, a similar methodology was used to determine the per capita GHG emission reduction calculations, updated with current data where available. Assumptions to calculate the GHG reduction impacts from the new strategies were formed from evaluation reports of related programs, and industry best practices and findings. The methodology for assessing GHG emission reduction for each strategy is provided in Table 1 and in the proposed Plan's draft supplemental report, *Travel Modeling Report*.

Furthermore, in 2017, MTC directed Arup North America Ltd to peer review ICF International's climate strategies assessment, including an evaluation of assumptions and conclusions of the reduction calculations. Arup reviewed each climate strategy that was proposed for inclusion in the proposed Plan. Arup rated the climate strategies in three categories, 1) agreement, 2) indicates some additional analysis or updated assumptions may be required, and 3) recommendations to rethink the strategy. Arup's evaluation did not recommend rethinking of any of the proposed climate strategies, confirming ICF International's prior work.

As discussed in Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, ARB is tasked with reviewing MTC's technical methodology to estimate greenhouse gas emission reductions, as well as commenting on any aspects it concludes will not yield accurate estimates of GHG emissions. On May 3, 2017, ARB responded to MTC's submitted technical approach and concluded: "Based on our initial review, staff believes there are no aspects of the submitted technical methodology that would yield inaccurate estimates of SB 375 GHG emissions. CARB staff has no other suggested remedies to recommend at this stage."

MTC's technical methodology submitted to the ARB disclosed ICF International's role in assessing and identifying climate strategies for inclusion in the proposed Plan. The methodology noted the region's travel forecasting model, *Travel Model One*, is not sensitive to the full range of GHG emission reduction policies MTC is pursuing in the proposed Plan. As such, to quantify the GHG emission reduction benefits of these important climate strategies, MTC uses so-called "off-model" strategies. The Climate Initiatives Program explores a variety of strategies and programs that lead to reduce GHG emissions. These "off-model" strategies complement Plan Bay Area 2040's GHG emission reducing development pattern and transportation investments, already accounted for in Travel Model One (v0.6) and EMFAC2014.

The supplemental report in the proposed Plan's library (available online), *Travel Modeling Report*, includes MTC's analysis of each climate strategy recommended by ICF International. The *Travel Modeling Report* provides a summary of each proposed policy, including a description of the policy objective, contextual background, the assumptions and methodology underlying the assessment of its effectiveness, the analytic steps taken to determine its effectiveness, and the results.

IMPLEMENTATION TO-DATE

As mentioned in the previous section, the Climate Initiatives Program was assessed and developed from the results of the implemented climate strategies from *Plan Bay Area*. Since the adoption of *Plan Bay Area* in 2013, MTC has implemented and evaluated the following programs:

A. Car Sharing B. Climate Initiative Innovative Grants C. Commuter Benefits Ordinance D. Electric Vehicle (EV) Activities	E. Spare the Air Youth & Safe Routes to Schools F. Smart Driving G. Vanpooling

Since 2013, MTC has invested in a number of innovative Climate Initiatives to reduce per capita GHG emissions and contribute to achieving state-mandated reduction targets. The following summarizes the implementation status of the strategies from *Plan Bay Area*:

A. Car Sharing

Car sharing reduces emissions in two primary ways, by lowering the average VMT of members and by allowing trips to be taken with more fuel-efficient vehicles than would have been used without car sharing. MTC helping to accelerate expansion of this program by awarding six grants in 2014 for a total of $2 million to initiate or expand car sharing access in their communities. The projects have either been implemented or are close to implementation.

B. Climate Initiative Innovative Grants

The Climate Initiatives Innovative Grant program demonstrated a number of innovative approaches to reduce transportation GHG emissions while delivering significant co-benefits. Forty million dollars in grant funding was directed to support high-impact, innovative projects. Projects selected were based on their ability to achieve the following objectives:

- Measurably reduce emissions of GHGs and criteria pollutants
- Have potential to be replicated in other parts of the Bay Area
- Remove a substantial barrier – technical, financial, policy or political – that impedes successful implementation of a new strategy
- Build more effective collaboration and partnership between public agencies, businesses and community-based organizations for purposes of taking collective action to address climate protection

Overall, the program demonstrated a number of innovative approaches to reduce transportation GHG emissions while delivering significant co-benefits. Key findings and recommendations for the eighteen projects are contained in the *Climate Initiatives Program: Evaluation Summary Report* (MTC 2015).

C. Commuter Benefits Ordinance

In fall 2012, Senate Bill (SB) 1339 authorized the Bay Area Air Quality Management District (Air District) and MTC to adopt and implement a regional commuter benefits ordinance in the San Francisco Bay Area on a pilot basis through December 31, 2016. After completion of the pilot, MTC and the Air District achieved bi-partisan support in the State Legislature, and SB 1128 was signed by Governor Brown on September 22, 2016. SB 1128 extends the provisions of the Commuter Benefits Ordinance (CBO) indefinitely, establishing the pilot program permanently. MTC and the Air District continue to jointly administer the program and implement the law.

As of December 28, 2015, a total of 3,910 employers had completed the on-line registration process, accounting for approximately 1,275,000 employees in the Bay Area. Of the 3,910 registered employers, 55 percent reported that they are offering commuter benefits for the first time in response to the Program and 45 percent stated that they had already been offering commuter benefits before the Program took effect (BAAQMD and MTC 2016).

D. Electric Vehicle (EV) Activities

Plug-in electric vehicles (PEVs) have the potential to significantly reduce CO_2 emissions from motor vehicles. Today, the Bay Area is the leading market for PEV sales, including both plug-in hybrid electric vehicles (PHEVs) and battery electric vehicles (BEVs). PHEVs have a hybridized powertrain which is fueled by chemical energy from a battery or by gasoline/diesel. BEVs are powered exclusively by the chemical energy from a battery. The focus of these strategies is on expanding EV adoption rates through incentives to buy or lease, public test-drive events and expanding the network of charging stations.

MTC worked with the Bay Area Air Quality Management District (BAAQMD) to expand the number of EV chargers. In addition, MTC helped to implement the Experience Electric #TheBetterRide was a 12-month promotional outreach campaign with a six-month extension designed to influence the attitudes of San Francisco Bay Area residents toward electric vehicles (EV) through free EV test-drive events. The

Experience Electric brand highlighted the emotional aspect of car buying to encourage positive conversation and experiences related to driving electric. The campaign promoted the message that "the electric ride is the better ride" by providing 21 free EV test-drive events in urban, community and workplace locations during the first 12 months. The extension included six events, for a grand total of 27 events. The initial campaign measured free test-drive events as an effective environment for EV sales (Center for Sustainable Energy 2016).

E. Spare the Air Youth & Safe Routes to Schools

Spare the Air Youth is a partnership between MTC and the BAAQMD that builds on the district's long-established Spare the Air campaign. The program is designed for K-12 kids and teens, and includes games and activities, classroom materials for teachers and resources for parents. Through the Climate Initiatives Program, MTC established a Bay Area Safe Routes to School program and distributed funding to the nine counties according to their school enrollment (BAAQMD and MTC 2017).

F. Smart Driving

MTC commissioned a pilot study to evaluate the impacts of smart driving messages and feedback devices on driver behavior and fuel economy. The intent of the pilot study was to recruit Bay Area vehicle owners and measure their baseline vehicle fuel economy, then provide smart driving information and measure vehicle fuel economy again to assess any differences. From 2013 to 2015, MTC invested $400,000 to conduct two pilot studies to evaluate the impacts of real-time driving in-vehicle devices, smartphone apps and educational outreach on driver behavior and fuel economy. The results were promising, yet varied, and the consultants concluded that the strategy is an important component of a comprehensive approach to reduce transportation-related GHG emissions. MTC will be promoting the program after 2020 should gas prices increase. The findings pointed to low gas prices as one of the reasons for the varied results.

G. Vanpooling

This ongoing program provides online passenger and driver matching, employer outreach, $500 start-up fee incentives, free bridge tolls and other incentives since 1981. The average fleet size since fiscal year 2005-2006 has varied from approximately 520 to 600 vans.

In November 2015, MTC adopted Resolution No. 4202 (OBAG 2), which allocates $22 million to the Climate Initiatives Program over the next five years. These funds will be for the implementation of electric vehicle strategies and infrastructure, car share expansion, targeted transportation alternatives, and trip caps.

GHG REDUCTION CALCULATION METHODOLOGY

The GHG emission reductions from each of the climate strategies included in the proposed Plan were calculated based on findings from the implemented Climate Initiatives Program strategies and new and emerging strategies not included in *Plan Bay Area*. Table 2-3 below summarizes the assumptions used to calculate the GHG emission reductions for each of the climate strategies. The proposed Plan's draft supplemental report, *Travel Modeling Report* includes MTC's analysis of each climate strategy. The *Travel Model Report* provides a summary of each proposed policy, including a description of the policy objective, contextual background, the assumptions and methodology underlying the assessment of its effectiveness, the analytic steps taken to determine its effectiveness and the results. All of this analysis, along with the peer review done by ICF and Arup and correspondence with ARB, constitutes the substantial evidence supporting the assumptions included in the Draft EIR with respect to GHG emissions reductions attributable to the Climate Initiatives Program.

Table 2-3 Summary of Assumptions and Methodology to Calculate GHG Reductions from Climate Strategies

Strategy	Assumptions and Methodology*
Commuter Benefits Ordinance (CBO)	– Data on average VMT/GHG reductions per employee effected comes from MTC's evaluation of the Bay Area Regional CBO – VMT/GHG reductions are scaled based on the number of employees affected. Data comes from MTC, and is consistent with previous PBA analysis of the CBO – Accounts for employees who already received benefits prior to enactment of regional CBO
Car Sharing	– Car sharing members reduce GHG emissions by driving less and by using more fuel-efficient vehicles – GHG reductions are based on research about car sharing fleets and members' behavior – Estimates account for the expansion of peer-to-peer and one-way car sharing models. (Conservative assumption because one-way car share results in less GHG reduction than traditional car share.) – Program aims to expand car sharing to new communities; benefits are scaled based on the percentage of the eligible population (age 20-64) who become car sharing members
Expanded Bike Share System	– Data on planned bike share service areas comes from MTC – Number of bike share trips is based on the density of jobs and residents in bike share service areas and data from U.S. bike share systems compiled by ITDP (between 4 and 12 trips per 1,000 people; varies by city) – Average VMT/GHG reductions due to bike share trips are based on Bay Area Bike Share evaluation
Expanded Bike/Ped Infrastructure	– Mileage and cost of planned bicycle infrastructure comes from local and regional bicycle plans – Apply elasticities relating bicycle trips and infrastructure from research – Do not account for pedestrian trips (which are likely to produce minimal GHG reductions because they are short) due to a lack of supporting research
Electric Vehicle Program – Clean Vehicles Feebate Program	– Estimated impact of feebates on average fuel economy for new vehicles and cost to MTC comes from ARB studies (Bunch & Greene, 2011) – Resulting fleet-wide fuel economy is based on vehicle turnover rates and EMFAC data – GHG reduction estimates account for well-to-wheels emissions – Both scenarios assume that the state passes legislation to enable feebate implementation – Strategy will be implemented after 2020
Electric Vehicle Program – Vehicle Buy-Back/Electric Vehicle Purchase Incentive	– Resulting change in fleet average fuel economy is based on EMFAC data – Assumes that the incentive level averages about $1,500 per PHEV and $2,500 per BEV – Assumes that this strategy will not be initiated until 2020
Electric Vehicle Program – Regional EV Charger Deployment	– Assumes that other entities will supply chargers before 2020 and that MTC will be responsible for funding chargers thereafter, providing $1,000 incentives for chargers – GHG reductions are based on the increase in electric miles vs. gasoline-powered miles for PHEVs
Smart Driving Strategy	– GHG reductions for both the education campaign and in-vehicle devices are calculated from the assumed adoption rate and percent increase in fuel efficiency due to changes in driving behavior – Adoption rates for the education campaign are based on MTC surveys of willingness to adopt smart driving behaviors and on MTC marketing research on the effectiveness of marketing campaigns – At least 90,000 in-vehicle devices will be distributed – Strategy will be implemented after 2020
Targeted Transportation Alternatives	– Calculations are based on the amount invested by MTC in programs – Data on program cost-effectiveness and vehicle trip reductions per effected HH/employee come from Portland-area household and employer marketing programs – Vehicle trip reductions are converted to VMT/GHG reductions using data from MTC's travel model – Use the number of HHs and employees that are within ½ mile of rail, from CTOD TOD database, adjusted for pop growth, as a "reality check" to ensure that MTC is not marketing to more people than we would expect to change behavior

Table 2-3 Summary of Assumptions and Methodology to Calculate GHG Reductions from Climate Strategies

Strategy	Assumptions and Methodology*
Trip Caps	– VMT/GHG reductions are based on the number of employees reached and on the effectiveness of trip caps in reducing commute trips – Trip caps affect only employees in new development (employment growth) – Trip cap effectiveness is based on the Mountain View North Bayshore trip cap (34% reduction in trips per employee per day) – Data on planned employment growth and commute characteristics comes from MTC's travel model
Vanpool Incentives and Commuter Shuttles	– Vanpool GHG reductions are based on the projected increase in vanpooling due to incentives and county-level average mode share and regional average vanpool trip length – Vanpool cost estimates assume a $300/month/van incentive, down from $400/month/van in PBA (consistent with recommendation from Transit Finance Working Group) – Employer shuttle GHG reductions are based on current (2013) ridership data collected from multiple private shuttle operators and regional average mode share and trip length for displaced trips – Shuttle GHG reduction results account for emissions from shuttles; emissions rates are assumed to be equivalent to urban buses

* For more detail, refer to the Travel Modeling Report.

2.3 INDIVIDUAL COMMENTS AND RESPONSES

The individual comments (both verbal and written) received on the Draft EIR and the responses to those comments are provided below. Each comment letter and written and verbal comment made at the public hearings is reproduced and each is immediately followed by the individual response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

Letter 1

Subject: Plan Bay Area 2040
Date: Monday, April 17, 2017 at 2:58:30 PM Pacific Daylight Time
From: Vivian Warkentin
To: EIR Comments

What ever you do will be illegitimate because you are not a legally elected body. 1-1

Vivian Warkentin

Response 1	Vivian Warkentin April 17, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

1-1 The commenter offers the opinion that the proposed Plan is not legitimate because the MTC and ABAG boards are not elected bodies. MTC/ABAG are required by Senate Bill 375 to prepare the proposed Plan in compliance with the standards set forth in Government Code section 65080, et seq. According to CEQA Guidelines Section 15367, a lead agency, such as MTC/ABAG, is the public agency that has the principal responsibility for carrying out or approving a project. There is no requirement that the lead agency be an elected body. The commenter does not raise specific issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 2

Subject: current draft comments, Plan Bay Area 2040
Date: Friday, April 21, 2017 at 9:34:13 AM Pacific Daylight Time
From: Bill Mayben
To: EIR Comments

Dear MTC Staff,
I regret that my schedule finds me out of state, and unable to attend the local public meeting regarding this draft plan. Please take all of my comments as efforts on my part to be constructive.

1. I believe efforts to "preserve Bay Area diversity", are too late. Ersatz diversity will not do, will not replace authenticity. This is part of the natural evolution of supply and demand, and cannot be controlled.
   Rents alone, both residential and commercial, will kill diversity. 2-1
2. Yes, there is a regional housing crisis, and a regional traffic crisis. I believe these are rooted in our failed and vain efforts to sustain a way of life that is no longer sustainable. The problems associated with our myopic view of how the Bay Area "should" work, are rampant, overwhelming all aspects of our lives. The concept of commuting IN ITSELF, must be re-examined; as should the concept of transportation planning. Transportation planning should encompass more substantial and salient efforts to remove commuters from the highways. Transportation planning, as all of you realize, should not have as its mission, preserving business and politics as usual. It is obvious to me that the economic underpinnings of the current plan serve certain established economic interests. This needs to be carefully examined. One example, which I will repeat, is the gas tax. The gas tax as a financial resource, perpetuates the very phenomena that are ruinous to the Bay Area. Your plan, actually includes, here in 2017, despite the clear fact that automobiles are destroying everything unique about the Bay Area, building additional freeways! We cannot build freeways to solve our traffic and housing issues. They simply engender more of the same. As a State, we cannot maintain the freeways we have. Dependency on the gas tax simply digs a deeper hole; serving the oil companies and other established interests. We need to do away with the automobile. Highways should be turned over to commercial trucking, busses and motorcycles. 2-2
3. In a large part, our obsession has to do with facilitating traffic to our three highest concentrations of population. Let's step back from this and do some real transportation planning. Sea levels are rising. The climate is heating up.
   I believe the best overall long term Bay Area strategy for housing and transportation rests in decentralization. If peripheral towns are supported in developing industrial, commercial, R&D, and office-based employment; supported with a regional high speed optical fiber internet system; we will be moving toward a situation where there will be both local jobs and jobs which can be done outside offices in one location. In both instances, the commute would either be local or non-existent. This will improve the climate, air quality, the strength and health of families, community involvement, and a more resilient Bay Area. 2-3
4. Obviously, our money would be better spent improving our public transportation system. This would facilitate decentralization. We can achieve better housing solutions outside the metroplex, more affordably, and more quickly. Obviously, the oil companies may not like this plan. Freeway contractors may not like this plan. Bureaucracies built around the current model may not like this plan. Bay Area 2040 should not be pursued to provide comfort to them. 2-4
5. Your plan discusses resilience, yet it is inherently not resilient. Picture a significant earthquake; tidal wave; a bomb; terrorism; etc. We are strikingly vulnerable to disruption because of our concentration. Everything would stop. 2-5
6. Any affordable mass housing plan for the center elements of the Bay Area, based on tax incentives, ratios, affordability requirements; are doomed at this point. The number of units required are far 2-6

behind the curve, and the costs of new construction and land in the metro areas far exceed the concept of affordability. It is not realistic to propose housing solutions that are essentially unattainable. I have built 10,000 houses, including the land and land development, finance, entitlement and service of those homes. I cannot be hypnotized into accepting the residential projections in Plan 2040. They are not possible. 2-6 cont

7. I would consider the budget projects of the Plan 2040, generally, to be "soft" projections. " Plan Performance", page 64, is rosy at best. On Page 66, you admit that the Plan only meets 1/3 of its objectives. We should look at this and ask ourselves whether we should commit to a plan that at the onset fails to meet 66% of its stated objectives. That is before reality sets in! We should do better than this. 2-7
8. On page 74, it becomes clear that Regional Planning needs to embrace decentralization as the only viable option. This must be coordinated on all levels. Jobs are the key to effective decentralization. Without a component to encourage the decentralization of the job markets; providing the tools to make that happen; housing and transportation will continue to deteriorate. Transportation Planning should REMOVE commuters, not build more freeways to encourage commuters. Transportation planning should relocate jobs, creating viable alternatives to commuting while at the same time creating a number of complete, resilient communities. Freeways should be for trucking and busses. Provisions should be made for effective resolution of sea level rise, far in advance of interruptions in our vital systems. There is no reason why the Bay Area cannot return to the air quality it had in 1850. 2-8
9. I believe it is cheaper to provide an ultra-fast, high capacity optical fiber BAY Area internet system; than it is to build and maintain more freeways. I believe such a system will create decentralization naturally; starting with R&D operations and back office processing operations; followed by the rest. This is both a job creator and a substantial financial engine. Surrounding resilient communities will add strength and resiliency to the Bay Area as a whole regional entity. It will sustain more people in a more healthy, more affordable, safer environment. It will provide for stronger families, as the "windshield time" and dislocation created by lengthy commutes will diminish. 2-9
10. We have to honor public transportation, and put our dollars where they do the most good in the long run. Delivering the automobiles to the cities is just the start of an expensive chain of irreconcilable issues. Parking becomes impossible. The streets holding capacity with hundreds of circling cars become impassable. The cities themselves become overrun and unlivable. 2-10

The MTC can either be a force for the best long term solution, or continue conducting business as usual. We cannot afford to be complacent. I believe it is time for some serious breakaway thinking, and time to open up the concept of transportation planning. Does the MTC want to be like CalTrans; continually behind the curve, over budget and behind schedule; or does the MTC want to become a cutting edge enterprise, truly distinguishing the Bay Area into the future? 2-11

To make an omelet, one must break a few eggs. I encourage a high-level cadre within the MTC, with the support and participation of upper management, specifically to make omelets; because there is a great deal at stake. We cannot continue to do the same thing expecting different results. Truth is, we deserve a better plan than this. We are better than this.

Yours,

Bill Mayben

Response 2	Bill Mayben April 21, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

2-1 The commenter expresses concerns related to maintenance of diversity in the Bay Area. Diversity and other general socioeconomic issues are not subject to California Environmental Quality Act (CEQA) analysis. Section 15131 of the State CEQA Guidelines states that economic or social effects of a project may be used to trace a chain of cause and effect to determine if the social or economic change results in an adverse physical environmental effect. The proposed Plan addresses race/ethnicity in Chapter 3, "Forecasting the Future," where the proposed Plan states that the region is projected to become more diverse over time. The issue of diversity does not result in adverse physical environmental changes, and none are raised in the comment. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-2 The commenter raises general concerns with respect to commuting, highways, gas tax, and automobiles. Transportation impacts are fully evaluated at a programmatic level in Draft EIR Section 2.1, "Transportation." The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-3 The commenter expresses concerns related to sea level rise, climate change, and decentralized land use development. Sea level rise and climate change are fully evaluated at a programmatic level in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases." The comment related to decentralized land use development provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-4 The commenter addresses decentralization and transit. The commenter provides recommendations regarding how to distribute transportation funding under the proposed Plan. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-5 The commenter expresses concerns related to resilience, noting that the Bay Area may be vulnerable to events such as earthquakes, tidal waves, a bomb, and terrorism. Draft EIR Impact 2.7-1 addresses impacts related to earthquakes, and the impact discussion explains that the potential for adverse fault impacts related to land use changes from implementation of the proposed Plan would be less than significant. In terms of the risk of vulnerabilities related to tidal waves, the discussion under Draft EIR Impact 2.8-8 on pages 2.8-33 and -34 explains that the projected growth under the proposed Plan would not exacerbate the effects of flooding, seiche, tsunami, or mudflow, and this impact would be less than significant. Issues related to bombs and/or other types of terrorisms are outside of the scope of an EIR and subject to the purview of other agencies, such as the Federal Department of Homeland Security.

2-6 The commenter raises concerns regarding the cost and feasibility of affordable housing in the region. Federal and State planning regulations require MTC/ABAG to identify areas in the region sufficient to house the region's forecasted population growth. MTC's land use model considers market feasibility by performing a real estate development pro forma analysis that results in a projected development pattern and small geography projections of households and jobs. Please see Master Response 1, Population and Employment Forecasts, and the *Land*

Use Modeling Report of the proposed Plan's draft supplemental report library for a discussion of these issues. Please also see response to comment 51-2, which addresses this issue. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-7 The commenter expresses concern about the proposed Plan performance as compared to proposed Plan objectives. The proposed Plan meets the two mandated objectives ("targets") of reducing per capita CO_2 emissions and identifying areas adequate to house the Bay Area's expected population growth. The proposed Plan calls attention to the region's current housing and transportation crisis due to the region's robust job market and failure to keep pace with housing need. The proposed Plan projects this crisis will intensify if corrective steps are not taken and may impede achievement of other proposed Plan targets. In response, Chapter 5, "Action Plan" of the proposed Plan focuses on performance targets where the proposed Plan is moving in the wrong direction. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-8 The commenter recommends decentralization of the Bay Area, removal of commuters from roadways, and restricting freeways to buses and trucks. The combination of the proposed Plan's focused growth strategy and investments in public transportation opportunities result in an overall reduction in per capita vehicle miles traveled (VMT). The Draft EIR examines the potential for environmental impacts associated with the proposed Plan and a range of reasonable alternatives that are described in Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-9 The commenter expresses support for the installation of high capacity optical fiber for internet use, rather than investments in expanding and maintaining the region's highway systems. According to MTC's Vital Signs performance monitoring portal (http://vitalsigns.mtc.ca.gov/commute-mode-choice), the U.S. Census Bureau estimates that Bay Area workers have been relying on telecommuting more and more over the last several decades, but it still remains less than six percent of commute choice. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-10 The commenter recommends investing in public transportation. The commenter addresses the proposed Plan, which includes substantial investment in public transportation. See responses to comments 41-1 and 48-4 for additional information on the level of funding dedicated to transit service. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

2-11 The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 3

From: Sabrina Brennan
To: info@planbayarea.org
Subject: Plan Bay Area comment on Draft EIR
Date: Friday, May 5, 2017 9:41:32 AM

The draft environmental impact report (EIR) for Plan Bay Area is woefully inadequate when it comes to potential impacts on water resources and fails to analyze potential impacts to our waterways. It also fails to address potential impacts during extended droughts. 3-1

Please include this comment.

Sabrina Brennan
Moss Beach, CA

Response 3	Sabrina Brennan May 5, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

3-1 The commenter states that the Draft EIR does not sufficiently address impacts on water resources, waterways, and drought. Impacts on water resources, including waterways and drought, are addressed in Draft EIR Section 2.8, "Water Resources," and water supply is addressed in Draft EIR Section 2.12, "Public Utilities." Draft EIR Impact 2.12-1 addresses water supplies under the proposed Plan, including during periods of drought. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues. The commenter does not raise a specific issue related the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

800-331-9029 emerickfinch@emerickfinch.com

Letter 4

JOINT MTC PLANNING COMMITTEE

WITH THE ABAG ADMINISTRATIVE COMMITTEE

RE: PLAN BAY AREA 2040

PUBLIC HEARING

_____/

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Friday, May 12, 2017

Bay Area Metro Center

375 Beale Street, San Francisco, California 94105

Taken before AMBER EMERICK

Certified Shorthand Reporter No. 13546

State of California

800-331-9029 emerickfinch@emerickfinch.com

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MARTHA SILVER

BE IT REMEMBERED that pursuant to Notice of the Hearing, and on Friday, May 12, 2017, commencing at 11:03 a.m., thereof, at the Bay Area Metro Center, 375 Beale Street, San Francisco, California 94105, before me, AMBER EMERICK, CSR No. 13546, a Certified Shorthand Reporter in and for the State of California, there commenced a public hearing.

--o0o--

800-331-9029 emerickfinch@emerickfinch.com

MEETING AGENDA

--o0o--

PUBLIC SPEAKERS ON DRAFT PLAN BAY AREA

800-331-9029 emerickfinch@emerickfinch.com

PUBLIC SPEAKERS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2040

--o0o--

800-331-9029 emerickfinch@emerickfinch.com

Friday, May 12, 2017 11:03 a.m.

P R O C E E D I N G S

(Whereupon, a portion of the meeting was held and has not been transcribed.)

COMMISSIONER SPERING: We'll now move on to Item No. 5. This is public hearing on the Draft Bay -- Plan Bay Area 2040, the MTC Planning and ABAG Administrative Committees will conduct a public hearing to receive oral comments on the Draft Plan Bay Area 2040 this morning.

And at this time, I'd like to call the public hearing to order. We are conducting it in two distinct portions this morning. The first will cover the Draft Plan Bay Area 2040, and the second will focus on the associated Draft Environmental Impact Report.

Both of these documents are out for public review and comment until June 1st. This is the first of three such hearings. Others are scheduled for Tuesday, May 16th, from 6:00 to 8:00 p.m., at San Jose State; and on Thursday, May 18, 6:00 to 8:00 p.m., at the Vallejo Naval Historical Museum.

The Draft Plan Bay Area 2040 is a state-mandated, integrated long-range transportation and land use plan as required by Senate Bill 375. And the Draft Plan includes a sustainable community strategy as part of the Regional

800-331-9029 emerickfinch@emerickfinch.com

Transportation Plan.

In the Bay Area, the Metropolitan Transportation Commission and the Association of Bay Area Governments are the agencies that are jointly responsible for developing and adopting the SCS that integrates transportation, land use, and housing to meet greenhouse gas reduction targets set by the California Air Resources Board.

The Draft EIR analyzes and discloses the potentially adverse significant impacts associated with the implementation of the proposed Plan Bay Area 2040, and identifies the potential for significant effects in the areas of transportation, air quality, land use and physical development, climate change, greenhouse gases, noise, biological resources, visual resources, cultural resources, public utilities and facilities, hazards, and public services and recreation.

If you wish to speak this morning, please fill out and submit a blue speaker's card. Please indicate on the card whether you wish to speak on the Draft Plan, which is item 5a on our Agenda, or the Draft EIR, which is item 5b. If you wish to speak on both, you'll need to submit two separate cards. We would appreciate that. And you can speak on those when your name is called.

Staff is on hand with cards. So please raise your hand, if you need a speaker's card. What I'm going

to ask is our secretary, Martha -- so, Martha, hold your hand up here. Martha will be receiving the cards. And she will call five names at a time. I've asked her to call the names. And she will -- we'll be using both podiums. So if you hear your name and you want to line up, you certainly can do that.

Please state your name and which document you are commenting on so that we can be clear for the record. A court recorder is hear to transcribe your remarks -- right back here. Please speak clearly. And you may be asked to repeat something. So if she can't understand what you said, she'll get my attention, and we'll ask you to repeat it.

Public comment will be limited to two minutes per speaker. Everyone will have an opportunity to speak.

In addition to the three public hearings, you may also submit your comments by e-mail for the Draft Plan. You may submit comments to info@planbayarea.org for the Draft EIR.

You may submit comments to the EIR comments@mtc.ca.gov. This information is printed on brochures that is available at the hand-out table.

And now I'd like to introduce Ken Kirkey, the MTC Planning Director, who will provide an overview of the Draft Plan.

Ken, are you ready to do that?

MR. KIRKEY: I am ready to do that.

COMMISSIONER SPERING: Okay.

MR. KIRKEY: Morning, committee members. As has been described by Commissioner Spering, this is a public hearing. And, in addition, given the fact that most of you have heard some variation of this presentation several times, I'm going to march through it fairly quickly, to aleve a lot of time for public comments.

So Plan Bay Area 2040 is a 24-year vision for how the region can grow. It's also the Regional Transportation Plan and the Sustainable Community Strategy for the nine-county Bay Area.

As has already been discussed a few times this morning, we've been seeing a lot of job growth over the last several years in the Bay Area and not nearly as much housing growth. This has had a pretty significant impact on our transportation system.

Rail ridership has gone up significantly, as has congested delay. That's delay where traffic slows to a speed of less than 35 miles per hour. If you look at this slide, you can see that that is at its highest level ever, by far. And I think many people in the region are well aware of that fact.

The process to develop the Plan, as you know, is

quite lengthy. We launched in Spring 2015. We are now in the Spring and in the midst of the Draft Plan, and the EIR release, which, as Commissioner Spering said, will go until June 1st.

In terms of the growth distribution, this is a focused growth plan. Much like Plan Bay Area adopted in 2013, the growth is heavily focused on the existing communities of the region, particularly the largest three cities. And the Priority Development Areas are our primary framework for the Plan. The Draft Plan would have 77 percent of the housing growth within the PDAs.

In terms of jobs, the growth is also quite focused, although not quite as much, in terms of the growth in the priority development areas.

It's also worth noting that because the base year for the Plan is 2010, much of the growth -- nearly half -- has already occurred, given the really rapid job growth the region has experienced over the last several -- excuse me -- several years.

In terms of the transportation investments, this Plan focuses heavily on operating, maintaining, and modernizing the existing system. Only 10 percent goes to expansion.

And in terms of targets, in addition to the state targets related to planning for housing growth for the

region, as well as attaining a GHG target of 15 percent per capita reduction that the state gives us, MTC and ABAG has adopted a whole series of performance targets to get at other issues that are important to the region.

And as this slide depicts, there are several that we have achieved. There are four that we're moving in the right direction on, and there are four that we are moving in the wrong direction on; particularly, again, related to housing, affordability, and so forth.

This is another look at that. You can see where we tend to do well, and where we're off trajectory.

So the Plan itself is very much oriented to being an online document. We've had lots and lots of public meetings. We're in the midst of having more public meetings. In a region of seven-and-a-half million people, we can only reach so many people through public meetings, however. So we are encouraging folks to go online, to view the Plan online, and to comment online.

And there we go. In terms of the Plan document, Section 1 really tells the story of where the Bay Area is at, with a particular focus on the three-decade-long housing crisis we have, and its impact on the transportation system.

Section 2 describes what the Plan is, its purpose, its statutory framework.

3 is how the growth is projected in the Plan; where the growth would occur.

4 are the strategies to support that growth, the transportation assumptions, as well as the performance of the Plan.

And then 5 is an addition that was put together in its draft form. I expect you're going to hear a bit about this this morning. This was at your direction. It's an Action Plan. And it's based, in part, on this slide -- which drew a lot of attention at these meetings and many others last summer and last fall -- where our analysis shows that the already heavily-burdened households in the region -- those at the 50 percent or below level, in terms of income -- over successive booms between now -- and also droughts of growth between now and 2040, the burden would become that much worse; 67 percent of household income through 2040.

This tells us that as a region, the region needs to do a lot more. If people think things are bad now, they are only projected to get worse. And that's with some assumptions around additional affordable housing funding. That's with the growth that's called for in the Plan. That's with the investments, in terms of the RGP. So, clearly, we need to do a lot more as a region, if we want to shift where we're headed, in terms of

affordability.

The Action Plan has three primary components: One is housing; one is economic development, related to increasing the numbers of middle-waged jobs in the region.

And one is resilience, which is largely about continuing the work that's been done related to earthquakes and hazards, and so forth, in the region, but really ramping up and focusing our efforts around climate adaptation, particularly related to sea-level rise.

So, again, folks can comment on this through June 1st. They can view it online. There's a lot of information there.

I'm going to stop here, open it up to questions and comments on your part.

And, also, as Commissioner Spering said, we'll hear comments on the Draft Plan before we have a presentation on the Draft EIR

COMMISSIONER SPERING: Okay. Thank you.

And, committee members, anybody have questions for staff before I open the public hearing?

Okay. If you'd like to speak on this item, please get your card in. We have two card collectors over there, our Vanna Whites against the wall. And they will get you a card and get the card to Martha.

And so at this time, I would like to open the

public hearing.

And, Martha, if you're ready, you can call the first couple speakers.

MS. SILVER: Bill Martin, David Zisser, Stevi Dawson.

COMMISSIONER SPERING: You know, you don't necessarily have to go in that order. If you're ready to go, just state your name, so we know who's speaking. So try and speak clearly and not too fast.

BILL MARTIN: Thank you. My name is Bill Martin. I'm a San Francisco resident.

A couple of things missing, in my opinion, from slides eight and nine. That's water. Where's water going to come from?

A couple of -- a little bit of history here. In June of 2016, 69 percent of Bay Area voters voted to tax themselves parcel tax to fund wetland restorations in San Francisco Bay. I think that clearly illustrates Bay Area voters relative to the health of the San Francisco Bay Delta Estuary.

Item 2: The State Water Resources Control Board released Phase One, Draft Supplementary Environmental document. In this document, they propose a doubling of unimpaired flows through the three major tributaries in the San Joaquin River. The -- they are expected to

release their final proposal in -- later this year.

Also, the State Water Resources Control Board is currently working on Phase Two of their Bay Delta Plan. This involves the Sacramento River, most of which provides most of the flows through the San Francisco Bay Delta Estuary.

I don't think it's idle speculation to assume that the Water Board is going to increase the required un-impaired flows down the Sacramento, just as they have done through the tributaries through the San Joaquin.

Finally, there's droughts. In case you haven't noticed, we have them here in this state. And the effects of these droughts are especially severe on the environment and the Bay, and the Bay Delta Estuary, when the drought hits its bottom levels. So I really think --

(Beep.)

COMMISSIONER SPERING: Go ahead and finish your point.

BILL MARTIN: I'm going to come back to comment on the Draft Plan. So I'll stop there.

Thank you very much.

COMMISSIONER SPERING: Okay. Thank you, sir.

Next speaker.

DAVID ZISSER: Still morning; right?

Good morning. I'm David Zisser. I'm with Public

Advocates. I'm an Oakland resident, born and raised in the Bay Area.

And I want to start by thanking staff for their work on the Action Plan in particular. That's what I'm going to talk about for a couple minutes. And to you all for including the Action Plan as Chapter 5 in the Plan -- in the Draft Plan.

I also want to thank staff for meeting with us several days ago, having a robust discussion. And just, again, as a reminder, the Action Plan was included because even under the preferred scenario in the Draft Plan, some key equity issues are moving in the wrong direction, especially displacement, affordability, even with certain assumptions.

So the Action Plan, we hope, can be a policy agenda for how we make those assumptions real, and how we go further than those assumptions because we need to.

Chapter 1 provides a great analysis of the crisis. And the Action Plan itself is a great start, but it lacks specificity to really be a meaningful document. We really hope that there can be something that's specific and clear and aggressive and really explicitly addresses displacement.

We sent a letter -- it's here. It's a pink document -- along with -- so that's from the 6 Wins and

NPH and Greenbelt Alliance. And it includes several recommendations of new actions we hope can be included, as well as actions that are in there that really require more specificity.

We're -- I just want to highlight a couple. We need a plan to generate revenue for affordable housing in this region. You all have rightfully pointed out that you have a lot more authority around transportation investments than around affordable housing because there isn't money. So let's work on getting some money. We're not asking you to figure that out right this minute, but to at least commit to developing a revenue plan.

We've had successes with OBAG and made real progress there; time, transportation, and land use and housing. We hope that we can really build on that, learn from that experience, refine it, and think about new opportunities to do the same kind of thing.

We've also had successes, thanks to you all, on the TOAH and NOAH housing initiatives. Those are small investments that need to be bigger, and we hope that there can be an action to work on expanding those as well.

We're glad to work with staff on refining the Action Plan. We also shared a one-pager with folks that summarizes our recommendations, and we look forward to working with everyone to make this even better.

Thanks.

COMMISSIONER SPERING: Thank you.

Next speaker.

MS. SILVER: After Stevi, Matt Vander Sluis, and Pedro Galvao.

STEVI DAWSON: Good morning, Commissioners and Staff. My name is Stevi Dawson. I'm a resident of affordable housing, and I live in West Oakland. I'm with 6 Wins and the East Bay Housing Organization. I'm here to echo pretty much what David just said to you.

We sent the MTC Planning Committee a letter dated May 5th, 2017. And we would like you to understand that housing and affordability, along with displacement risk, require much stronger and more precise language in the Action Plan, along with meaningful policy, regulatory, and revenue strategies that will get us to long-term affordable -- affordability in the Bay Area.

We want MTC and ABAG to develop regional revenues for affordable housing production and preservation that is scaled to meet the needs projected by Plan Bay Area and a specific time frame by which to expect the revenue plan.

Also, MTC should tie funding sources to both affordable housing and anti-displacement protections. This was previously included in the Action Plan. We would also like quarterly reports on performance, to promote

transparency and accountability.

And, finally, I would ask that you prioritize public land for affordable housing; build on MTC's existing efforts to inventory public land and to require compliance with the state's Surplus Land Act by including an action to incentivize the use of public land for affordable housing development.

And, lastly, on a personal note, my oldest child -- my daughter -- is currently living in a shelter after going through eight months of displacement agony. Her family has been destroyed. Her life has been destroyed. And I would like you to do whatever you can to help people in this region who are facing displacement.

Thank you.

COMMISSIONER SPERING: Thank you.

Next speaker.

MATT VANDER SLUIS: Good morning. Matt Vander Sluis, with Greenbelt Alliance. We'll be providing written comments by the June 1st deadline. I'm here to highlight a few things for you this morning.

First of all, many congratulations on the overall thrust of the Plan that you've put together, which calls for focusing growth within our existing communities near transit, near jobs; within our existing urban growth boundaries, rather than sprawling outward.

As we've talked about for many, many months, there are a wide variety of benefits from this approach to helping to safeguard our drinking water supplies, to reducing the grueling commutes that many of us experience, to improving our regional economy.

On the waterfront, we've been recently doing some research on this integration of water and land use and found that growing in a more compact fashion, a compact home uses about 35 percent less water than a home -- done in a more sprawling fashion. So to solve our region's water crisis, we need to be focusing our growth in a water-wise way.

And we have also thanked you for the strong call to arms about tackling the region's housing affordability and displacement crisis in a sustainable way and look forward to working with staff to continue to refine the Action Plan.

As was mentioned previously, we have a set of recommendations of how we can refine that Action Plan to provide more clarity and a clear roadmap going forward. In particular, identifying which transportation funding sources could be better aligned so that we are syncing up our land use and housing outcomes that we want to achieve for the region; rewarding jurisdictions growing in sustainable and equitable ways; establishing an

infrastructure bank that could help provide affordable homes, and use that in communities that are growing in smart ways; and create a funding plan for closing the affordable housing gap.

We also very much appreciate that the Plan -- in the Action Plan section -- highlights the need to expand our natural infrastructure as a key tool to tackle the impacts of climate change and calls for establishing a regional advanced mitigation program for the region to help improve how we deliver transportation projects.

We would like to see more details in that section about expanding natural infrastructure. For example, a commitment to continue to expand and refine our priority conservation area program, a plan to close the funding gap for protecting our natural and agricultural lands, and to better link our water and land use decisionmaking so that we can all be moving on the right direction on that front.

So thank you very much. And we look forward to working with staff and you in the coming months to refine the Plan.

COMMISSIONER SPERING: Thank you.

Next speaker.

MS. SILVER: After Pedro, Jack Fleck, Mark Roest, and Theresa Hardy.

PEDRO GALVAO: Morning, Commissioners and ABAG

Board Members. My name is Pedro Galvao, and I'm with the Nonprofit Housing Association of Northern California.

I want to echo Matt and David's comments. They are fully in line with my own, in that we are really grateful for the work that you've done to get us to this point, for the bold commitment you've made in including an Action Plan, for the thoughtful discussions you've had around housing principles. Even if we've decided not to go that path today, it's still -- you're still having these important conversations, and you're still seeking every way to move us forward.

To bring us back to the Action Plan and why it was included in the Plan is because, as you saw, in 2040, we expect that lower-income households will be spending up to 70 percent -- rounding up, but up to 70 percent of their income in housing and transportation costs. And that's unacceptable. And the Action Plan was a way to look at what the agencies could do now, between this current plan and the next, to address the crisis of housing affordability and displacement in the region.

And so it's already a very narrowly-tailored document to what the agencies can do. And so NPH would like for you to commit to having actions that are more specific and have a timeline for which they're going to be accomplished by.

The two that I would like to highlight were actually two actions that were previously included in the Action Plan, but were subsequently removed, which is, we would really like for you to commit to developing a revenue plan for affordable housing regionally. That doesn't mean that you commit to any specific source. It means you talk about it; you examine what the region can do.

We'd also like to encourage MTC to look at both its upcoming fundings -- "major transportation funding sources," as it's called for in the Action Plan, but also its existing transportation funding sources.

There's $74 billion worth of discretionary funds that need to be studied. So we can figure out which of those can be used to incentivize better housing and anti-displacement outcomes in the region.

Since I'm over time, I'll end with that. But really --

COMMISSIONER SPERING: Good. Thank you.

PEDRO GALVAO: Thank you.

COMMISSIONER SPERING: Next speaker.

The speakers can line up on both sides, to kind of -- the next speaker, so we can --

JACK FLECK: Hi. I'm Jack Fleck, from 350 Bay Area. And I would like to call on the ABAG and MTC

Commissioners here to take leadership on the climate change issue. This is really a tremendous crisis that the globe is facing. And I -- of all places, the Bay Area should be -- California is exercising great leadership. But the Bay Area, within California, should even be exercising more leadership.

Now, Mr. Kirkey mentioned that we are in compliance with the SB 375, 15 percent per-capita goal, and that's good. Although, I would urge you to look closely at how we're achieving it, because I think there are some questions as to whether we're really going to get there.

But even more important than that, I urge you to take the leadership or the example of your colleagues at the Bay Area Air Quality Management District, which set a goal of 80 percent reduction by 2050.

Now, they may have focused on stable or fixed sources, and MTC focuses on mobile sources. So this is very much within your purview to be able to do that. And I don't want to say it's impossible, because I actually have a very hopeful letter I'd like to submit here -- Press Release from the Institute for Transportation and Development Policy, coauthored by a professor at U.C. Davis, that stresses that by electrification, automation, and ride sharing, we can reach over 80 percent reduction

in greenhouse gases.

But this Plan Bay Area does not include that vision. It only says narrowly, "Well, yeah. We're in compliance with that 15 percent SB 375 goal."

So I'm here to urge you to really take a look at this and think about MTC's role. Think about urging the region to actually achieve the types of reductions that are needed.

Within that letter I just submitted, there's also a graph that shows that at the current rate of global warming, we're going to reach the 1.5 degree centigrade level that the UN says is the start of climate chaos in 2030.

Now, I used to say all my grand-kids are going to be affected to this -- by this. And then I thought, well, maybe my kids are. 12 years from now, I'm going to be affected by this, and so is all of us.

So I urge you to really take climate change seriously.

COMMISSIONER SPERING: Thank you.

Next speaker.

MARK ROEST: Hello. I'm Mark Roest, and I live in San Mateo.

New technology, integration, and designs can make it possible and affordable to provide housing, community

facilities, and a system of types of transportation that move people long distances and in the last mile.

One thing to realize is that as we move past fossil fuels over the next 10 to 15 years, or less, we will be phasing out spending on them, and phasing in free energy, as financing has paid off. That can rise to 10 to 20 percent of total economic activity.

Also, the technologies I'm referring to can cut costs of manufacturing and construction by 30 to 70 percent. So let's use them.

I represent a battery company, and I'm working with some people involved in new materials and new structural systems, and we also have wind and solar.

And there's a group, called "Green Fleece Group," that is working on transforming transportation for the low-income and impacted communities.

And I'd like to see -- I'd like to talk with people in depth and in detail about how to weave all these things together.

COMMISSIONER SPERING: Thank you, sir.

Next speaker.

MS. SILVER: After Theresa Hardy, the last speaker is Peter Cohen.

THERESA HARDY: Good morning. My name is Theresa Hardy, and I do recognize that affordable housing is very

crucial moving forward with growth and jobs. Last night I attended the Berkeley League of Women Voters' meeting, and the mayors of Emeryville and Albany and Berkeley were there. And they had a panel discussion about affordable housing. So this is an issue that's being addressed by local cities.

One of the things that was not addressed and that -- organizations that are dealing with water would like to be -- see addressed is the water availability. Bill already spoke to you. He's a member of the Sierra Club, as I am, and I'm a member of the water committee.

And we're also working with Peter Drekmeier, who is the Director of the Tuolumne River Trust. Moving forward in California, we are looking at decisions about the Delta tunnels, of which the local communities are very opposed to because of water issues and salinity in the Delta.

We're also looking at flows of rivers here in California, especially the San Joaquin, and moving forward, as Bill said, on other parts of that. And are we going to approve those flows at 40 percent, which environmentalists say are not even enough?

Then we have drought. East Bay MUD, San Francisco Pacific Utility Commission -- a lot of water districts are looking at the drought issue, and how are

they going to supply water to their current customers, along with conservation? And when they have conservation, then you have less money for infrastructure.

A lot of these water districts are faced with very old pipe systems.

So I think moving forward, we have to address the water issue, if we are also going to be looking at housing because it is -- you can't build housing without water.

So, you know, I'd like to see this as part of the Plan.

Thank you.

COMMISSIONER SPERING: Thank you.

Who is our last speaker? Before -- before you start, sir, is there anybody else in the audience that wants to speak?

Okay. So this will be our last speaker.

PETER COHEN: I get the clean-up batter role.

COMMISSIONER SPERING: Yes, sir.

PETER COHEN: It's nice. Okay.

COMMISSIONER SPERING: Well, the Giants could use one. So...

PETER COHEN: I'll just go right down the street.

Good morning -- I guess almost afternoon. My name is Peter Cohen. I'm with the Council of Community Housing Organizations based here in San Francisco. And I

hope you're enjoying spending your time across this side of the Bay.

I just want to remind folks that the Action Plan, as part of Plan Bay Area, was actually something that a lot of us advocated for, for a long time. And I'm actually very thankful that not only staff, but you folks, see that as an essential piece of the puzzle because the frustration about planning and making documents and visions and not actually having an actionable game plan, I think we all share with you. We want to see action, and it needs to be crisp and specific and time-certain. And we need to follow through. So just getting that into this Plan Bay Area is key.

Some comments of where it is now. Certainly, it just needs to be specific. I mean, action is about doing things; not about talking about doing things at some point.

So as we continue to work with staff and offer some ideas to you, it's in the spirit of, "Let's get it done, and let's not think about what we need to think about getting done."

So more specificity you see in all the suggestions in the 6 Wins, NPH, Greenbelt letter are, again, intended -- not so much as a critique, but to say, "Let's get some specifics on the dartboard, and let's

start doing them."

I want to focus on three specific things you heard earlier about affordable housing revenue. It's great. We can run around and try to find revenue. We can find bonds. There's been a lot of success this last year. We had our own bond in San Francisco. But at some point, we need to know what we need to get.

There needs to be an assessment of what it's going to take, in terms of overall revenue, to meet the goals in Plan Bay Area. So we sort of have the scale of the shopping list, and then a game plan to figure out those revenue strategies over time.

It's really important to do that because just winning one bond and thinking it's over kind of gives us a false impression that that's it.

Secondly, one of the best things you've done is to tie your funding sources to affordable housing performance. I know it's been a difficult learning curve, but it's actually successful with OBAG. And I think at the state level, there's that recognition.

So that's the second thing. We really emphasize trying to tie development to transportation. It is truly TOD.

Thank you.

COMMISSIONER SPERING: Okay. Thank you.

Martha, was that our last speaker?

Anyone else in the audience?

Okay. Now I'm going to formally close the public hearing for the Draft Plan Bay Area 2040.

And so, Pat, you want to comment before we go into the EIR?

COMMISSIONER EKLUND: Actually, I have two questions.

COMMISSIONER SPERING: Sure.

COMMISSIONER EKLUND: The first question is relative to the schedule.

You indicate that we're going to have a presentation on June 9th about what the public feedback was; and then July, adopt it. But there's a huge gap there.

When are we going to be able to see the responses to comments, and also the proposed changes to the Plan, so that we have an opportunity to review that with our other elected officials in the county, prior to actual adoption in July?

MR. KIRKEY: So the schedule is, as you described, in terms of June 9th, we'll have initial feedback and overview of that before these two committees meet jointly.

In early July, there will be a release of the

final Plan; our overview of that for review by the committees.

And in terms of changes, what I suspect is that, you know, based in part upon the feedback we've received today, and other feedback, is that relative to the Action Plan, there will likely be some fine-tuning. That's going to be based in large part upon what you all tell us to do about the Action Plan.

But in terms of the Draft Plan, we don't foresee changes. You have the results of the EIR process, and you will have the Draft Plan. And we will be asking you to make a decision about that; whether or not you want to approve the final Plan or, if not, if you were to go with another EIR alternative. That is really the choice before you; not tweaks to the Draft Plan.

COMMISSIONER EKLUND: And what about response to comments?

Are we going to be able to see that in early July?

MR. KIRKEY: Yes.

COMMISSIONER EKLUND: Okay. Great.

The other question is, is in your slide, you indicate transit use is going up. And what is the data source for that?

Because when you look at the American Community

Survey, it looks like the number of folks that are commuting from the suburbs going into San Francisco may, in fact, be declining and not increasing.

So I'm kind of curious. What was your data source for that -- for the increased transit use?

MR. KIRKEY: The data source is the American Community Survey. There has been a slight dip of late, in terms of rail ridership. But overall, per-capita ridership is at its -- most recently, at its highest level in about 15 years.

And I don't think we see any significant downturn, in terms of people commuting into San Francisco from surrounding communities. It's at a very high level right now.

COMMISSIONER EKLUND: Yeah. Well, the numbers from Marin, is definitely a reduction. So hopefully we can set up a time where we can go over some of these assumptions and the data. That would be helpful.

MR. KIRKEY: Sure.

COMMISSIONER SPERING: Commissioner Cortese?

COMMISSIONER CORTESE: Thank you.

Just with regard to the letter that was submitted that many of the public speakers spoke on, is it -- is there -- I mean, there's a lot of issues here that were brought up that were spoken to. I think too much -- it

feels like too much to try to walk through. And I don't want to do that.

But I want to just ask if that level of dialogue, you know, on a point-by-point basis, is still going on between planning and these advocates? I mean, we brought this Action Plan in, by and large, as a request from them in the first place.

And I fully -- I fully understand the tension between the fact that we actually are planning folks; not land use authority folks.

And so the stuff that people would like to have us dictate, and probably some of the stuff from time to time we would like to dictate, can't be done. But I just want to make sure that the dialogue is going, you know, back and forth.

And if not, you know, maybe this would be a good time to say so, so that we know that. If I know that's happening, I can trust that the Draft Plan will come back with, you know, every last ounce of dialogue having been wrung out of this before you bring it to us.

MR. KIRKEY: I think it is safe to say that it will be wrung. We are having dialogue.

You know, I think that conversation and the Action Plan in general, or at least specifically related to housing, is very much akin to your earlier conversation

in the legislative committee around the housing principles.

We're trying to walk a line between being pretty high-minded and focused on what we think should be addressed going forward. But you're going to be debating, I think, a number of actions, potentially, over the next year or two related to, for example, how commission transportation funding may or may not be conditioned. And we don't want to get ahead of ourselves or certainly ahead of you in that regard.

So that's -- that's where we are. But we are engaged in dialogue, and we'll continue to be. And we'll bring feedback on that back to you.

COMMISSIONER CORTESE: Thank you. And I think we also all understand -- and it's been voiced here many times -- that we don't have unlimited amount of transportation funding to direct that way, relative to the magnitude of the problem.

But I just think that points are being raised -- and it's great to have people engaged and to have a lot of eyes on this to try to figure out what we can do, you know, and stretch as much as possible.

On -- specifically paragraph 7, on their letter, "Add Specificity to Current Proposals." But what that's really about, I think, is less about specificity to

current proposals and more about what I read as kind of a concern that I'm not even clear on as to whether or not, you know, somehow the Action Plan will get turfed to the CASA process or the CASA group.

And, I mean, this is a question for our Executive Director, which can be good and bad, in some sense. I don't know -- I read this and think, "How helpful or unhelpful could that be?"

Certainly, after all this debate about "Let's have an Action Plan in Plan Bay Area," and given the schedule as to where CASA is now, I think you probably would have liked to have had it convened by now.

But the CASA work, no matter how much we blow at the boxes and how exciting it is, it's going to come after this process.

So there's this other tension, it seems like, that's legitimately pointed out here, is: Are we going to have an Action Plan that is, you know, transformational enough in Plan Bay Area, or is it going to be turf? And we don't want it turf because we want -- that's what I'm reading here -- we want to make sure that what we bargained for is actually in the Plan.

So I think these are good questions. I'm just wondering what your perception of that is, Steve. And that's also something we can try to give reassurances to

the advocates; that we're going to have the best of both worlds here.

MR. HEMINGER: I think that's well said, Commissioner. We don't intend the CASA effort to be a stand down; right? -- that we just sit around and talk to each other for two years and do nothing.

I am very mindful of the urgency that our debates about the housing and growth questions tend to peak right before the recession. And then the recession hits, and all anybody wants to talk about is, "Where did the jobs go?" So I share their sense of urgency.

At the same time, I think the CASA idea recognizes an underlying reality; that we can troop to Sacramento and ask for something. And what we've seen time after time after time is that some interest group or groups can stifle it. And until we clear a path, I think we're going to have the same kind of result in Sacramento that we've seen to date.

So the idea with CASA is to see whether they can -- whether a multi-pronged stakeholder group -- you know, sort of a coalition of the willing -- can clear a path. But we're going to try to get to Sacramento and take advantage of whatever legislative initiative they have in the meantime. We're not going to sit on our hands.

COMMISSIONER CORTESE: Is it conceivable that

there's some happy landing spot on this -- is to -- going back to ringing out whatever can be wrung out -- and that's actually within our authority to do -- you know, with the Plan Bay Area Draft, and then agreeing on what things are going to require potential legislative action or just some sort of radical surgery that is the kind of thing that might come out of CASA, and then work with the group to, again, agree that those things -- some items may just belong in CASA because of the nature of -- of the authorities --

MR. HEMINGER: Right. I mean, you mentioned earlier the "By Right" proposal from the governor. And whatever its flaws or demerits, the fact is, you know, local government didn't even get a chance to kill it because labor and the environmentalists killed it first.

And that's the problem we've got in housing policy, it seems to me, is that quite a few people have a veto. And until we can clear away some of those vetoes with some common ground, I fear that we're just going to keep repeating the same experience.

COMMISSIONER CORTESE: Let me just use, as an example, and try to, you know, again, validate some of these concerns, I guess, is we can't -- we don't have "By Right." If that were a tool that our own advocates here would have liked to have seen or similar tool or some

hybrid of that tool in Plan Bay Area, it's not going to happen. So we need to close that button on Plan Bay Area.

But maybe the things that they're advocating, that resemble that need to be part of CASA -- you know, just by -- I'm just talking about informal agreement here; not commission action. I'd just like to see those -- that kind of threshing out, you know, worked out with folks who are trying hard to help us and seem to be willing to advocate for some of the -- well, some change.

I mean, there's some of the same old/same old here, frankly. And I think, to our Executive Director's earlier comments, that's not working -- or hasn't been working very well.

But to create space for all of you to help us figure out, you know, what the new reality should be, I think pieces of that will probably have to go in the CASA process; and then with the reassurance -- I'm happy to hear that we did our Santa -- I'm happy to hear your ideas about timeframe because when we did the Santa Clara County Housing Task Force, which led to far beyond, actually, what I had even hoped for, in terms of -- of action items and outcomes. It was seven months, and you got seven months, and everybody needs to be there. No excuses. And you got -- you got to finish your recommendations, and they need to be concrete, and they need to be

change-agent-types of recommendations.

There's something about a deadline like that, I think, that, you know, both encourages people, inspires people to move fast, but also makes them realize that these meetings aren't going to be around forever, and you need to show up and put 110 percent in.

So I know I've had a chance to talk to you about the specifics since the workshop that we had some time ago. But I'm glad to hear that you're thinking about a tight timeframe on it. And I think that would be reassuring to folks who are -- would otherwise not want things out of Plan Bay Area that might be transformational to know, "Well, if they do go to CASA, at least we're going to sort those out, you know, in a tight timeframe and" --

MR. HEMINGER: Yeah. I do regret to say that I think the hardest thing we've had going with CASA so far is to find a date that people can show up for the first meeting. That often is difficult, when you've got a cast of characters like we're trying to assemble.

COMMISSIONER CORTESE: I understand.

MR. HEMINGER: So we do hope to get it started in short order, and then try to add, as you said, a sense of urgency and timeline to get through it.

COMMISSIONER CORTESE: Okay. Thank you for

responding. Appreciate it.

COMMISSIONER SPERING: Okay.

I have Julie, Raul, and then Jake. And I'll watch for anybody else.

COMMISSIONER PIERCE: Thank you. I think I -- I would like to say, I had an opportunity to sit in on a meeting with staff and with the 6 Wins Coalition and many of their representatives a little over a week ago. And I think that was a good conversation. I think we can agree on many things that needed to go forward; some specificity that we need to add to the Action Plan. Staff was certainly very receptive and indeed suggested some places where we can improve the specificity.

I think the other thing we need to recognize going forward is that regional government cannot do it all. We can suggest. We can put together a framework, but we're not the ones that can accomplish a lot of what we want to get done. We can lead, but we cannot enforce.

It needs to be a collaborative effort with the private sector. It needs to be a collaborative effort with local government. I think -- I've been working now for over four years with folks like the Bay Area Council to get some of these things done. I've been talking with them for about four years now. I was struck by that when I actually sat down and looked at the calendar and found

out, when did I first meet with them about these things -- about putting together a Bay Area-wide housing trust fund, and how can we do that, and how can we be innovative? And it means, we need to bring in the private sector.

And interestingly enough, in some of the discussions at the Bay Area Council Economic Institute meetings, as long as three years ago, I had comments back from many of the leaders in the Bay Area, private sector, about how banks and mortgage companies and the big employers and even venture capitalists might be involved in that effort to put together those kinds of funds on a regional basis. But we've got to do it in a collaborative, collective manner.

And so I think CASA is intending to bring together that kind of a group of people. And, of course, getting them all together in one room at the same time is tricky. But the Economic Institute had managed to do that on a regular basis. The Bay Area Council does that on a regular basis. I think we actually can do that.

That means we need to bring those folks together with the stakeholders as well. And we cannot rely on Sacramento to do it. We have to take the bull by the horns. We can ask Sacramento to do what we need to have done. Whether they'll do it or not, we need to go forward.

So I think one of the things we've highlighted here in the past is, we've done a whale of a lot of studies over the last five, ten years. Lots of people have done studies.

It's time for action. And I think that's what CASA is intended to do. It's not, "Study things to death." It's to use the information we've already collected and put that together into the implementation of what we're trying to outline in the Action Plan.

And we can't ask for all the specifics on it because we don't have all the players at the table yet. And that's what CASA is intended to do, is bring those players together and start getting us motivated and getting us actually doing the things that need to be done.

And that's something that regional government, local government cannot do alone. So when we bring in the private sector, and we bring the stakeholders together, and we all start working in the same direction, then we can actually accomplish something. And that can't all be written into this Plan specifically, but what we can do is commit to bringing those folks together and working collaboratively together to actually get something done this time.

Thanks.

COMMISSIONER SPERING: Okay. Raul, Jake, and

then Nick.

COMMISSIONER PERALEZ: So I'll be brief because my comments are along the lines of what you've already heard.

But I'm very happy that we do have this Action Plan, and that we added this to it. I appreciate staff working on doing that. And I think, actually, the Action Plans that we've laid out are solid; although, certainly, as we've heard, there could be -- whether it's additions or refinement of what we're putting in -- because it probably is the most important thing of the document, which is being able to actually implement it and create some action on what it is that we have in Plan Bay Area.

And I also just want to kind of emphasize that we don't underestimate our influence. And although we obviously know that there's things that are out of our control, that we -- we cannot make a direct impact on, whether it be at the state level or whether it be at the local level, we are an influencer.

And this document obviously gives us that ability to send out that message. And this is our opportunity to be able to make sure that we can do so. And within, I think, the Action Plan portion of it is where we can be the most specific.

And so I think we have some good opportunities

here. Certainly we have participants and other stakeholders in our community that want to be able to work with us.

Dialogue has already occurred, and I'm confident that you'll be able to have those dialogues. We'll be able to take this feedback. We'll be able to refine the Plan, and specifically the actions, to make sure we can incorporate as much influence as possible as we are unveiling this second generation of Plan Bay Area.

Thanks.

COMMISSIONER SPERING: Okay. I have Jake and then Nick.

Is there anybody else that would like to -- you don't need to turn your card up; just get my attention. Okay.

So Pradeep. Okay.

Jake, and then Nick, and then Pradeep, and then Haggerty.

COMMISSIONER MACKENZIE: Thank you, Mr. Chair. Yeah. I've been nominated to serve on the infamous CASA, and I'm anxiously awaiting its first meeting. And I can't say anything more about it because we haven't met.

But in terms of the document that's in front of us, if you go to Chapter 5, on page 70, Action Plan -- "Action Plan" has an asterisk beside it. So just as a --

at the moment, as we move forward with this, it then says, "Section is preliminary. May be refined based upon further development."

So I think that's what we've been hearing about in the public testimony. I'm pretty sure that's what Commissioner Cortese was referring to when he went back to the letter submitted to us.

And so, Mr. Chair, I have a question: When Plan Bay Area is adopted as it stands at the moment, there is room, as I read it, for amendments to be made to the Action Plan as we move forward. So I'm going -- I'm going on that premise; that it would be a living document. And as we're being asked to approve Plan Bay Area this summer, it's under these very specific conditions laid out.

I always feel obliged, as someone who was involved in the dialogue around the SB 357 process, just to remind people, one more time, any enforcement component was removed, carats were to be utilized to incentivize the performance of all of us at local government. These have not been completely supplied. Statements of the obvious may be, but to be remembered.

So what it comes down to is the general plan, and not only the general plan, but the housing elements. And so as we're looking at Action Plans, it seems to me that we have to go back to the analysis of performance under

each of -- I think it's still the 101 cities in the nine counties' general plans as to how these -- each individual jurisdiction is performed.

I think we know the answer; that the performance has -- has not come anywhere close to meeting the goals that we are setting ourself in -- this Plan Bay Area.

But we keep on talking about local control. Well, there's local obligations as well, as I see it, in terms of our responsibilities as elected officials in our respective cities and counties. And that is to look at our housing elements; to look at the RHNA numbers which have been generated. We'll be getting into the next RHNA cycle once the summer is over, if I recollect properly.

But the Action Plan to me has got to include a very -- a very incisive look at what we have actually done, community by community, because I believe that that needs to be called out.

SB 375 was not allowed to have enforcement actions. It was very deliberately removed in the process. I removed myself from that process upon that juncture. So I watched this very closely indeed. And I look forward to serving on CASA, when it finally meets.

Thanks.

COMMISSIONER SPERING: Okay. I just want to remind everyone, we still have the public hearing on the

EIR.

So with that, Nick, Pradeep, and Haggerty.

COMMISSIONER JOSEFOWITZ: It's always good that you remind me to be short before I start --

COMMISSIONER SPERING: I was trying to be subtle.

COMMISSIONER JOSEFOWITZ: -- because otherwise I'm a risk.

COMMISSIONER MACKENZIE: Being subtle --

COMMISSIONER SPERING: Well, you're the chairman.

COMMISSIONER JOSEFOWITZ: I wanted to just thank staff for getting the Action Plan as well. I think that's super important, and thank the advocates that have shown up to -- on the work that they've done.

And I want to associate myself with a lot of the comments that they've made in their letter, as well as comments that are being made by my colleagues here.

I think the more specific we can get, the better. And the more work that we can do to kind of T-up these questions which the advocates bring up, the better we'll be able to make decisions as a -- in our respective commissions.

I think right now, a lot of the -- what the advocates, I think, are rightfully asking for, we don't necessarily have the -- sort of the information to be able to understand the consequences, if we moved in that

direction.

And so I would just continue to encourage staff to continue working with 6 Wins, NPH, Greenbelt, and others, to sort of get more granular on the Action Plan and also to sort of really explore in depth, in a way that can be presented back to us, the options that were laid out in their letter.

COMMISSIONER SPERING: Okay. Pradeep, and then Scott Haggerty.

COMMISSIONER GUPTA: Thank you, Chair Spering. I'll be very brief. I appreciate your concern.

Just wanted to bring back the time that we started on this exercise, and there were huge number of issues at that time: Modeling issue; data issues; tremendous amount of growth that took place in the area very quickly, much faster than anybody had anticipated.

And I just wanted to tell you, my view was that -- and is now that staff has done wonderful job of bringing all the comments and opinions at the beginning of the cycle to an integrated approach to thinking about that issue.

We did not reach all the solutions, which were -- which could have been not expected anyway because that's how we were discussing when the Draft scenario was discussed. And the Action Plan idea was born out of that

discussion; that we had not reached the goals, but it doesn't mean that the planning is bad. It's just a question of seeing that future and trying to see what we can do to make a change in that. And I think staff has done that very well.

Also, I wanted to congratulate the different interests groups which have inputted into the process, and today also. I was really happy to see how they have assimilated the effort that have been done by ABAG and MTC jointly, and how they feel that their views have been reflected in the Plan at this point in time. And I'm very, very happy with the progress that has been made.

And as President Julie Pierce said at one time, this is a moving target. We're looking at this issue right now. What is the snapshot in time? We'll have another chance to look at the same issues again and again.

Thank you very much.

COMMISSIONER SPERING: Okay. Supervisor Haggerty.

COMMISSIONER HAGGERTY: Just real quick, and it's somewhat a bit off topic. But it's come up a couple of times, so I wanted to ask a question.

CASA has come up several times. And last time we talked about CASA, it became aware to me, anyways, that there was no county supervisors that were appointed to

that. And I brought that up.

And I was just curious. Have we appointed any supervisors to that?

MR. HEMINGER: We've got one in the bag; Commissioner Cortese.

And we're working on another from your county.

COMMISSIONER HAGGERTY: Okay. Good.

And of the two that I had mentioned?

MR. HEMINGER: I believe so, yes.

COMMISSIONER HAGGERTY: Thank you very much. I appreciate that.

MR. HEMINGER: Again, I'm hoping the hardest thing with CASA is just getting to the first meeting. I think it's all downhill from there.

COMMISSIONER HAGGERTY: I understand that.

COMMISSIONER SPERING: I'll make just some brief comments, and then we'll move into the EIR.

You know, if we're going to start conditioning transportation dollars when you talk about displacement, affordability, you know, I hope that we're geographically specific. You know, don't burden counties that do not have a displacement problem. Don't burden counties that don't have an affordability problem. Don't burden counties that are building more housing than jobs. You know, we can't be under those same conditions. It's an

unfair allocation. You know, our needs are much different, and it's more on the transit side.

And so that's one. I want to associate myself with Commissioner Pierce's comments.

And, Steve, on CASA, are you going to be developing both local and regional strategies? It seems like, you know, some of the strategies that come out of the region, the very local jurisdictions we're trying to help are opposing it -- or individuals within those jurisdictions. So, you know, we always have that conflict.

So are you going to be looking at trying to build that consensus locally?

MR. HEMINGER: We are, Commissioner, which is why I think it's important to get the balance on this group right. We're trying to balance several different sectors in the private sector.

And we're also trying to balance public and private -- and "public" means cities and counties -- so that we've got the right group of people there who can, you know, for lack of a better phrase, sort of make each other mad for a while, and see if we can get past that part to potentially some consensus points.

COMMISSIONER SPERING: And, Steve, I think that is very important because that's going to be -- whether

we're successful or not in Sacramento, that there's this -- build that consensus within the region.

MR. HEMINGER: Well -- and, again, I do want to prepare the commission and the ABAG board for the fact that I do think a big part of this CASA effort is trying to devise the Sacramento strategy; either a statewide one or a Bay-Area-only one.

But I think a big part of the discussion will also be, "What can we do with our existing authority?"

And part of that discussion is going to be about MTC and about the resources that you control as a commission. And you've bumped into that question quite a few times. I think you've all wanted to have the debate. Well, we're going to have the debate.

COMMISSIONER SPERING: Yeah. The reality of it is, it's not decisions that are being made in Sacramento that's created a housing crisis; it's decisions made in our local jurisdictions that has created it. And that has to be resolved, at some point.

And the last thing, I do support the Action Plan. I certainly hope that any Action Plan that -- you know, we have small bites at that; things that we can have successes on, and it's not too big of an Action Plan that we really don't show results. So I'm hoping that there's a piece of it -- pieces of it that we can really show some

success.

So with that said, Ken, are you ready to get into the Draft EIR?

MR. KIRKEY: We are ready.

I'm going to introduce Heidi Tschudin, who's our EIR consultant. And she will walk you through this presentation, and we can commence the public hearing on the EIR.

COMMISSIONER SPERING: Okay. Heidi, before you start -- please, if you would like to speak on the EIR, get your card to -- Ursula, hold your hand up there.

She'll give you a card, and she'll pick it up and get it to Martha.

And so with that, let's go forward with the presentation.

MS. TSCHUDIN: Thank you very much. My name is Heidi Tschudin.

Am I on?

COMMISSIONER SPERING: Yes. Apparently -- yeah, there you go, Heidi.

MS. TSCHUDIN: Thank you.

We're going to cover two things today: I'll give you a quick overview on the Draft EIR, and then we'll receive the oral comments on the adequacy of the EIR.

As defined in the CEQA Guidelines, "adequacy"

means allowing decision-makers to intelligently take into account environmental consequences. The idea is not to try to achieve perfection, but rather adequacy, completeness, and a good-faith effort of full disclosure.

This gives you a quick summary of the CEQA process. It involves analyzing impacts, informing you about the results of that analysis, identifying measures that could mitigate impacts, and analyzing alternatives.

There's four main sections in the Draft EIR: The Introduction and the Executive Summary give you the context of the document and summarize the conclusions.

The Project Description reviews the Plan Bay Area, which you've already heard a report on.

The Environmental Analysis, which is in Chapter 2, goes into the details of analysis in the 14 issue areas.

And Section 3 deals with alternatives and other required sections under CEQA.

You've already gotten an overview on the Plan. So in the interest of time, I'm going to move quickly through these slides.

I want to briefly touch on the level of analysis in the EIR. CEQA recognizes that there's different types of projects that merit different approaches, in terms of the level and detail of analysis. And for large plan

documents such as this one, a more programmatic approach is allowed. And that is what is reflected in the Draft EIR.

We also cover several different levels of analysis in this EIR. We have an analysis overall for the entire region. We also analyze by county. And then in some areas, where appropriate, we address transit priority areas.

These are the 14 issue areas that are addressed in the EIR. These have already actually been read to you by the Chair, when you introduced the items, so I'm going to skip over this slide.

The approach in the environmental impact analysis for each of those 14 areas is the same. It starts with a summary of existing conditions, a summary of the regulations and policies that apply, identification of the thresholds for determining significance, a description of the method for each of the analyses, and then an analysis of significance; again, identification of mitigation measures, and then conclusions.

There are streamlining benefits that are available to future projects that are consistent with the Plan. And for a project to take advantage of those benefits, the lead agency must comply with all the feasible and applicable mitigation measures that are

identified in this EIR, and in any other relevant EIRs.

Where a future project, though, would not have potentially significant impacts, they are not required to adopt the mitigation measures in order to take advantage of the streamlining benefits. And there's a very useful link to streamlining opportunities on the Plan Bay Area 2040 website. There's also a summary in the EIR.

The Alternatives Analysis, which is dictated by CEQA, provides a comparative assessment of the differences in environmental impacts for identified alternatives, as compared to the project. The analysis looks at four alternatives that were approved by this body in December of 2016. And that's Section 3.1 of the EIR.

In order to get a good comparison, the same regional forecast of households, jobs, and transportation revenues are assumed for each of the alternatives. What changes between them is the land-use development pattern, and the transportation investment strategies. And, consequently, the impacts from -- when you compare the Plan with the alternatives are similar in many cases.

However, differences do emerge based on the location and the assumed size of the land-use growth and the transportation project footprints within each alternative.

We are required under CEQA to identify what's

called the "Environmentally-Superior Alternative," which we have determined to be Alternative 3, which is the "Big Cities Alternative."

We've found that this alternative would result in the lowest overall level of environmental impacts, as compared to the project.

The land use modeling assumptions and the transportation investment assumptions for this alternative are identified on Page 3.1-7. And, comparatively, this alternative has the most compact growth pattern.

When considering the Plan for adoption, however, the commission and the ABAG executive board must consider this information, but you're not precluded from adopting the proposed Plan, if it is determined to be preferable when balancing all of the relevant factors.

Quickly touching on next steps. After the comment period closes on June 1st, we'll consider all the comments that we receive, and we will provide responses to them.

We may also identify recommended changes and clarifications to the Draft EIR. And that information will be provided in a separate document, which together, with the Draft EIR, will constitute the Final EIR.

The commission and the executive board of ABAG must certify the EIR, and then you may adopt the Plan.

And we're presently working towards adoption in July.

The EIR is available online, or you can contact MTC staff to make other arrangements. We do encourage you to read it.

The comment period will close on June 1st. There are a number of ways to make comments, including orally today, or by submitting written comments today; submittal of written comments by hand at any of the three comment meetings; by U.S. Mail to the MTC offices; by fax, or electronically using e-mail.

And that concludes my presentation.

Thank you.

COMMISSIONER SPERING: Commissioners, what I would like to do is open the public hearing and take the speaker cards, and then bring it back to the committee for comment.

So with that, I would like to open the public hearing on the Draft EIR.

And, Martha, if you could read several cards.

And, speakers, you can use both microphones.

MS. SILVER: Bill Martin, Matt Vander Sluis, and David Zisser. That's all the speakers.

COMMISSIONER SPERING: Okay. Three speakers.

BILL MARTIN: Everybody ready?

COMMISSIONER SPERING: Yes. Go ahead.

BILL MARTIN: Thank you. My name is Bill Martin; San Francisco resident.

My previous comments were meant to highlight the risks to water availability for economic population growth in the Bay Area, and indicated my concerns that the risks to the water availability were not properly addressed or are not -- have not properly been addressed in the Plan Bay Area. 4-1

A couple of comments about what might -- where might we get water; how might we try to reduce the level of risk to population and economic growth. 4-2

A couple of comments relative to the sort of obstacles that come up along this line. For example, real estate developers often don't care about where -- how the water is going to get into the pipe for their new development. And I think this is an area where you guys have an opportunity to influence the different rules regarding how -- the approval of particular projects, versus the water that's going to be used by the residents. 4-3

Another comment is the fact that water agencies need revenue to continue to service the communities. But with reduced water availability, their revenues are going to go down. This too is an area where I think you might have a chance of influence. 4-4

Finally, there's numerous and considerable ways 4-5

that the state has already identified. One particular entity, the City of Los Angeles, has implemented a lot of these ways. For example, landscaping rules about what can be used, what can be planted, how it can be planted, relative to future water because that has a big effect of future water use, if a landscape doesn't need very much water.

Builders can design projects that also help that. And, finally, we can use different offsets.

So I hope that your Plan would reflect some of the things that are already out there for improving the per capita water use across the communities.

Thank you very much.

COMMISSIONER SPERING: Thank you, Bill.

MATT VANDER SLUIS: Matt Vander Sluis, Greenbelt Alliance. Thank you for this opportunity to comment on the Draft EIR.

I have four items that I wanted to raise briefly.

In the original Plan Bay Area 2013, the Final Environmental Impact Report included a rather substantial list of mitigation measures related to the loss of agricultural lands.

It appears, in the new Draft for Plan Bay Area 2040, that that list has been significantly truncated; that is, the mitigation measures identified in the

4-5 cont

4-6

previous plan have been removed.

There were, I think, 16 measures in the original Plan. 12 of those measures have been removed. Two of them have been truncated.

So we hope to explore that further and better understand why those changes may have been made and -- it does -- it certainly raised concerns.

Those mitigation measures had been refined over the course of the development of the EIR for Plan Bay Area 1.0 -- of additional measures being added from the Draft to the Final in Plan Bay Area 1.0. And so we are concerned about that issue.

4-6 cont

It also appears that some mitigation measures have been removed related to the fact that the Draft Plan may conflict with conservation -- local conservation policies, such as habitat conservation plans and natural community conservation plans.

The EIR for 1.0 included a series of mitigation measures that should be considered. The current Plan says that no measures are -- no mitigation measures are required. I'm not sure what the background on that is, and I'm looking forward to working with staff to better understand those issues.

4-7

The third issue is that we have been asking for an assessment of the greenhouse gas emissions that result

4-8

from the land disturbance from loss of natural and agricultural lands from the Plan. It doesn't appear that the EIR includes those.

We would like to see that sort of analysis included to help us better understand the benefits of the more compact footprint that's being called for in this Plan.

4-8 cont

And my fourth point is, we would like to see a stronger addressing of water conservation measures that can help us accommodate the growth that's projected in the Plan, where we are looking to accommodate it.

4-9

So many things that could be outlined in the Plan that would help encourage those joint outcomes we'd all like to see.

Thank you.

COMMISSIONER SPERING: And this is our last speaker, Martha?

Is there anyone else in the audience that would like to address the Draft EIR in comment?

Okay. This is our last speaker.

DAVID ZISSER: If you weren't sick of me yet. David Zisser, again, with Public Advocates.

Really this is just a heads-up and some preliminary comments. Public Advocates will probably be submitting comments by the June 1st deadline for the EIR.

4-10

And just -- I haven't had a chance to dive in, but at a first glance, we do have some early concerns about the way displacement is addressed in the Draft EIR -- both the way it is analyzed, and the discussion around mitigation measures -- and have a question, at least, about whether it would be appropriate to think about tieing the strategies in the Action Plan to mitigation measurements in the EIR as sort of a cheat sheet for the EIR. So, you know, we'll be looking more closely at that and sharing our thoughts.

4-10 cont

I also just want to sort of be on the record for -- to say two things about the equity, environment, and jobs scenario that was included. While I want to thank you all for finally including that and doing an analysis of a version of the EEJ, you know, we -- we had pushed for it to be included as one of the scenarios in Plan Bay Area, and it wasn't. So there wasn't a lot of time to develop that with staff.

And we were notified very, very late that it would be included in the EIR. And, again, we're grateful that it was, but for whatever it's worth -- it may not be worth much to folks here -- but we're not ready to put the 6 Wins' stamp of approval on the EEJ, as developed and as studied in the EIR, for Plan Bay Area.

We need to look more closely at that, but it

4-11

certainly wasn't as robust as the EEJ and Plan Bay Area 2013, though it does have a lot of good things included.

That's all. Thank you.

COMMISSIONER SPERING: Okay. Thank you.

So is there any other speaker?

Okay. If there's no other speakers, I'm going to formally close the public hearing for the Draft EIR, and I'll bring it back to the committee members.

And, Pat, I'll go with you, first.

COMMISSIONER PIERCE: Let me make one quick announcement: Before we start to lose members from my admin committee, I do have a brief closed session following this. So please don't run away. It will be brief, but I need you to stick around.

COMMISSIONER SPERING: Okay. I have Pat, who would like -- any other speakers?

COMMISSIONER EKLUND: Thank you very much, Chair Spering. I haven't finished my complete review of the EIR yet, but there's a couple of charts in here that I'm very concerned about, and some of the mitigation measures, which I'll briefly just mention; specifically Table 1.2-7, which talks about the total land area in each of the counties. That is not accurate. It says the data source is compiled by MTC in 2017.

Well, the acreage -- at least for Marin, it does

4-11 cont

4-12

not coincide with what the county says -- and, also, Marin LAFCO as well. So there's a big discrepancy there, for as much as 40,000 acres.

But what -- this chart, though, is very -- kind of disingenuous in a way because in San Mateo County and Marin and, for that matter, Napa and some of the other counties -- and possibly even Sonoma -- a lot of that acreage is not buildable.

For an example, in Marin County, total agricultural and grazing land in the last Plan Bay Area was 258,000 acres, just in Marin. LAFCO has different numbers now.

But I really think a column is missing. And that column is, "What is the available land for growth?" And in LAFCO's estimate, at least for Marin, it's only 42,000 acres.

So when you talk about how much land is designated for TPAs and PDAs, it's the reader that may not necessarily know that county; might get the wrong impression.

When I also looked at some of the assumptions -- I've made this comment before. I -- and my comments, as an elected official, will reflect this, is that some of those assumptions, I think, are not realistic.

For MTC and ABAG to assume that they're going to

4-12 cont

4-13

assign higher densities than currently allowed by cities in their priority development areas is going against what follows in that very next paragraph about local control. So I think, at some point, we need to have a discussion about the realisticness [verbatim] of some of these strategies.

4-13 cont

And I agree with the Greenbelt Alliance comment about farmland and grazing land and open space. Some of those -- all those mitigation measures were eliminated.

4-14

And Marin County, ABAG delegates and alternates came with a very strong comment back in 2013, 2014, that water availability and use should be a prime focus in future Plan Bay Areas. And there really isn't that -- that focus at all.

4-15

So the Marin ABAG delegates will be submitting comments on the EIR on the Plan, but I -- those are just two things that I've identified so far, as well as some inconsistencies throughout the EIR, which we'll point out.

4-16

Thank you.

COMMISSIONER SPERING: Okay. Any other comments?

Okay. Heidi, thank you.

And, Ken, thank you for the presentation. Ken, do you have anything else to add?

MR. KIRKEY: Thank you.

(Whereupon, the public hearing concluded at 12:24 p.m.)

CERTIFICATE OF REPORTER

I, AMBER EMERICK, hereby certify that the proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true, and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 2017.

_____

AMBER EMERICK CSR No. 13546

Response 4	Multiple – EIR Public Hearing #1 Transcript May 12, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

4-1 The commenter raises a general concern that the risks to water availability for growth in the Bay Area were not properly addressed in the proposed Plan. Water supply impacts were fully evaluated at a programmatic level in Draft EIR Section 2.12, "Public Utilities and Facilities." Please also see Master Response 3, Water Supply and Drought, for a discussion of how the Draft EIR analyzes risks to water availability. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

4-2 The commenter raises a general concern about water availability and reducing the level of risk for planned growth. Please see response to comment 4-1.

4-3 The commenter states that developers often do not care about where or how water is provided to new developments and suggests that MTC/ABAG influence the different rules regarding water supply approval processes. Please see Master Response 3, Water Supply and Drought, for a discussion of this issue. The commenter provides opinions and recommendations and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

4-4 The commenter suggests that MTC/ABAG might have an influence on water agency revenues and the effect of reduced water availability on revenues. Please see Master Response 3, Water Supply and Drought, for a discussion of how the EIR analyzes risks to water availability. Please also see Master Response 7, MTC/ABAG Role and Authority, for a discussion of MTC/ABAG's ability to influence funding and pricing. The commenter provides opinions and recommendations and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

4-5 The commenter refers to means of improving per capita water use, including landscaping rules identified by the City of Los Angeles and offsets, and expresses a desire for the proposed Plan to reflect use of these available methods. Draft EIR Mitigation Measures 2.12-1(a) through 2.12-1(c) identify several measures for reducing impacts to water supply and specifically require implementation of water conservation measures that would result in reduced demand, including reduced use of potable water for landscape irrigation and use of water-conserving fixtures. Please also see Master Response 3, Water Supply and Drought, for a discussion of how the EIR analyzes impacts related to water availability.

4-6 The commenter expresses concerns related to mitigation measures listed for agricultural land in the Draft EIR as compared to the EIR on Plan Bay Area ("2013 EIR"). The conversion of agricultural land to non-agricultural uses is addressed under Draft EIR Impact 2.3-4. It should be noted that this analysis was conducted independently for the proposed Plan, and this EIR does not tier from, or rely on, the 2013 EIR. This impact was determined to be potentially significant because conversion of agricultural lands and open space to urban uses could result from implementation of the proposed Plan. Draft EIR Mitigation Measure 2.3-4 is included to reduce the magnitude of this impact to a less-than-significant level. The commenter is correct that the mitigation measure(s) in the Draft EIR differ from the measures listed in the 2013 EIR. This comment is repeated, in greater detail, in the commenter's written letter (see Letter 45). For a discussion of why these mitigation measures are displayed differently between the two documents, see responses to comment 45-7 through 45-23. The differences between the mitigation measures do not diminish the effectiveness of Mitigation Measure 2.3-4, and it is sufficient to reduce the magnitude of Impact 2.3-4 to a less-than-significant level, as discussed on Draft EIR page 2.3-35.

As discussed in the last paragraph on Draft EIR page 2.3-35, "Mitigation Measure 2.3-4 would reduce the potentially significant impact of conversion of important agricultural land or open space or lands under a Williamson Act Contract to other uses because it would require avoidance or compensation for converted lands."

4-7 The commenter expresses concern regarding the analysis of impacts related to consistency with conservation plans, such as habitat conservation plans, in the Draft EIR, as compared to the 2013 EIR. Draft EIR Impact 2.9-4 addresses conflicts with adopted local conservation policies. It concludes that because compliance with applicable conservation plans would be required for projects seeking to utilize associated incidental take permits, the impact would be less than significant (see Draft EIR page 2.9-45).

Less-than-significant impacts do not require mitigation measures (see Draft EIR page 2.0-3 for more information on impact conclusions). As noted in response to comment 4-6, mitigation measures are included in the Draft EIR to address Impact 2.3-4 related to the direct or indirect conversion of important agricultural lands and open space or lands under a Williamson Act contract. No changes to the document are necessary.

4-8 The commenter requests that the Draft EIR include an assessment of greenhouse gas (GHG) emissions from the loss of natural and agricultural lands that would result from implementation of the proposed Plan. Such an analysis is inherently difficult, because it requires a degree of speculation regarding the tradeoff between the GHG sequestering potential of lost natural lands and that of urban landscaping, including trees that would be provided along with new development. The change to the GHG emissions analysis in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" associated with the addition of GHG emissions lost through displaced natural and agricultural lands would be, at most, minimal, but is explored herein.

The analysis of the change in GHG emissions from implementation of the proposed Plan under Draft EIR Impact 2.5-2 included direct changes in operational and construction emissions from land use and transportation sources. Indirect changes in emissions from loss of natural and agricultural lands, even if no replacement landscaping is assumed (worst case) would not alter the conclusion regarding the significance of impacts associated with emissions from land use and transportation sources discussed under Impact 2.5-2. Additional information is provided below to explain this. This information merely amplifies the analysis already prepared for the EIR and does not change any of the analyses or affect the conclusions in Section 2.5, "Climate Change and Greenhouse Gases," and no revisions to the Draft EIR are warranted.

Lost Carbon Storage

To estimate the area of natural and agricultural lands that would be converted to urban uses, the 2016 land use shapefile from the National Agricultural Statistical Service (NASS) for the Bay Area was overlaid with the proposed Plan's land use growth footprint. Then, carbon storage factors were applied to each displaced land use type to calculate the metric tons of CO_2 that would no longer be sequestered due to the anticipated conversion of these lands to urban uses. A determination of new carbon storage from landscaping was not calculated because the density of landscaping is unpredictable; thus, this calculation is "worst case." The carbon storage factors were taken from Chapter 11 of Appendix A in the CalEEMod User's Guide. These factors are based on values indicated in the IPCC Guidelines for National Greenhouse Gas Inventories, which include assessments of above-ground, below-ground, and soil carbon storage potential. Table 2-4 shows the acreages of natural and agricultural lands that are projected to be converted by urban uses under the proposed Plan. Table 2-5 shows the released stored carbon as $MTCO_2e$ for each natural and agricultural land use type for the entire Bay Area.

As shown in Tables 2-4 and 2-5, the proposed Plan could convert up to 4,132 acres of natural and agricultural lands to urban uses, which would result in the loss of 35,524 metric tons of carbon dioxide ($MTCO_2$) in sequestered carbon by 2040. For perspective, this represents 2.4

percent of the net change in land use emissions reported in the Draft EIR: 1,464,400 $MTCO_2e$/year (Draft EIR Table 2.5-8); and, less than 1 percent of the net GHG emissions from both land use and transportation reported in the Draft EIR, -6,648,600 $MTCO_2e$/year (Draft EIR Table 2.5-11). Irrespective of the relative (percent) difference in GHG emissions compared to the Draft EIR and recognizing this is a worst-case calculation, Impact 2.5-2 would remain less than significant because the proposed Plan would result in a net reduction in GHG emissions in 2040.

Table 2-4 Acres of Natural and Agricultural Lands Displaced by Land Use Growth under the Plan

County	Cropland	Grassland/Pasture	Shrubland	Forest	Wetlands	Grand Total
Alameda	80	632	11	6	0	**728**
Contra Costa	110	1,369	23	2	0	**1,505**
Marin	0	16	3	3	0	**22**
Napa	43	215	5	2	0	**265**
San Francisco	0	0	0	0	0	**0**
San Mateo	2	0	5	8	1	**16**
Santa Clara	153	134	22	124	6	**441**
Solano	366	641	7	0	0	**1,015**
Sonoma	8	130	1	0	0	**139**
Total Acres	764	3,138	76	146	8	**4,132**

Note: Totals may not sum due to individual rounding.
Source: NASS 2016, MTC 2016, Data provided by Ascent Environmental 2017

Table 2-5 Lost Carbon Storage due to Conversion of Natural and Agricultural Lands to Urban Uses

Land Use Type	Total Acres Displaced	Sequestered $MTCO_2$/acre[1]	Stored carbon lost due to displacement ($MTCO_2$)
Cropland	764	6.2	4,737
Grassland/Pasture	3,138	4.3	13,525
Wetlands	8	0	0
Forest	146	111.0	16,175
Shrubland	76	14.3	1,088
Grand Total	**4,132**	**NA**	**35,524**

Note: Totals may not sum due to rounding. $MTCO_2$ = metric tons of carbon dioxide
[1] Sequestration rates available from CalEEMod.
Source: NASS 2016, CalEEMod 2016:51, Data provided by Ascent Environmental 2017

As an additional consideration, although the baseline for this analysis is the existing conditions, the proposed Plan would substantially reduce the area of natural and agricultural land converted to urban uses relative to the No Project Alternative. Thus, implementation of the proposed Plan would provide for greater carbon storage capacity than would occur without the proposed Plan.

4-9 The commenter requests water conservation measures be more strongly addressed. The commenter does not propose any specific measures. Please see response to comment 4-5 regarding this issue.

4-10 The commenter expresses general concerns about the way displacement impacts are analyzed and mitigated in the Draft EIR. Please see Master Response 2, Displacement and Affordable Housing, for a discussion of this issue. The commenter further suggests tying the strategies in Chapter 5, "Action Plan" of the proposed Plan to mitigation measures in the Draft EIR. Mitigating features that are already incorporated into a proposed project are not normally

considered "mitigation measures" for purposes of the EIR. (*Lotus v. Department of Transportation* (2013) 223 Cal.App.4th 645, 656.) Therefore, they need not be discussed or reevaluated in the Draft EIR's discussion of mitigation measures.

4-11 The commenter notes that the Draft EIR included an equity, environment, and jobs alternative that differed from that anticipated by 6 Wins Network. The commenter does not provide details related to how the alternative could be presented differently. Please see response to comment 51-5 for a more detailed response to the written comments provided by the commenter. See Master Response 6, Range of Alternatives, for a discussion of these issues.

4-12 The commenter questions the accuracy of the Draft EIR and states the total land area reported in Marin County is in error by as much as 40,000 acres. The total land area of Marin and other Bay Area counties is reported in Draft EIR Table 1.2-7. The total land area in the table is reported to provide context for the size and scale of each Bay Area county, as well as the size and scale of the areas designated as PDAs and TPAs within each county. The acreages are calculated using a Geographic Information System (GIS). It is possible the acres may differ among data sources due to the level of specificity related to shorelines or other geographic features, as water features are excluded from the total land area acreage calculation. For example, the U.S. Census Bureau reports the total land area in Marin County as 520 square miles or 332,800 acres when converted to acres. This number deviates from the number printed in Table 1.2-7 by 1,100 acres or +/- 0.3 percent.

The commenter goes on to request the reporting of the total acres of "buildable land" in the Draft EIR. Defining what land is buildable is subject to numerous factors that vary by county and local jurisdiction. MTC/ABAG acknowledge that not all parcels of land within a county or within designated Priority Development Areas (PDA) or Transit Priority Areas (TPA) are buildable. Land use regulations (i.e., zoning) generally dictate what parcels of land are deemed buildable. Natural features such as slope may also impact a parcel of lands buildability. MTC/ABAG have considered these factors in determining the proposed Plan's forecasted development pattern. Please see the proposed Plan's draft supplemental report library, *Land Use Modeling Report*, for a discussion of these issues.

4-13 The commenter addresses the assumptions used in developing the proposed Plan's forecasted development pattern and resultant small geography growth projections. The proposed Plan's small geography growth projections are a result of a number of revised and new land use strategies to increase development potential and influence the overall forecasted development pattern. These strategies are further discussed in the proposed Plan's draft supplemental report library, *Land Use Modeling Report*. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

4-14 The commenter refers to a comment made by Greenbelt Alliance regarding mitigation measures. Please see response to comment 4-6.

4-15 The commenter reiterates comments raised on the previous *Plan Bay Area* requesting that water availability be a prime focus of future RTP/SCSs and states that those comments have not been addressed. Water supply impacts were fully evaluated at a programmatic level in Section 2.12, "Public Utilities and Facilities" of the Draft EIR. Please also see Master Response 3, Water Supply and Drought, for a discussion of how the EIR analyzes risks to water availability. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

4-16 The commenter refers to comment letter 57 that will be submitted. Please see response to comment letter 57.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 5

Transportation Solutions Defense and Education Fund

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

May 15, 2017
By E-Mail to
eircomments
@mtc.ca.gov

Jake Mackenzie, Chair
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: 2017 RTP Merits Comments

Dear Mr. Mackenzie:

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 draft Regional Transportation Plan ("proposed Plan") we have commented on. This letter is intended for policymakers. A detailed DEIR comment letter will be submitted later in the comment period. 5-1

Our RTP comments have been consistent since 1994: MTC's facilitation of sprawl and solo drivers is a failed strategy for a metropolitan region. MTC has consistently ignored our advice, the consequence of which is demonstrated in the analysis of Impact 2.1-3, which shows a 150% increase in PM peak period LOS F congestion in San Francisco:

> These roadway traffic service levels reflect the impact of total VMT growth exceeding the growth of roadway capacity on a county level.

This finding substantiates TRANSDEF's long-standing assertion that the regional commute cannot be feasibly accommodated by a network based on individual transport. The sheer number of person-trips clustered into the peak period commute demands a mass transportation approach. 5-2

TRANSDEF asserts that this finding should have resulted in a reevaluation of MTC's strategy, and a thorough consideration of alternative approaches. Not only did that reevaluation not happen, an alternative proposed by TRANSDEF to stimulate that reevaluation was firmly rejected. This rejection (if confirmed in the FEIR) demonstrates

a clear decision by the Commission to prioritize the preservation of the status quo over the performance of the regional network. Not placing the public interest foremost in its priorities **should disqualify MTC from being allowed to control regional transportation financial resources**. 5-2 cont.

The Plan Fails to Influence Mode Choice

From TRANSDEF's climate-focused perspective, the central problem with the draft RTP is that MTC has failed to influence local land use decisions. (See Mitigation section, below). The resulting plan, based on local and county plans, shows a VMT increase of 21%, indicating that the region is continuing to sprawl. In support of this sprawl (defined as auto-dependence), MTC proposes to invest a large share of its RTP resources in GHG-increasing highway expansion projects and in transit megaprojects that do not produce a cost-effective increase in transit ridership. Future residents are still driving alone because of MTC's dual failures to curtail sprawl and to plan and fund adequate transit. These are the primary reasons the RTP fails to reduce regional GHG emissions. 5-3

TRANSDEF's DEIR comment letter identifies the DEIR tables that confirm that drive-alone mode share and GHG emissions per capita remain nearly static between the years 2020 and 2040. The absence of a cumulative progressive shift to lower emissions is inescapable evidence of the proposed Plan's failure to influence travel mode choice, arguably the most important factor in evaluating the effectiveness of an RTP. Because the RTP fails to shift any of the commute to transit, it fails to stop the region's steady march towards gridlock. Delay in 2040 is projected to increase by 44%.

Incorrect Analyses Lead to Flawed Decisions

TRANSDEF's critique of the 2013 RTP EIR served as the predicate for the GHG analysis causes of action in the Sierra Club/CBE challenge. We therefore recommend that the Commission direct staff to respond carefully to TRANSDEF's 2017 RTP DEIR comments. In those comments, we assert that, when correctly assessed, the DEIR demonstrates that **regional GHG emissions increase as a result of the proposed Plan**. TRANSDEF asserts, therefore, that the proposed Plan fails to comply with the legislative intent of SB 375, as expressed in these legislative findings: 5-4

> ...greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve **significant additional** greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32. (Chapter 728, Statutes of 2008, Section 1(c) and (i), emphasis added.)

It should be obvious that **increases in regional emissions threaten the state's ability to achieve its climate targets**. Did policymakers knowingly approve the release of an

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RTP showing a significant increase in future GHG emissions? MTC staff has publicly stated that:

> Most of the Plan's GHG emission reductions will come from MTC's Climate Initiatives Program. **Transportation and land use strategies are not enough to meet the climate goals of SB375**, requiring the following additional programs: Transportation Demand Management, Alternative Fuel/ Vehicle Strategies, and Car Sharing and Vanpool Incentives. (Slide 19, http://mtc.ca.gov/sites/default/ files/Final Preferred Scenario POWERPOINT.pdf, emphasis added.)

Were policymakers apprised of the full range of options available to MTC to achieve GHG emissions reductions from transportation and land use? This information was withheld from Commissioners. Staff's locked-in strategy resulted in the rejection of alternatives in the scoping of the 2013 and 2017 RTP DEIRs that could achieve the region's goals or the state's goals regarding the reduction of GHGs. Instead of the difficult changes called for by SB 375, staff instead relied on Climate Initiatives.

5-4 cont.

Climate Initiatives Program

When considered from a per capita standpoint, **a mind-boggling 61.8%** of the claimed emissions reductions between 2005 and 2035 **come from Climate Initiatives**. **The proposed Plan fails to meet the SB 375 target for 2035 without these Initiatives**.

The Commission did not fund the climate initiatives adopted in the 2013 RTP. We were unable to locate any post-RTP-adoption funding for these programs in the TIP. As a result, TRANSDEF is very concerned about the legitimacy of these claimed emissions reductions, and therefore, the legitimacy of claimed compliance with SB 375.

5-5

A Different Approach

With the DEIR showing the commute getting seriously worse, it is critical for MTC to change strategies. Supporting the regional commute with convenient transit will require different transportation investments than the ones included in the proposed Plan. Not only does the RTP need to focus primarily on transit, it needs to put a stop to land use practices that create dwellings and jobs accessible only by automobile (i.e., sprawl): the new regional trips resulting from sprawl only exacerbate the problem. TRANSDEF asserts that land use and transportation strategies can produce the desired GHG reductions, if they are applied regionwide.

A significant part of the sprawl problem is the direct result of a 2014 vote by the Commission to adopt the draft Countywide Transportation Plan Guidelines. A last-minute amendment to Resolution 2120, Revised, made the Guidelines voluntary. Predictably, the region's counties ignored them completely, resulting in an RTP with excessive VMT growth. Were policymakers made aware of the nearly inevitable consequences of the amendment? Did they knowingly flout SB 375?

5-6

TRANSDEF 5/15/17 4

Making compliance with those Guidelines mandatory for submission of a county's project list into the RTP would greatly assist in the achievement of regional goals. TRANSDEF's DEIR comment letter explains how SB 375 authorizes the imposition of regional responsibilities on local governments, an otherwise impermissible incursion into their autonomy. 5-6 cont.

The other major problem with the proposed Plan is its discretionary funding. The largest financial commitments are for projects that either **directly increase VMT**, or fail to cost-effectively reduce VMT. If these projects were all deleted from the RTP, there would be plenty of resources to impact residents' mode choice decisions, both by providing cost-effective convenient transit service, and by keeping fares low. Four of the top ten RTP investments are for projects that meet these criteria for cancellation: Regional Express Lanes; BART to Silicon Valley – Phase 2; Caltrain Modernization – Phase 1; and Clipper. Investing their $15.6 billion price tag in alternative projects could do wonders for building a convenient comprehensive regional transit network. 5-7

Please note that Resolution 3434 was premised back in 2001 on a commitment by VTA to maintain a 600 fleet/500 peak target minimum bus service levels at the time that the BART to San Jose extension commences revenue service. VTA very recently cut back bus service, suggesting it will not be honoring this commitment later this year.

TRANSDEF RTP Alternative

TRANSDEF's Scoping Comments called for the study of an EIR Alternative that would attempt to reduce VMT and GHG growth by shifting funding away from projects that either directly increase VMT, or fail to cost-effectively reduce VMT. TRANSDEF previously authored the TRANSDEF Smart Growth Alternative for the 2005 RTP FEIR. That volunteer alternative was able to reduce the growth in VMT by 10% compared to the adopted plan. How much better would the results be if the same principles were utilized by MTC's transportation professionals? TRANSDEF's proposal that an updated Smart Growth Alternative be studied in the EIR was flatly rejected. 5-8

Conclusion

We stress that the problem in achieving substantial long-term GHG reductions in the transportation sector is primarily a political problem, and not a technical one. Change on this scale has been compared to turning a battleship. It will require the creation of a strong political consensus around the need for comprehensive solutions. How will the public ever get engaged if it is never informed about the crisis and asked to join in an effort to slow climate change? The proposed Plan does nothing to either inform the public about the scale of change actually needed, or plan to implement it. 5-9

The proposed Plan functions poorly in the future, in relation to any forward-thinking set of measures. Its DEIR actively hides MTC's failure to undertake its SB 375 responsibilities to reduce GHG emissions from cars and light trucks. TRANSDEF calls on MTC to study the TRANSDEF Alternative, fix the impact analyses, implement feasible

TRANSDEF 5/15/17 5

mitigations, and recirculate the DEIR and proposed Plan. We renew our offer to assist MTC in formulating a forward-looking RTP. 5-9 cont.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Response 5	David Schonbrunn May 15, 2017

Thank you for your comment. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

5-1 The commenter states that the letter addresses aspects of the proposed Plan and that a letter on the Draft EIR will be provided at a later date. The comment letter on the Draft EIR is included herein as Letter 41, and detailed responses to comments are provided in responses to comment 41-1 through 41-27.

5-2 The commenter refers to comments submitted on the proposed Plan. This comment is similar to a comment included in the commenter's subsequent letter on the Draft EIR (see Letter 41). Please see response to comment 41-1 for a discussion of the proposed Plan's transportation investment strategy and responses to comments 41-22 and 41-24 regarding the commenter's proposed alternative.

5-3 The commenter refers to subsequent comments on the Draft EIR related to the ability of MTC to influence local land use decisions and travel mode choice. Please see response to comment 41-2.

5-4 The commenter refers to subsequent comments on the Draft EIR addressing changes in regional greenhouse gas (GHG) emissions and the proposed Plan's compliance with SB 375. Please see response to comment 41-3.

5-5 The commenter expresses concern about the Climate Initiatives and claims that MTC has not funded the Climate Initiatives specified in *Plan Bay Area*, adopted in 2013. This comment is addressed in the commenter's subsequent letter on the Draft EIR. Please see response to comment 41-9. See also Master Response 8, Climate Initiatives Assumptions and Implementation, for discussion of this issue.

5-6 The commenter expresses the opinion that MTC should focus primarily on transit and should make compliance with the Countywide Transportation Plan Guidelines mandatory. Please see response to comment 41-12 for a discussion of these issues.

5-7 The commenter suggests funding be shifted away from projects that increase vehicle miles traveled (VMT). Please see responses to comments 41-17 through -19 for a discussion of this issue.

5-8 The commenter refers to previous comments requesting the study of an alternative that would attempt to reduce VMT and GHG growth by shifting funding away from projects that either directly increase VMT, or that fail to cost effectively reduce VMT. See responses to comment 41-22 and 41-24 regarding the commenter's proposed alternative.

5-9 The commenter suggests that the proposed Plan functions poorly in the future and does not undertake its SB 375 responsibilities related to GHG emissions. MTC/ABAG do not agree with this conclusion. Please see responses to comments 41-2 through 41-25. The proposed Plan is a strategy or blueprint for how the region can accommodate the forecasted growth in a more sustainable manner. While the California Environmental Quality Act (CEQA) dictates that Draft EIR Sections 2.1 through 2.14 disclose the potential impacts of the proposed Plan relative to baseline conditions (2015), Draft EIR Section 3.1, "Alternatives to the Proposed Plan" compares and discloses impacts relative to the proposed Plan using the same growth assumptions. Please see Master Response 1, Population and Employment Forecasts, for a

discussion of these issues. Draft EIR Section 3.1, "Alternatives to the Proposed Plan," discloses that the proposed Plan and alternatives will have similar impacts due to their primary objective to accommodate the forecasted household and job growth. In addition, Draft EIR Table 2.5-7 clearly demonstrates that MTC/ABAG fully meets their SB 375 responsibilities to reduce per capita GHG emissions from cars and light trucks. No recirculation of the proposed Plan or Draft EIR is necessary.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Chair Mackenzie, S. Heminger, A. Frenier, A. Bock[illegible], Ken Kirkey, info@planbayarea.org

Letter 6

Bay Area Transportation Working Group (BATWG)

for response by 5/25

May 15, 2017

Jake Mackenzie, Chair
Metropolitan Transportation Commission
375 Beale Street Suite 800
S.F. CA 94105

RECEIVED
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distributed via email. mtl

Subject: 2017 Draft RTP DEIR Comments

Dear Mr. Mackenzie:

On or about May 7, 2017 you received a letter from the Transportation Solutions Defense and Education Fund (TRANSDEF) describing what would be needed to bring MTC's RTP into conformity with AB 32 and SB 375. BATWG associates itself with and generally supports the sentiments expressed in TRANSDEF's letter.

Thanks to the good work of the Schwarzenegger and Brown Administrations, the Obama Administration and the automotive industry, cars and trucks are less energy-consuming and polluting than they used to be. This has reduced GHG emissions some, but not enough to meet State targets.

The MTC Staff often takes credit for these outside achievements, but has made no discernible effort to reduce Bay Area VMT. Yet without VMT reduction there can be no hope of meeting these State targets. Instead of addressing the Bay Area's most critical transportation challenges; namely reducing the flow of traffic and improving public transit, MTC has consistently promoted its highway-expanding HOT lane program and other projects designed to induce still more solo driving. In addition it has frittered away much of the Region's limited supply of public transit funds on pet projects of minor consequence. (Examples of this abound; if there is interest we can provide a list).

As Mr. Schonbrunn noted, without a more enlightened set of Bay Area land use and transportation policies and practices, the Bay Area will be unable to fulfill either its AB-32 obligation to reduce GHG emissions to 40 percent below 1990 levels by 2030, or the SB 375 goal of reducing the total emissions from cars and trucks.

6-1

If, on the other hand, MTC assumes the responsibility of protecting the Bay Area from the adverse effects of sprawl and excessive driving, the improvement opportunities are there:

First, there could be an immediate end to the mid-20th Century practice of expanding roadways "to meet demand". It has long been recognized that expanding roadways induces more traffic and therefore soon results in more regional congestion. This one should be obvious by now.

Second, a greater effort could be made to ensure that new housing, no matter where located, affords residents an opportunity to leave their cars at home, at least some of the time. Putting a few hundred units of housing near a infrequent bus line or two is not "transit-oriented" in any meaningful sense of the phrase. Putting units near a BART station well served by buses is a start, but more is needed.

6-2

Third, the program for developing an effective and well-integrated Bay Area network of trains and buses, essentially abandoned in the 1980's after the completion of the original BART system, could be re-established. Focusing on this goal would soon end the current practice of squandering scarce transportation resources on ill-conceived pet and parochial projects.

Fourth, once a useable network of trains and buses began to take shape, highway and congestion pricing fees could gradually be imposed as required to bring regional congestion and GHG emissions down to manageable levels.

As things stand the Bay Area's chances of meeting State and federal GHG emission standards are nil and regional traffic congestion is getting worse. However as indicated above, with the right regional program things can get better. To get the job done will require innovative leadership, patience, persistence and hard work.

Sincerely,

Gerald Cauthen, Chair
Bay Area Transportation Working Group
900 Paramount Road
Oakland CA 94610
510 208 5441
510 708 7880

Response 6	Gerald Cauthen, Bay Area Transportation Working Group May 15, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

6-1 The commenter generally addresses the issues of greenhouse gas (GHG) emissions and vehicle miles traveled (VMT) reduction, but does not address a specific point or analysis in the Draft EIR. With respect to GHG reduction, the proposed Plan is one component of the overall set of programs and activities that will result in attainment of Senate Bill (SB) 32 goals (statewide reduction of GHG emissions to 40 percent below 1990 levels by 2030). As described in the impacts analysis of Draft EIR Section 2.5, "Climate Change and Greenhouse Gas Emissions," the proposed Plan would fully meet the sustainable communities strategy (SCS) targets (see Draft EIR Impact 2.5-1), but a host of regulatory and other actions are needed to meet SB 32 goals, and these are additional to the proposed Plan; see Draft EIR Impact 2.5-3 and Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of the role of an SCS in attaining overall state GHG reduction targets. The commenter refers to comments included in Letter 41 related to VMT and the use of land use and transportation policies and practices to reduce GHG emissions. See response to comment 41-2 for a discussion of these issues, as well as response to comment 41-1 for a discussion of the proposed Plan's transportation investment strategy.

6-2 The commenter makes several recommendations to improve traffic conditions in the Bay Area, including: not expanding existing roadways, placing housing units near Bay Area Rapid Transit (BART) stations rather than bus stations, re-establishing programs that develop an effective and well-integrated network of trains and buses in the Bay Area; and implementing highway and congestion pricing fees. The proposed Plan's focused growth strategy discussed in Master Response 1, Population and Employment Forecasts, in combination with the proposed Plan's transportation investment strategy align fairly closely with the recommendations. Draft EIR Section 3.1, "Alternatives to the Proposed Plan," evaluate a range of alternatives that explore different combinations of land use growth patterns and transportation investment strategies. See Master Response 6, Range of Alternatives, for a discussion of these issues. Transportation impacts related to traffic congestion during commute and non-commute times are evaluated at a programmatic level in Draft EIR Section 2.1, "Transportation." Discussions of the proposed Plan's consistency with local plans or policies adopted to reduce GHG emissions and the proposed Plan's ability to meet to statewide GHG emissions targets are included in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases." The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

San Jose P.H. 5/16

Letter 7

Plan BayArea 2040

Comment Form

Applies to both the plan and the Draft EIR

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

(supply)
Water is becoming a key element in planning for future growth in the Bay Area and needs to be considered in relation to long-term (sustainable) land use planning.

The plan doesn't appear to discuss or analyze this connection, leaving out a limiting factor for development. Assumptions need to be checked against Urban Water Management Plans and environmental impacts to create dams & other

7-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Katja Irvin

County of Residence: Santa Clara

E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

infrastructure (eg: water recycling facilities) will create, including construction and long term energy use for pumping, treating, and recycling.

7-1 cont

Response 7	Katja Irvin May 16, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

7-1 The commenter expresses concern regarding limited future water supply and notes that this impact should be considered in long-term, sustainable land use planning. The commenter states that this water supply impact is not analyzed in the Draft EIR and suggests that the findings of Urban Water Management Plans (UWMPs) be incorporated into the analysis. Water supply and the applicable UWMPs are discussed in Draft EIR Section 2.12, "Public Utilities and Facilities." Specifically, the proposed Plan's contribution to water use and water supply in the Bay Area is addressed in Draft EIR Impact 2.12-1, which concludes that implementation of the proposed Plan would result in a potentially significant impact because it may result in insufficient water supplies, requiring the acquisition of additional water sources and the imposition of conservation requirements. The Draft EIR includes mitigation measures to reduce water demand and improve water efficiency. Notably, the Draft EIR provides a programmatic evaluation of impacts to public utilities and facilities and explains that implementation of Draft EIR Mitigation Measures 2.12-1(a) through (c) would reduce this impact to a less-than-significant level. However, as explained on Draft EIR page 2.12-29, implementation of the mitigation measures at the project level would be the responsibility of the lead or responsible agency overseeing such projects. The Draft EIR discloses this and concludes a significant and unavoidable impact. Please also see Master Response 3, Water Supply and Drought, for a discussion of this issue.

The commenter states that the environmental impacts associated with the construction of water supply and treatment infrastructure (e.g., dams, water recycling facilities) were not analyzed in the Draft EIR. Construction of water and wastewater treatment facilities and their corresponding environmental impacts are addressed under Draft EIR Impact 2.12-4. The discussion notes that in cases where water and wastewater infrastructure must be expanded resulting in the construction of new facilities and structures, such projects would be required to undergo project-level environmental review wherein potentially significant environmental effects would be identified and mitigated to the extent feasible. Impact 2.12-4 provides a programmatic discussion of the environmental effects typically identified in the environmental review process for the construction of water and wastewater treatment facilities and infrastructure.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 8

Plan BayArea 2040

5/16 San Jose P.H.

Comment Form

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

The Action Plan is an essential part of Plan Bay Area - we need to identify concrete, realistic actions the regional agencies can take to address targets where the region is moving in the wrong direction, especially displacement, middle-wage jobs, and housing affordability (H+T/income). I support the comment letter submitted by the 6 Wins/NPH/ Greenbelt and urge MTC/ABAG to incorporate them into the Action Plan. In particular, a stronger focus on middle-wage jobs is needed along with a more robust → 8-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Louise Auerhahn

County of Residence: Santa Clara

E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

modelling approach to reflect real-world wages & incomes.

8-1 cont

Response 8	Louise Auerhahn May 16, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

8-1 The commenter expresses support for Chapter 5, "Action Plan" of the proposed Plan and expresses support for the comment letters submitted by 6 Wins/NPH/Greenbelt. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided,

Please see comment letter 45 for responses to comments submitted by Greenbelt Alliance and comment letter 51 for responses to comments submitted by the 6 Wins Network.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

800-331-9029 emerickfinch@emerickfinch.com

Letter 9

RE: PLAN BAY AREA 2040

PUBLIC HEARING

_____/

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Tuesday, May 16, 2017

Martin Luther King Library

150 E. San Fernando, San Jose, California 95112

Taken before AMBER EMERICK

Certified Shorthand Reporter No. 13546

State of California

BE IT REMEMBERED that pursuant to Notice of the Hearing, and on Tuesday, May 16, 2017, commencing at 6:03 p.m., thereof, at the Martin Luther King Library, 150 E. San Fernando Street, San Jose, California 95112, before me, AMBER EMERICK, CSR No. 13546, a Certified Shorthand Reporter in and for the State of California, there commenced a public hearing.

--o0o--

MEETING AGENDA

--o0o--

PUBLIC SPEAKERS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2040

--o0o--

Tuesday, May 16, 2017 6:40 p.m.

P R O C E E D I N G S

MS. VOGLER: And I'm going to introduce Heidi Tschudin, who will make a presentation on the Draft EIR.

MS. TSCHUDIN: Hi, everyone. My name is Heidi. I'm going to present to you an overview of the Environmental Impact Report. Excuse me. And then we'll do the same protocol, where we open it up for hearing and take your comments.

I do want to point out again, Fran Ruger. Her team actually wrote the EIR. I'm the Project Manager for the EIR.

We will try to answer any questions you have tonight, but we may not be able to. And part of the process with an EIR is actually take the comments -- the questions in as comments, and we respond to them in writing in a later volume. So we can talk more about that when we get to that point.

You make it challenging for me to read my notes. So I am going to do two things this evening: I'm going to give you an overview of the Draft EIR, and I'm going to make sure that we receive your oral comments on the adequacy of the EIR.

In the California Environmental Quality Act

Guidelines, there's actually a definition of what an adequate EIR is.

And in summary, what it says is, a document that allows decision-makers to intelligently take into account the environmental consequences of an action. And so when you're trying to write an adequate EIR, you focus on adequacy, completeness, and a good-faith effort at full disclosure. There we go.

The purpose of an EIR is to do several things: First of all, it's supposed to identify for the reader the impacts that may result from implementation; in this case, the Draft Plan Bay Area. We're trying to disclose and inform the decision-makers about those impacts. We attempt to identify measures that would mitigate those impacts. And then we also are required to look at alternatives to the Plan.

Similar to the 2013 Environmental Impact Report, the Draft EIR this time around is organized into four main parts: The first is the Introduction and the Executive Summary. What these sections do is, they give you a context for the document. They summarize the process, and they provide conclusions, a summary of the conclusions of the document, primarily in the Executive Summary. The Project Description is really a summary of the proposed Plan Bay Area 2040.

Chapter 2 is the Environmental Analysis. That's where the more detailed examination of the potential for adverse physical impacts is located. And it covers those 14 areas, as the Mayor mentioned to you earlier. And I have a slide on that in a moment.

And then the last section, Chapter 3, covers a couple of items. We look at alternatives, which is a comparison of the project -- in this case the Plan -- to other identified plans.

And then, also, we address the analytical requirements -- excuse me -- other analytical requirements of the California Environmental Quality Act.

Adam already gave you an overview of the proposed Plan. I wanted to mention a few things from the perspective of the Environmental Impact Report.

What the EIR focuses on are the aspects of the Plan that have the most opportunity to create adverse physical impacts.

And so, as an example, it talks about the forecasted change in population, households, and jobs. It focuses on the growth, which in the case of this Plan, is proposed to occur mostly in Transit Priority Areas, and in the Priority Development Areas. So it's a very focused land area.

It looks at the assumed land-use growth

footprint, which is the amount of acres associated with the proposed growth.

And it also looks at the footprint for the Proposed Transportation Investments, which are all the investments that make up the $303 billion. So it analyzes where those have the potential to cause adverse environmental effects.

The California Environmental Quality Act recognizes that different type of projects -- excuse me -- merit different approaches, in terms of the level of detail of the analysis in the document.

So for a large plan document like Plan Bay Area, a more programmatic approach to the analysis is allowed. And that is, in fact, what has been done in the Draft EIR that has been released.

The Draft EIR is what we call a "programmatic document," meaning that it does not analyze individual site conditions or individual projects. But instead, it looks at the whole of the Plan, or the overall collective impact.

In addition, it reports on impacts at three distinct levels: It reports for the entire region -- which is the nine counties and 101 cities.

It also reports by county. And then, in most of the impact areas, where the information is available, it

reports by Transit Priority Area.

These are those 14 areas of impact that the mayor mentioned that are analyzed in the Draft EIR. This organization for the document is similar to the 2013 EIR. All of the areas of impact that are required to be addressed in the California Environmental Quality Act Guidelines are addressed in these 14 chapters.

For each of the impact areas -- so those 14 topical areas that were on the prior slide -- the document takes the same approach. First of all, there's a summary of the existing conditions.

There is a summary of the applicable laws and regulations and policies for that particular topical area.

There's an identification of what we call the "thresholds of significance," which are the criteria that we compare against for determining whether or not there is a potential for impact.

There's a description of the method of analysis that is being used.

And then, for each of the significance thresholds, there's an assessment of the potential for impact in that area.

And for each of these impacts, if you're reading the document, you'll see that it describes or characterizes them by whether the impacts would be less

than significant, significant, or potentially significant.

Where impacts are possible, then we also identify feasible mitigation measures that could mitigate those adverse effects.

And then, finally, for each impact, there's a conclusion about the residual impact. In other words, will -- whether or not the mitigation measure will fully address the impact that's identified.

And in those cases, where feasible mitigation either is not available, or would only partially mitigate the impact, it's characterized as "significant" and "unavoidable."

There are streamlining benefits that are available to future projects that are consistent with the Plan. This is a way to create incentives for those projects to occur.

For a project to take advantage of the streamlining benefits that are associated with the Plan, the lead agency -- which is the city or county that is in charge of the permits for that project -- has to make sure that the project complies with all the feasible and applicable mitigation measures that are identified in this EIR, and any other applicable EIR, such as a General Plan EIR.

Where a future project would not result in a

potentially significant effect, then the lead agency does not have to adopt that particular mitigation measure. But where there would be an impact, adoption of the mitigation measure is required.

And there is a link on the Plan Bay Area 2040 website that talks about these streamlining activities. There's also a summary in the Draft EIR.

Under state law, the EIR must also look at alternatives. The intention of this section is to provide a comparative assessment of the differences in environmental impacts associated with the project, and environmental impacts that would be associated with the alternatives.

In the EIR, it is Section 3.1. And that analysis looks at four alternatives that were approved by MTC and ABAG in December of last year.

In order to compare the impacts, each of them is assumed to have the same regional forecast for household, jobs, and transportation revenues.

What changes between them is the land-use development pattern, and the transportation investment strategies. So as a result of that, many of the impacts of the Plan and from the alternatives are similar. But there are differences that emerge based on location and on the assumed size of the land-use growth footprint and the

transportation project footprint, which is different for each of the alternatives.

We're also required, under CEQA, to identify something called the "Environmentally Superior Alternative." In this case, it was determined to be Alternative 3, which is the "Big Cities Alternative." We found that that alternative would result in the lowest overall level of potential environmental impacts, when compared to the project.

The land-use modeling assumptions, and the transportation investments for that alternative, are identified in the Draft EIR. And, comparatively, this alternative has the most compact growth pattern, which is one of the reasons why it has the least amount of impact.

When MTC and ABAG are considering adoption of this Plan -- which we expect to occur in July -- they're not precluded from adopting the proposed Plan. If it's determined to be preferable, when balancing all the relevant factors, then they are able to take that action.

After the comment period closes on June 1st, we will consider all of the comments that we receive on the Draft EIR, and will provide responses to them.

We may also identify some recommended changes or clarifications for the Draft EIR. And that information will all be packaged into a separate document, which

together, with the Draft EIR, will constitute what we call the "Final EIR." And then, at that point, the MTC and ABAG must certify that EIR, and then they may adopt the Plan.

In terms of opportunities to comment on the Plan, there's obviously today, at this comment meeting, and there's one other comment meeting on Thursday.

There are other ways to submit comments. You can submit them in a written form at any of these comment meetings. You can mail them to the MTC offices using the postal service. You can fax them in. And you can also submit them via electronic mail.

That concludes my presentation. I appreciate that. I am happy to try to answer your questions.

And mostly the focus of what we'll be doing next is to receive your comments, so we can have them in the record.

Thank you.

MS. VOGLER: We have a question.

HILDA LAFEBRE: Hi. My name is Hilda Lafebre, and I am the Manager of Capital Projects and Environmental Planning at the San Mateo Transit District. We operate and administer Caltrain.

Obviously, this is an EIR at a very high level because it's the EIR to prepare for the state plan. So

9-1

we're not going into the levels of details or the specifics of some of these impacts.

However, when the public sees Alternatives 2 and 3 and says, "Significant and unavoidable impacts due to transportation," perhaps it would be good, in the end, to help the public to understand what that means; right?

I believe a good transportation system is actually a good impact. It's a good impact, as opposed to a negative impact. And by that I mean, there are significant amount of improvements that we need to do as a region -- excuse me -- especially in the area of public transit, but it will actually benefit the environment.

And so I think this is a good time to start looking at these environmental analyses from that perspective because we tend to put a lot of negative impacts on all of our EIRs, EIAs. I manage them, so I know that.

But I do -- I do advise the consultants and the people who heard those documents to also see the benefit because the public needs to understand and become an advocate of how important to the environment, to economic development, to health, is the issue of doing good multimodal transportation analysis. So that's one comment.

And the second comment -- and maybe this is a

9-1 cont

9-2

question to you, too -- is the fact that now that California has approved SB 1 -- and that means significant opportunity for transportation, not only repair, and bring a lot of our roads and bridges to a state of repair, but gives us some tremendous inquiry to the development of good transit systems.

So I wonder how MTC/ABAG is trying to -- to do these things.

MR. NOELSTING: I think -- regarding your first comment, I think that's very important. It's one of the things I think we talk about; looking at some of the benefits. We try to capture some of that in the Plan Performance Assessment; how the Plan versus the other alternatives may perform in various elements, whether it's reducing congestion, whether it's reducing greenhouse gas emissions, whether it's improving air quality. Some of those metrics were covered in the Plan Performance Assessment.

So that's one way we try to capture the benefits because I think you're right. When we look at the EIR, we are focused on one type of reporting back and disclosing impacts, versus saying, "These are all the good things that may come along with that."

I think one thing, just to add to that, is when we look at the EIR, we're looking at the physical impacts

9-2 cont

of maybe building something, but we also take into consideration the impacts of building something in terms of the transportation system. So we're accounting for those new improvements when we look at how that may affect congestion or air quality or greenhouse emissions.

So some of those things are accounted for, but we're obviously not spelling out only the positives in the EIR document.

MS. VOGLER: SB 1.

MR NOELTING: SB 1. Thank you. I was trying to remember. It was right on the tip of my tongue for a second there.

Okay. SB 1. Yes. So with the recent passage of SB 1, certainly the timing wasn't great for the Plan, but I think one of the things that we talked about or should --

MS. TSCHUDIN: Maybe we should say what it is.

MR. NOELTING: Oh, sorry.

The gas tax. The recent gas tax. So the --

MS. VOGLER: It's not just a gas tax. It's other fees too. Not just gas tax, yeah.

MR. NOELTING: So that was in the last month or so. Right? So it's very recent. It's a fair amount of money.

I think the good thing that we found in our Plan

9-2 cont

assumptions, for how much money we think the region is going to receive or generate in transportation funding, we said about 300-some billion dollars.

We had carved out a chunk of those funds that we call "anticipated funds," and that was of the tune of about $14 billion.

We also had made assumptions for maybe a future sales -- gas tax, whether it's regional or other form. There was other assumptions too. So I think in some cases we were a little bit prepared for having some new revenues come to the region.

And I think the good news, too, in terms of our Plan strategy of a "Fix It First," the 90 percent or so that's really focused on improving the existing system, that really seemed to align with what the SB 1 bill was intending to do as well.

So I think we're in a pretty good standing, as far as moving forward. I think we're well-positioned, I think -- for the next four years, anyway, to respond to those new revenues.

MS. LAFEBRE: Thank you.

MS. VOGLER: Any other questions?

Okay. I have one speaker card again.

Last call.

Okay. So I guess I'll formally open the public

9-2 cont

hearing for the EIR.

And my first and only speaker, again, is Whitney Berry.

WHITNEY BERRY: Hello again. Whitney Berry, Mid-Peninsula Regional Open Space District.

We would just like to comment that we would love to see, in the transportation -- the analysis of the transportation impacts to multiuse regional trails -- like Bay Trail, other trails that are multiuse, that provide commuter connections between cities and jurisdictions.

And as far as recreational and public services impacts go, we would also like to see some mention -- it must be a difficult kind of analysis to perform, I imagine, but of what that increased density will mean for parks-per-acre for residents in the Bay Area.

Thank you.

MS. VOGLER: Okay. So I guess, given that I have no more cards, that we will formally close the public hearing.

And just to let you know, we'll be here until 8 o'clock. If you change your mind, you can stick around and ask people questions. We're happy to --

MR. NOELTING: Yes.

Also, just to mention, too, we also have comment cards. So if you prefer not to speak into the microphone

9-3

to the court reporter, you can write down your comments. Those will be treated similar -- all in the same manner, whether it's oral or written comment.

And if you leave tonight, and you want to submit a comment through e-mail or through regular mail, you can do that as well.

MS. VOGLER: Yes. Until June 1st. That's the end of the comment period.

So thank you all for coming. I really appreciate it -- we all really appreciate it. And we'll be here until 8:00. So if you have any other questions...

Thank you.

(Whereupon, a brief recess occurred from 7:00 p.m. to 7:14 p.m.)

SCOTT LANE: So my concerns are regarding both the Plan and Draft EIR; that we need to adequately address SB 32 and SB 375. I believe those are not adequately addressed with the transportation, nor the housing components of the Plan between now and 2040.

Further, the adherence to relying on an express carpool network will probably actually increase the induced demand, as opposed to decreasing the induced demand.

For example, you are putting $540 million to active transportation, but the amount that you should be

9-4

putting into heavy rail and light rail is inadequate, as is the amount for active transportation.

If we are to put in approximately 800,000 new households, with approximately 1.3 to 2 million more people between now and 2040, and our roads are more or less gridlocked, and many people travel two to three counties to get an affordable housing situation, and if we know that we're deficient on housing, but yet we're addressing housing even less than transportation, how can we satisfy SB 32, and SB 375, when we're forcing people to get more and more affordable housing? Well, not "affordable"; less unaffordable housing.

We're forcing more people to actually commute between two and three counties, which will drive up our VMTs, and will counter to the Governor's and state initiatives of SB 32 and SB 375.

That's probably enough for now.

(WHEREUPON, the meeting concluded at 8:00 p.m.)

--o0o--

9-4 cont

800-331-9029 emerickfinch@emerickfinch.com

CERTIFICATE OF REPORTER

I, AMBER EMERICK, hereby certify that the said proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of May, 2017.

_____

AMBER EMERICK CSR No. 13546

Response 9	Multiple, EIR Public Hearing #2 Transcript May 16, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

9-1 The commenter provides an opinion about what may be beneficial, as opposed to negative effects related to transportation system investments. While CEQA dictates that Draft EIR Sections 2.1 through 2.14 disclose the potential impacts of the proposed Plan relative to baseline conditions (2015), Draft EIR Section 3.1, "Alternatives to the Proposed Plan" compares and discloses impacts of four alternatives relative to the proposed Plan using the same growth assumptions. This comparative analysis discloses the potential impacts of different combinations of land use growth patterns and transportation investments. The comparison does not disclose benefits per se; however, the analysis discloses an alternative's ability to lessen impacts relative to the proposed Plan and other alternatives. In compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, if MTC/ABAG decide to approve the proposed Plan, they will be required to prepare a Statement of Overriding Considerations that explains the reasons for approving the proposed Plan, despite the fact that the proposed Plan would have significant and unavoidable impacts on the environment. With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines, Section 15093, 15043, subd. (b); see also Pub. Resources Code, Section 21081, subd. (b)). The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided

9-2 This commenter inquiries about Senate Bill (SB) 1's inclusion in the proposed Plan and Draft EIR. Senate Bill 1 (Beall and Frazier), formally known as the *Road Repair and Accountability Act of 2017*, is expected to generate a considerable amount of revenue for transportation investments in California, including the Bay Area. MTC staff provided an overview of SB 1 programs to the MTC Legislation Committee in May 2017. SB 1's emphasis on "fix-it-first" investments aligns closely with the proposed Plan's transportation investment strategy, which directs the majority of reasonably expected funding over the next 25 years to maintain the assets and infrastructure of the existing transportation system. The potential impact of the proposed Plan's transportation investment strategy is evaluated at a programmatic level in the Draft EIR. The commenter does not raise specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

9-3 The commenter asks that effects to the Bay Area's regional trail system, specifically the Bay Trail, related to transportation and increased density associated with the proposed Plan be evaluated in the analysis of the Draft EIR. The commenter questions whether increased density may affect parks-per-acre for residents in the Bay Area. Recreational impacts associated with land use and transportation projects were discussed in Draft EIR Section 2.14, "Public Services," under Impact 2.14-2. In that discussion, specifically in Table 2.14-4, the number of acres per 1,000 residents in 2015 were disclosed, with a resulting average total for the region of 170 acres per 1,000 residents. As discussed under Impact 2.14-2, the General Plan Guidelines as developed by the Office of Planning and Research requires that jurisdictions include Open Space and Conservation Elements in their general plans. Increased density and its related effects on the regional trail system that may occur over buildout under the proposed Plan (i.e., 2040) would be addressed in updates to the various general plans within the Bay Area.

9-4 The commenter expresses concern related to the components of the proposed Plan and states that the Draft EIR does not adequately address impacts related to SB 32 and SB 375. See Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a response related to this issue. Draft EIR Section 2.5, "Climate Change and Greenhouse Gases," demonstrates that MTC/ABAG are fully in compliance with their SB 375 mandate. The commenter addresses transportation funding allocations in the proposed Plan and expresses an opinion that funding for heavy rail and light rail is inadequate. This portion of the comment provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. Finally, the commenter expresses the opinion that more people will commute, which will drive up vehicle miles traveled (VMT). See response to comment 41-2 regarding allocation of the proposed Plan funding, effects on mode share and traffic delay, and the results of the VMT analysis in the Draft EIR. As explained in response to comment 41-2, Draft EIR Table 3.1-13 discloses the potential impacts of the alternatives relative to the proposed Plan. In terms of daily VMT, the proposed Plan would result in a two percent reduction in daily VMT relative to the No Project alternative, and a 71 percent reduction in total daily vehicle hours of delay relative to the No Project alternative. Draft EIR Table 2.1-14 discloses that daily VMT per capita would be reduced with implementation of the proposed Plan, relative to baseline conditions (2015).

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 10

5/18 Vallejo

-schools
-Jobs

Plan BayArea 2040

Comment Form

(2) The Bay Cities alternative ignores the issues Vallejo faces.

10-1

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

(1) without improvement to our schools Vallejo will always struggle and transportation

There is concern that we'll be forced to accept more housing without an increase in jobs because of trans + schools issues and the issue that ABAG 2040 - pollution, ~~traffic~~ long commutes - will be exacerbated

10-2

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Katy Miessner

County of Residence: Solano

E-Mail: [redacted]

Response 10	Katy Meissner May 18, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

10-1 The commenter states an opinion that the Big Cities Alternative ignores issues experienced in the City of Vallejo. The Draft EIR presents a programmatic assessment that evaluates and discloses the potential impacts of implementing the proposed Plan or its alternatives generally at a regional level and county level when appropriate, as discussed in Draft EIR Section 1.1.4, "EIR Scope," under the "Level of Analysis" heading. Therefore, specific impacts to the City of Vallejo under each alternative are not calculated in the Draft EIR. The alternatives assessed in the Draft EIR are defined, and their respective impacts in relation to the proposed Plan are disclosed in Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

10-2 The commenter expresses concern related to improvements to schools and transportation, as well as the potential for increased housing without an increase in job opportunities. The Draft EIR addresses potential effects from implementation of the proposed Plan to schools and the transportation system in Draft EIR Sections 2.14, "Public Services and Recreation," and 2.1, "Transportation," respectively. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

5/18 Vallejo

Letter 11

Plan BayArea 2040

Comment Form

5/18/17 VALLEJO MEETING

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

WE JUST MOVED HERE FROM MARIN COUNTY. BUT AS I LOOK AROUND THE ROOM WE COULD STILL BE IN MARIN. OUT OF OVER 20 PEOPLE, SO TO LOOK TO BE OVER 60 + THERE WERE ONLY 1 OR 2 MINORITY PEOPLE PRESENT. WOULD LIKE TO SEE MORE OUTREACH TO THE 60-70 % OF VALLEJO THAT IS NOT WHITE (OR COLLECTING SOCIAL SECURITY!)

11-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: DOLORES CORDELL

County of Residence: SOLANO

E-Mail: [redacted]

Response 11	Dolores Cordell May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

11-1 The commenter notes the perceived average age and ethnicity of the people who attended the public hearing for the proposed Plan and Draft EIR on May 18, 2017, in the City of Vallejo and offers a suggestion for future public outreach. The proposed Plan's draft supplemental report library includes the *Public Engagement Program Report.* As discussed in the draft report, a comprehensive program of public involvement activities is a key part of MTC's long-range planning process. The report can be accessed from the proposed Plan's website (2040.planbayarea.org/reports). Key components of MTC's *Public Participation Plan* are described in Draft EIR Section 1.2, "Project Description" on page 1.2-11 under the "Public Outreach" heading. One component of outreach includes focus groups with community-based organizations (CBOs). Each CBO invited constituents to discuss the proposed Plan and requested participants take a survey on transportation and housing priorities. A CBO outreach meeting was held in the City of Vallejo on May 11, 2017. The commenter provides opinions and recommendations and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Vallejo 5/18

Letter 12

Plan BayArea 2040

Comment Form

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

KEEP HIGHWAY 37 OPEN WITH NEW ROADWAY IMPROVEMENTS TO ALLOW FUTURE TRANSPORTATION ACCESS.

12-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: WALTER DANZ

County of Residence: SOLANO (VALLEJO)

U.S. E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

Response 12	Walter Danz May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

12-1 The commenter requests that State Route (SR) 37 remain open with new roadway improvements to allow future transportation access. Please see response to comment 56-5 regarding investments in the proposed Plan that would address SR 37. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

5/18 Vallejo

Letter 13

Plan BayArea 2040

Comment Form

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

MTC needs to address transportation needs of Valley with regard to the heavy burden of tolls on commuters and the lack of affordable, dependable time sensitive offerings. The failure of MTC to do so has contributed to the isolation of Valley and the downward trend of middle priced housing causing a never ending downward Spiral. 13-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Robert McConnell

County of Residence: Solano

E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

Response 13	Robert McConnell May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

13-1 The commenter recommends that transportation systems in the City of Vallejo be addressed. The Draft EIR presents a programmatic assessment that evaluates and discloses potential impacts of implementing the proposed Plan and its alternatives generally at a regional level and county level when appropriate, as discussed in Draft EIR Section 1.1.4, "EIR Scope," under the "Level of Analysis" heading. Transportation impacts related to traffic congestion during commute and non-commute times and transit operations are evaluated at a programmatic level for the entire Bay Area in Draft EIR Section 2.1, "Transportation." The commenter also requests that MTC address transportation needs in the City of Vallejo and refers to roadway tolls and appears to refer to transit service. The proposed Plan includes expansion of public transportation opportunities and a resultant reduction in per capita vehicle miles traveled (VMT) in the region and within Solano County. The project list associated with the proposed Plan includes several projects related to improving transit service within Solano County and the Vacaville area. These include the Fairfield/Vacaville multimodal station ($81 million), Vallejo Baylink Station Parking Structure Phase B ($30 million), Access and Mobility Program to improve access and mobility for people with disabilities, low-income residents, and seniors ($113 million) and Solano Managed Lanes Implementation Plan Support Projects such as expansion of transit centers, construction or expansion of Park and Ride facilities and replacement and maintenance of intercity buses ($115 million). The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

5/18 Vallejo

Letter 14

Plan BayArea 2040

Comment Form

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

There is a jobs-housing imbalance in the San Francisco Bay Area. It has been said that the Silicon Valley / South Bay has more jobs than housing; however, Solano County / North Bay has more housing than jobs. For Solano County, that means more residents travelling out-of-County to either Bay Area or Sacramento for high paying jobs. Solano County has a lot of unused or underdeveloped business / commercial parks or areas that should satisfy this perceived problem. 14-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Richard L. Burnett (MTC PAC, Solano County)

County of Residence: Solano County

E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

Response 14	Richard L. Burnett May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

14-1 The commenter states that there is a jobs-to-housing imbalance in the San Francisco Bay Area, and therefore, there are more residents travelling out of Solano County to either the Bay Area or Sacramento for high-paying jobs. The commenter suggests that underdeveloped business parks and vacant buildings in Solano County could accommodate jobs and reduce commute distance. The proposed Plan provides a land use scenario that would accommodate projected housing and jobs in the Bay Area. As shown in Draft EIR Table 1.2-11 on page 1.2-25 of Section 1.2, "Project Description," the proposed Plan projects an increase of 14,000 jobs in Solano County. As discussed on Draft EIR pages 1.2-21 and 22, the projected areas of growth and redevelopment associated with future jobs and housing is aimed to be located within Priority Development Areas. Local agencies retain local land use authority and would continue to determine where future development occurs. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

5/18 Vallejo

Letter 15

Plan BayArea 2040

Comment Form

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

Easing transportation could be achieved through

1. Tax breaks
2. Commuter perks
3. Uniform HOV "rules" - two/three persons per vehicle
4. More employer use "flex" time

15-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Clyde Huff Jr

County of Residence: Solano

E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

Response 15	Clyde Huff, Jr. May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

15-1 The commenter provides recommendations to improve transportation conditions, including: tax breaks, commuter perks, high occupancy vehicle rules, and employer use of flex time. The proposed Plan and the alternatives evaluated in the Draft EIR address transportation demand management strategies. The Climate Initiatives Program identifies strategies that can reduce greenhouse gas (GHG) emissions. While the specific Climate Initiatives may differ from the commenter's suggestions, various initiatives are similar in scope, including the Commuter Benefits Ordinance, Vanpools and Employer Shuttles, and Trip Caps. See the *Travel Modeling Report* of the proposed Plan's draft supplemental report library for a discussion of the Climate Initiatives program. Also see Master Response 7, MTC/ABAG Role and Authority, and Master Response 8, Climate Initiatives Program, for a discussion of this issue. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

5/18 Vallejo

Letter 16

Plan BayArea 2040

Comment Form

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

1. Bicycles
2. Bikes
3. Bicycles (Trikes too!!)

Vallejo is, has been, and will be the "Center" of it all – midway between Capitol and S.F. etc. Lets continue this...

Access – infrastructure – Education – Repairs – Children

Commuters

Recreation

16-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: David Belef

County of Residence: Solano

E-Mail: [redacted]

Response 16	David Belef May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

16-1 The commenter provides a of several items (e.g., bicycles, bikes, children) and the physical location of the City of Vallejo. As discussed in Draft EIR Section 2.1, "Transportation," a goal of the proposed Plan is to enhance the region's bicycle and pedestrian network and promote growth and land use that maximize the potential for shorter trips, which are more likely to be made by non-motorized modes. To support this goal, the proposed Plan contains a number of bicycle and pedestrian projects generally designed to expand, enhance, and increase the connectivity and comfort of the existing network and complements this with supportive land use investments. Multimodal and bicycle and pedestrian projects identified in the proposed Plan include but are not limited to, funding for countywide multimodal streetscape and bicycle and pedestrian programs, the San Francisco Bay Trail projects, Bayshore Station planning and design, Coliseum City Transit Hub, and funding for environmental documentation for the San Francisco-Oakland Bay Bridge West Span Bicycle, Pedestrian, and Maintenance Path (see Draft EIR page 2.1-25). The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment in their overall consideration of the proposed Plan.

5/18 Vallejo

Letter 17

Plan BayArea 2040

Comment Form

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

How did you determine the job projections?

Vallejo's job projections are significantly higher than what MTC/ABAG has projected. I am concerned that this disparity will negatively impact the City's ability to qualify for regional/state funding, and that the City would be hampered in attempting to designate additional PDAs. 17-1

Would you like to be added to the Plan Bay Area e-mail notification list? (*Optional*)

By providing the following information, I consent to and agree that the information may be used by MTC and ABAG to keep me up to date via e-mail on Plan Bay Area and related planning work.

Name: Andrea Ouse

County of Residence: Alameda

E-Mail: [redacted]

Association of Bay Area Governments

METROPOLITAN TRANSPORTATION COMMISSION

Response 17	Andrea Ouse May 18, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

17-1 This comment expresses concerns related to the proposed Plan's forecasted development pattern and resultant small geography growth projections and inconsistencies with the City of Vallejo's job projections. The proposed Plan's projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall regional projections of households and jobs in 2040. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The commenter also expresses concern related to qualifying for future funding and designation of priority development areas (PDAs). Please see response to comment 27-1 for a discussion of the project selection criteria and programming policy for the One Bay Area Grant (OBAG) 2 Program. Jobs projections are not a part of the OBAG funding formulas. PDAs are recommended by local governments and approved by ABAG. PDA designation is discussed on Draft EIR page 1.2-18. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

800-331-9029 emerickfinch@emerickfinch.com

Letter 18

RE: DRAFT PLAN BAY AREA 2040

ENVIRONMENTAL IMPACT REPORT

PUBLIC HEARING

_____/

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday, May 18, 2017

Vallejo Naval and Historical Museum

734 Marin Street, Vallejo, California 94590

Taken before MARK I. BRICKMAN

Certified Shorthand Reporter No. 5527

State of California

800-331-9029 emerickfinch@emerickfinch.com

BE IT REMEMBERED that pursuant to Notice of the Meeting, and on Thursday, May 18, 2017, commencing at 7:15 p.m., thereof, at the Vallejo Naval and Historical Museum, 734 Marin Street, Vallejo, California 94590, before me, MARK I. BRICKMAN, CSR No. 5527, a Certified Shorthand Reporter in and for the State of California, there commenced a public hearing.

---o0o---

MEETING AGENDA

---o0o---

800-331-9029 emerickfinch@emerickfinch.com

PUBLIC SPEAKERS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2040

PAGE

800-331-9029 emerickfinch@emerickfinch.com

Thursday, May 18, 2017 7:15 p.m.

P R O C E E D I N G S

So now I want to introduce Heidi Tschudin. She will give our presentation on the Draft Environmental Impact Report.

MS. TSCHUDIN: Okay. Thank you. Good evening. I'm Heidi Tschudin. So I want to provide you with an overview on the Environmental Impact Report.

We're going to receive comments tonight on the adequacy of that document, and I just wanted to quote a little bit from the California environmental guideline -- Environmental Quality Act guideline, guidelines on what an adequate EIR is, which is it's one that allows decision-makers to intelligently take into account environmental consequences.

So the idea there is adequacy, completeness and a good faith effort at full disclosure.

The purpose of an Environmental Impact Report is to identify impacts that would result from implementation of the plan, to disclose and inform those to the MTC and ABAG decision-makers, to identify mitigation measures that could mitigate those impacts and also to analyze alternatives of the plan.

The EI -- the EIR is organized into four key

areas. The first one addresses the introduction and executive summary, and so that gives you a context for the document and summarizes both the process and the conclusions of the document.

The second is the project description which provides a summary from a environmental impact perspective of the Plan Bay Area 2040 plan.

The third area which is in chapter three is The -- excuse me. Chapter two is the environmental analysis, and so that examines the potential for adverse physical impact in fourteen issue areas which I'll identify in a moment.

And then the last area, which is in chapter three addresses alternatives and then other required sections under CEQA.

So that allows a comparison of the plan to other alternative plans and also assesses additional requirements of the State law.

Now, Adam already gave you an overview of the plan, but from the environmental impact perspective, there's a couple of things I wanted to point out.

First of all, one of the focuses is on the aspects of the plan that could result in adverse physical impacts.

So the EIR focuses on things like forecasted

change in population, forecasted change in the number of households and also in the number of jobs.

It also discusses and talks about the implications of the fact that most of the growth is targeted to go into transit development areas -- excuse me. Transit priority areas and priority development areas.

So that concentrates the development which has the effect of minimizing some of the impacts.

The EIR analysis assumes the acreage that's associated with the land use footprint and the acreage that's associated with the footprint for the transportation investments and then uses that to do the analysis of some of the areas of impact.

The California Environmental Quality Act recognizes that there's different types of projects that merit different approaches in terms of the level and detail of environmental analysis.

And so for a large plan document such as Plan Bay Area, you're allowed to take a more programmatic approach to the analysis, and that is what's done in this EIR.

The Draft EIR is a programmatic document, which means that it does not analyze individual site conditions or individual projects, but rather it looks at the whole

of the plan and the overall collective impact.

The EIR also looks at impacts at several distinct levels. So you'll see in the impact analysis that there's a focus on the overall region, and then in most cases, the impact is also broken down by county, and then where possible, the impact is further broken down by transit priority areas.

This gives you a list of the fourteen issue areas that are addressed in the EIR. This organization is similar to the organization in the 2013 EIR if you were involved with that effort.

All of the areas of impact that you -- that we are required to address under State law are addressed in these fourteen chapters.

For each of those fourteen areas, a similar approach is taken in the environmental analysis. First we identify summary of existing conditions and we also identify both the regulations and policies that are applicable to that particular issue area.

We identify the applicable thresholds that are used for identifying impacts. We describe the method of analysis that's being used, and then for each impact threshold or criterion, there's an assessment of the potential for impact, and that assessment is categorized by levels.

So, for example, you'll see language like "less than significant impact" or "potentially significant impact" or "significant impact."

Where impacts are possible, within -- we also identify mitigation measures that could mitigate those effects, and then we also have to provide a conclusion about residual impacts.

So, in other words, does the mitigation measure fully address the impact, and where mitigation measure is not available or would not fully address the impact, then in the document it's identified as significant and unavoidable.

There are certain regulatory streamlining benefits that are available to future projects that are consistent with the plan. This is like an incentive to encourage those projects to move forward.

For a project to take advantage of those streamlining benefits, though, they do have to incorporate all of the feasible and applicable mitigation measures that are in the document.

The State requirements for environmental impact analysis also require us to provide an alternative analysis.

So that is a comparative assessment of the differences in environmental impact for a number of

identified alternatives as compared to the impacts that would occur as a result of implementing the project, which in this case is implementation of the plan.

The EIR in this case looks at four alternatives that were approved for that purpose by the MTC and ABAG decision-makers in December of 2016.

In order to compare these alternatives, the same regional forecasts for housing, jobs and transportation revenues are assumed for each alternative.

What changes between them, though, is the land use pattern, the land use development pattern that is assumed and also the assumed transportation investment strategies.

So while many of the impacts from the plan and the four alternatives are similar, there are differences that emerge and are analyzed in the document that are based on the location and the assumed size of the land use growth and transportation development footprints for each of the alternatives.

We're required also under State law to identify what's called an environmentally superior alternative. That's the alternative that would result in the least amount of environmental impact in the areas that are analyzed in the document.

For this EIR, that alternative was determined

to be alternative three or the big cities alternative.

The land use modeling assumptions and the transportation investments for the big cities alternative are identified in chapter three of the EIR and comparatively this alternative has the most compact growth pattern, and that's one of the big reasons behind that conclusion.

When considering the plan for adoption, however, the Commission and the ABAG Executive Board can consider all of this information.

They have to consider the alternatives analysis, but they aren't precluded from adopting the plan if they determine that the plan is preferable when they balance all the relevant factors.

As we've mentioned, the comment period closes on June 1st, and at that time we'll consider all of the comments we've received on the Draft EIR and we'll provide responses to them.

We'll also identify recommended changes in the Draft EIR, and that information will all be packaged into one separate document which, together with the Draft EIR, will constitute the Final EIR.

And the Commission and ABAG Executive Board has to certify that document before they can move forward with adoption of the plan. Right now, we're working

towards adoption hearings in July.

So this is my final slide just to reiterate how you can comment on the Draft EIR. First of all, the document is available online.

You can also contact the MTC staff to make other arrangements to get access to the document. I noticed several of you have the stick drive that has the EIR on it, so that's another good way.

We encourage you to read it. The comment period is a full forty-five days. There's several ways you can submit comments. You can submit them orally like we're doing at this meeting. You can also submit written comments like you're doing with -- some of you I think are writing out comments that you can submit to staff. You don't have to give them verbally.

You could submit written comments through the US mail during the comment period. You can fax them in or you can e-mail them in. So all of those methods are acceptable.

And that concludes my overview on the EIR, and I think Ursula's going to help me monitor. I'm happy to answer questions, but I think it might be better given the experience on the prior one if we just go straight into comments.

MS. VOGLER: Only clarifying questions.

MS. TSCHUDIN: Okay.

MS. VOGLER: Yeah.

AUDIENCE PARTICIPANT: I think you said it identifies the alternative that has the least environmental impact, but MTC and ABAG don't have to choose that one. Correct?

MS. TSCHUDIN: That's correct.

AUDIENCE PARTICIPANT: Have they -- does the Draft EIR identify the one they chose?

MS. TSCHUDIN: No. Right now the preferred plan, so the one that's being promoted by MTC and ABAG staff, is the Plan Bay Area 2040, which is that document that some of you have a copy of and that's what's on the stick drive.

The decision on whether to adopt that or something else will be the decision that's made at the July hearings.

AUDIENCE PARTICIPANT: Okay. Thank you.

MS. TSCHUDIN: You bet.

MS. VOGLER: I have there was one other question, clarifying questions. Yes.

AUDIENCE PARTICIPANT: How do you define a transit priority area?

MS. TSCHUDIN: There's a definition in State law. It has to do with density and proximity to a

certain quality of transit, and it's actually defined in the code.

AUDIENCE PARTICIPANT: It's State law?

MS. TSCHUDIN: Yes.

AUDIENCE PARTICIPANT: Thank you.

MS. TSCHUDIN: Yes, ma'am.

AUDIENCE PARTICIPANT: Can you state -- the big city options, what are the big city? Are they actually chosen?

MS. TSCHUDIN: They -- they are, and Adam might actually be a better person to kind of walk through a question like that if you don't mind.

MR. NOELTING: Well, yeah. And it's not just the three big cities. So we're not suggesting that all the growth that's forecasted would be going to those three cities. It's a lot of the growth, a higher percentage.

I think in the plan slides, it showed it was close to forty-six percent of households. So that number would increase in the big city alternative as well as some cities that are adjacent though those three cities.

So near neighbors, and also some of the emphasis in terms of the transportation investments, it was less on highways and much more oriented towards transit services and trying to increase services, expand

services that exist today.

Much of the rail systems in this example are ones with less frequency. So it was a little different approach than looking at a more focused growth pattern and more transit may be more of an emphasis.

AUDIENCE PARTICIPANT: So in the North Bay, is there any big city in -- in the north -- I sort of consider us the North Bay versus East Bay because we've got bridges that we have got to cross to get to the East Bay.

So what about our area? We're sort of stuck between Highway 37, as everyone already commented. So I'm hoping -- this is more a comment than a clarifying question, as well.

What's there for the North Bay?

MR. NOELTING: Well, there would be --

AUDIENCE PARTICIPANT: What cities?

MR. NOELTING: Yeah. I mean, it would be -- it would be less growth forecasted in the North Bay than it would be in the other alternatives. So there are four alternatives. There's a variation on each of those.

The big cities would have certainly more of a focus on what would be, you know, the -- the core -- I don't know how you would want to define the core, but often people define it as looking from Oakland to maybe

Richmond down to San Francisco to San Jose.

So that kind of area is probably one of the concentration of growth.

I didn't preclude growth from going to other areas, but again, that's more of the emphasis where there's a fair amount of more growth.

So likely we would see less households and in Vallejo than there would have been in the proposed plan and other alternatives.

And then ultimately, we limited it for transportation. So there would be less highway emphasis in some cases, too. So it's a different mix to give a different perspective range of outcomes.

MS. VOGLER: Okay. Clarifying question.

AUDIENCE PARTICIPANT: Does the EIR address the issue of Southern California sucking more and more of our water south? The Delta tunnel?

MS. TSCHUDIN: I would say no. There's not a separate analysis. That is subject to its own environmental analysis that is available online threw through the State, but not through this document.

MS. VOGLER: Yes, sir.

AUDIENCE PARTICIPANT: I just wanted to clarify something. You mentioned that there had to be an identified alternate superior project, I believe, in an

Environmental Impact Report.

What's the staff authority on that and does the identified alternate superior project have to be discussed in any example?

MS. TSCHUDIN: There is no real requirement or guideline regarding the depth of analysis. It is a specific explicit requirement out of the both the Public Resources Code and the California Code of Regulations.

AUDIENCE PARTICIPANT: Thank you.

MS. VOGLER: Okay. Yes.

AUDIENCE PARTICIPANT: Clarifying question. When you use the phrase that you are going to "streamline the process for business growth," does that mean you're removing -- who's the we that gets approval on the growth, and is that removing Vallejo's protections on authorizing projects in our own city?

For example, someone's going to apply to use, but an incinerator plant, because you're looking at the whole Bay Area, you go to Vallejo.

MS. TSCHUDIN: There is no aspect of any of the --

AUDIENCE PARTICIPANT: Mm-hmm.

MS. TSCHUDIN: -- statutes or laws that are behind this effort that takes away control for local decision-making from local governments.

AUDIENCE PARTICIPANT: Thank you.

MS. VOGLER: Yes. Clarifying questions. Yes, sir.

AUDIENCE PARTICIPANT: I have a question. There are many disadvantaged communities in the Bay Area. Will an environmental justice analysis be required or will it be that all about during this process?

MS. TSCHUDIN: There is an environmental justice analysis that's been prepared. It's prepared outside of the CEQA process because there's separate environment requirement for it under SB 375, and Adam may be able to tell you more about that.

MR. NOELTING: Yeah. There is an analysis in one of the supplemental reports to the proposed plan. It goes into a fair amount of detail in terms of analysis that you referenced earlier, the air quality, looking at communities of concern and looking at measurements across the region.

AUDIENCE PARTICIPANT: Was Vallejo on there?

MR. NOELTING: I'd have to look at the maps, but I would imagine.

AUDIENCE PARTICIPANT: Is that available now?

MR. NOELTING: Yes. It's one of the supplemental reports. I can help plug into one of the computers and we can look at it if necessary.

AUDIENCE PARTICIPANT: Thank you.

MS. VOGLER: Yes, sir.

AUDIENCE PARTICIPANT: It it's necessary for us to get to Sacramento on highways like the 80, for example, are we looking at high speed rail?

MS. TSCHUDIN: You were talking so fast, I did not get the first part of that question.

AUDIENCE PARTICIPANT: Let me slow it down for you. Vallejo is the geographic of the North and east Bay of this amazing area. Vallejo is the stepchild obviously of the bay as I can see here.

Isn't it time for us to focus on connecting Vallejo with Sacramento in a way other than 80? For example, high speed rail?

When I drive to see my sister and daughter in Sacramento, it takes me an hour and fifteen minutes.

Marin doesn't want BART. This area wants BART. Why isn't BART here?

MS. VOGLER: Yeah. So that -- that -- that wasn't an EIR question, but I --

AUDIENCE PARTICIPANT: Transportation question.

MS. VOGLER: That's right. Well, I don't know if Adam has a comment, but -- okay.

MR. NOELTING: You know, in terms of the plan,

we look at other options. That's certainly something we can keep looking into. I think there's been some recent studies looking at various corridors.

We can check into a little bit more and certainly I think our assumptions looking at high speed rail certainly connecting us from the -- to the south and not even going through all the region at this point.

I'll leave it at that. You probably want to open it up for some of the comment cards we have now.

MS. VOGLER: Okay. So we're going to move into the public hearing. I have two cards, so I again would love it if you filled out a card and had a comment on the EIR.

I think a gentleman came in during this -- this presentation, and if you'd like to comment on the plan, that's okay, too.

So if you are commenting on the plan, I would just ask that you state your name and say this is a comment on the plan, because these comments are Now comments on the EIR.

So I'm going to go ahead and open the public hearing on the Draft EIR, and the first speaker I have is Teresa Hardy.

MS. HARDY: That's me.

MS. VOGLER: Okay.

MS. HARDY: I am not from Vallejo and I --

MS. VOGLER: Can you talk to him just so he can hear you?

MS. HARDY: I am -- I'm not from Vallejo, but I can appreciate all the concerns of the people that live in this community.

I actually attended the hearing in San Francisco, and it was in the morning. So there were not a lot of comments at that because, you know, a lot of people were working.

I'm going to touch on a broader issue that organizations have concerns about, and that is water.

Resiliency is part of the plan and climate change, and if you look at the State of California, I'm going to address some problems that we have which really are directly related also to these nine regions.

One is the Delta tunnel. Two is river flows. Three is the drought -- five years of drought. Four is flooding projecting ahead to the end of the century.

If climate change continues, we will no longer have CO melt in April. It will be in January. That will increase flooding.

Some water districts are looking at groundwater as their source, but we can already see we've used up a lot of our groundwater and they're continuing to frack --

18-1

do fracking in the State of California.

So as a region, we cannot afford two million more people by 2040 and we do not address language related to water in this EIR, and there are some organizations that would like to see more clarifying language, more specific language how water is going to be addressed, which will affect all of us.

18-1 cont

MS. VOGLER: Okay. Thank you very much.

The next commenter I have is Brittany Gray.

MS. GRAY: Okay. So I'm Brittany Gray and I am a resident of Vallejo, but I also work for the Tuolumne River Trust. I'm here kind of on behalf of both of those things tonight.

The Tuolomne River Trust, just a little bit about us. We were founded in 1981 and we work throughout the Tuolomne River watershed. We have offices in Sonora, Modesto and San Francisco.

The Tuolumne is the primary source of water through the Public Utilities Commission's 2.6 million customers in San Francisco, San Mateo, Santa Clara and Alameda Counties.

We're concerned that the population and job growth projections included in the Plan Bay Area would create serious negative environmental impacts on the Tuolumne and other rivers as well as the Sacramento/San

18-2

Joaquin Bay Delta area.

We believe that the Draft Environmental Impact Report fails to adequately address these potential impacts.

The Plan forecasts that the SF-PUC customer base will increase by twenty-eight percent, from 2.6 million to 3.3 million people by 2040, and the population in the Santa Clara Valley Water District Service area is projected to increase by twenty-six percent, and the population in the immediate Bay Area is also projected to increase by twenty-five percent.

This level of growth is not sustainable, and -- and the Delta Reform Act of 20009 establishes state policy that achieving water supply reliability and restoring the Delta ecosystem must be applied co-equally in these kinds of plans.

18-2 cont

The Bay -- the Plan Bay Area Draft EIR barely scratches the surface of potential impacts on our waterways and the Bay Delta and fails to give equal weight to ecosystem restoration.

The dramatic decline in Central Valley salmon, steelhead and other aquatic species over the past few decades suggest that humans are already diverting too much water from our rivers and from the Delta.

A 2010 flow criteria report by the State Water

18-3

Resources Control Board determined that sixty percent of the San Joaquin River's unimpaired flow would be necessary to fully protect the fish that live there.

However, only about a third of the river's flow currently reaches the Delta on average.

The Tuolumne is the largest tributary to the San Joaquin, and on average only twenty percent of its unimpaired flow actually gets to the river because it's being withheld for human water use purposes.

We're already diverting too much water from the rivers and from the Delta, and the EIR needs to evaluate how the likely increase in water demands or the unavoidable increase in water demands might impact our river and the Delta ecosystem, especially potential impact to fish and wildlife, water quality and recreation.

18-3 cont

We also have some concerns about the -- the focus of -- of drought and the use of drought in the evaluations made in the EIR.

Most water agencies have adopted drought plans that are aimed at managing a three- to five-year drought, and the SF-PUC's drought plan addresses an eight and a half year drought, but the EIR appears to focus on water quality impacts from one single dry year. So that's kind of an area of weakness there.

18-4

Oh, and mitigation measures. The primary mitigation measure that's included in the EIR suggests that water agencies must conserve more water and/or identify new sources of water.

Those are our mitigation plans to accommodate these millions of more people.

And this is through reclaimed water and desalinization. It's not entirely adequate and we're suggesting that the EIR should address the potential environmental impacts that would occur if conservation and alternative water supplies aren't able to keep pace with this projected growth and demands.

A case could be made for adding housing staff to the Bay Area, as you guys have mentioned, to enable people to live closer to their jobs and public transit, which would reduce greenhouse gas emissions and things like that, but the projected growth in employment is probably going to offset the gains by bringing people closer.

So you'll be bringing them in. There's going to be more people in the outer areas, too, and if these projections are accurate, the region will continue to face a severe housing shortage as well as adding more stress on our aquatic ecosystem.

So we ask -- in conclusion, we ask that the EIR

18-4 cont

include an alternative plan that dramatically reduces the amount of projected jobs growth to see what the impacts of that might be and also to provide more mitigation measures and alternatives for increasing our water supplies.

MS. VOGLER: Thank you.

Okay. I have no more cards.

Does anyone else like to comment?

VICE-MAYOR McCONNELL: I would.

MS. VOGLER: Did you fill out a blue card?

VICE-MAYOR McCONNELL: No, but I will. I did the first. I will.

MS. VOGLER: Can you state your name?

VICE-MAYOR McCONNELL: I'm Robert McConnell.

MS. VOGLER: Okay.

VICE-MAYOR McCONNELL: Vallejo is blessed by a lot of water rights because of Lake Berryessa. Those water rights include Vallejo. If we are going to address water needs in the region, I think we're going to have to go to alternate sources such as reclaimed water.

Does your Environmental Impact Report address the cost to the local jurisdictions of implementing alternate water sources such as reclaimed water and the use of purple pipes throughout the region? If not, I think it needs to do so.

18-4 cont

18-5

MS. VOGLER: Thank you.

Okay. One more card. Cia Lynn.

MS. LYNN: Yes. It's pronounced Cia.

MS. VOGLER: Cia Lynn.

MS. LYNN: That's okay. Sounds like Chia pet or something, but it doesn't have an H.

Just in response to some comments. By the way, I found out about this because a couple days ago I read this article in the Vallejo Times-Herald. Okay. Like a lot of things, it should have been.

So I'm not criticizing anybody and I just got informed -- I mean, I'm a newspaper junkie, so I read the Chronicle and I read Richmond newspaper and the Times-Herald.

If the press doesn't come and cover something, so I'm going to suggest the next time -- and I probably won't be here, but -- physically, but I would love if you'd just stage a little demonstration and take over Highway 80, give people lots of warning.

Just tell them we're going to be setting up, you know, picnic tables and -- and stuff and -- and just say, "Vallejo is seizing the main transportation."

By gosh, you're not going to listen to us based on being a small place, because every problem that's been talked about in here is global. Every single thing that

18-6

was brought up tonight is global.

Frankly, we have -- and I had children. I have grandchildren. I'm in no position as -- as a spoiled American to decide who can have children.

Nobody can decide who will or will not be a good parent unless the person -- we can't focus on that discussion right now.

But we have -- we have physically quote unquote too many people in the Bay Area given the planning and lack of planning.

In 1977, I drove across the United States. We had a drought. We had an oil and gas crisis. I drove across the United States and back again. I toured almost half of the country and Detroit built Hummers when Japan was building things smaller than Volkswagens practically.

One of the things that was told to me by -- and now I'm going to talk like I'm mad -- Jacques Cousteau. In the autumn of 1977, I was going to UC-Santa Cruz and I returned from my job across the country and he came to speak about the oceans, and Jacques said -- I never got to sleep with the man or anything like that. So I've known a lot of people in my life. I've been lucky to be in the right place at the right time. This hand shook Malcolm and Martin.

But Cousteau said some something really

18-6 cont

profound. He said Californians are confused about water because you all have an ocean, right?

We take water for granted because we have the ocean, but as my son pointed out years ago, we live in basically what amounts to high desert kind of country-side, and the Sac -- the San Joaquin Valley, which became, you know, sort of the garden of the country and parts of the world, is basically done by agriculture.

We don't have enough water available to take care of the existing millions of people that we have here right now.

And -- and I like to point my finger at politicians because they -- you know, they want to run for office, they want to get elected and then I expect them to do things, but -- I'm a registered Democrat, but I will point out that Jerry Brown didn't do diddly in my opinion his first time around.

We had a drought. We had the gas and oil crisis. We had a housing crisis in the '70s. He comes -- and not one single governor from then, Republican or Democrat or Independent or Green or Peace and Freedom or vegetable and mineral or whatever, not one of the governors has been able to cross party lines and really get our elected officials from the bottom all the way to the top to talk about the region which I would

18-6 cont

suggest, given -- given the situation that we saw after the storms stopped, we had -- we had all over -- I mean, my -- my kids live in Marin.

They moved there for the schools, and they won't move to Vallejo precisely because the schools, but we had literally roads crashing because of landslides all around the greater Bay Area and up into the -- up into the mountains.

I mean, we had transportation infrastructure that's been basically ignored for years, and I'm going to blame the politicians.

And, I mean, if we had -- if we had had a major earthquake this past month, we'd be hanging out with the neighbors that have a kayak.

We can't afford to have a major earthquake given what was going on. We have people in Santa Cruz mountains and in parts of Marin are still closed down, and as we come closer to home, it's not as big -- dramatic, but we've got potholes in this town, just the pothole thing alone.

So from small -- it's like think locally, act locally. My --

MS. VOGLER: Can I ask you to wrap it up, please? Thank you.

MS. LYNN: Okay. My sister's -- in fact,

18-6 cont

she's actually first or second African women to become a civil engineer in the United States. She knew about this. I did not even know about this.

We've got to get the word out to more people, and I know June 1st is approaching, but there's got to be modifications to these plans, you know, just given the environmental stuff, the water crisis that you so eloquently addressed.

I mean, everybody should know about the Tuolumne River, and I would also suggest that college students -- and I've got grandchildren in high school.

High school kids should be reading these plans and talking to them. This is their future. That is their life.

I mean, there's twenty people in the room tonight. This is -- I'm thrilled to be here. I think you're all marvelous, but wow. There's so much more to be -- so much to do.

so thank you all for everything that you've been doing, but -- I don't know.

MS. VOGLER: Thank you.

Okay. So -- okay. So before I close the public hearing, are there any formal comments -- do you have a comment?

MS. HARDY: I just to add this.

18-6 cont

MS. VOGLER: Okay. Can you state your name again?

MS. HARDY: Teresa Hardy.

We both talked about water issues with the increased --

MS. VOGLER: Yes.

MS. HARDY: -- population that needs to be addressed, and I'd like to add one more comment on to that.

The infrastructure in a lot of cities in the regions that are being addressed have very old infrastructure and the reduced rates for population, there's less and less money for repairing this older construction.

So I think that also needs to be addressed as part of this big water picture.

MS. VOGLER: Thank you.

Okay. Do we have any other comments? I have no other comment cards.

Okay. Then I'm going to formally close the public hearing on the EIR, and that concludes our presentations.

I want to thank you on behalf of the Metropolitan Transportation Commission. Thank you so much for coming. We appreciate it, and thank you.

18-7

Ending at 7:50 PM.

(The record was concluded at 7:50 PM)

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STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

I, the undersigned, hereby certify that the discussion in the foregoing hearing was taken at the time and place therein stated; that the foregoing is a full, true and complete record of said matter.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing hearing and caption named, or in any way interested in the outcome of the cause named in said action.

IN WITNESS WHEREOF, I have hereunto set my hand this _____day of _____, 2017.

_____

MARK I. BRICKMAN CSR 5527

Response 18	Multiple, EIR Public Hearing #3 Transcript May 18, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

18-1 The commenter expresses concern for various issues related to water and refers to the Delta tunnel, river flows, drought, and flooding. The commenter expresses the opinion that the region cannot afford a two million person increase by 2040. The proposed Plan would not, in itself, create household or job growth. The regional forecast projects overall changes in economic activity, population growth and composition for the region as a whole, as well as household growth and composition. This projected level of growth is reasonably expected to occur in the absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area. The proposed Plan provides a regional blueprint or strategy to accommodate the region's projected growth in a more sustainable manner. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

The commenter states that the Draft EIR does not address water; however, Draft EIR Section 2.8, "Water Resources" contains a discussion of various issues related to water, including water quality standards, groundwater recharge, drainage patterns, stormwater, and flooding. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues. Please also see response to comment 18-4 for a discussion of the *Delta Plan*.

18-2 The commenter expresses concern related to the proposed Plan's regional growth projections and its potential environmental impacts on the Tuolumne River, Sacramento/San Joaquin Bay Delta and other water resources. The proposed Plan will not, in itself, create household or job growth. The regional forecast projects overall changes in economic activity, population growth and composition for the region as a whole, as well as household growth and composition. This projected level of growth is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area. The proposed Plan provides a regional blueprint or strategy to accommodate the region's projected growth in a more sustainable manner. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. Please see response to comment 18-4 for a discussion of regional water resources.

18-3 The commenter recommends that the Draft EIR evaluate how the increase in water demand associated with the proposed Plan would affect the San Joaquin River and the Delta ecosystems, especially impacts to fish and wildlife, water quality, and recreation. Please see Master Response 3, Water Supply and Drought, for an overall discussion of water supply issues. As it relates to impacts on the Delta and rivers that flow into the Delta in general, the following discussion is excerpted from the Master Response:

> Moreover, based on the region's existing and projected future population, significant water supply issues exist within the region. The EIR discloses and discusses these issues; however, the proposed Plan will not resolve the region's pre-existing water supply issues. Nor does the proposed Plan create the projected future growth. Rather, the proposed Plan accommodates growth that is projected to occur regardless, and does so in a way that has the potential to lessen significant water supply issues within the region. Specifically, the proposed Plan focuses future growth within already developed areas. This development pattern has two distinct benefits. First, the proposed Plan should help protect the region's water supply by reducing development pressure in rural areas; areas where per-capita water use is typically higher. Second,

> approximately two-thirds of the water used by Bay Area water agencies comes from nonlocal sources, primarily the Sierra Nevada and the Sacramento-San Joaquin Delta (Delta). As a result, the region relies on a diverse network of water infrastructure including aqueducts and storage facilities to convey supplies to its residents. By concentrating future growth within already developed areas, the proposed Plan benefits from existing water supply infrastructure and reduces the need for new water infrastructure to be developed to service new areas.

Overall, the general plans/zoning for the nine counties and 101 cities that make up the Bay Area will accommodate the growth that is projected in the regional forecast. The proposed Plan would influence the region's forecasted development pattern through its focused growth strategy, but this strategy does not affect the overall demands of the regional household and jobs projections. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. Thus, from the standpoint of water supplied from Delta sources, the proposed Plan does not alter demand, other than to potentially lessen it as described above through a more focused development pattern. Nor does the proposed Plan alter water rights associated with Delta exports, which are already established and used. Absent the proposed Plan, demands for water extraction from the Delta would still occur except likely to a greater degree than with the proposed Plan.

Nevertheless, the Delta is affected by actions resulting in water exports, including to the Bay Area. As described in the Delta Stewardship Council's *Delta Plan*, the source of the information contained herein (http://deltacouncil.ca.gov/delta-plan-0) (Delta Stewardship Council 2013) unless otherwise cited to a different source, the Delta is the source of water for two-thirds of California's population, or 27 million people throughout the State including Southern Californian, the Bay Area, Sacramento region, and the Central Valley. The Delta also provides irrigation for 4.5 million acres of farmland. Impacts to the Delta are a very complex topic, having been subjected to decades of studies and plans including ongoing studies and plans.

Of the approximately 27 million people relying on Delta water, approximately 240,000 live within Zone 7 (Livermore, Pleasanton, Dublin/San Ramon area) and 1.9 million live within the Santa Clara Valley Water District (South San Francisco Bay area). A total of 18.7 million people in the Metropolitan Water District of Southern California, representing areas from Ventura, Los Angeles, Orange and San Diego Counties, are served by Delta water exports. These are the major urban areas served by the Delta. (California Water Fix 2016)

According to the *Delta Plan,* Delta water use, as well as discharge of bilge water from oceangoing ships, has resulted in the introduction of nonnative aquatic species that has transformed much of the Delta's ecosystem. Delta pumps in combination with upstream dams and levees have resulted in substantial alterations and stresses to a variety of fish species. Water pollution within the Delta watershed has also contributed to these effects; this has been compounded by water exports that have reduced the flow of water from the Delta, contributing to factors that have increased salts in Delta waters. The Delta also provides recreational opportunities, supporting 5,200 jobs.

Several plans and programs are in place and being considered to restore the Delta ecosystems, provide for more secure water deliverables, and address water quality. The *Delta Plan* provides a roadmap to the following co-equal goals: providing for a more reliable water supply, restoring and enhancing the Delta ecosystem, and protecting/enhancing the cultural, recreational, natural resource, and agricultural values of the Delta. One major program under consideration is the Bay Delta Conservation Plan, which is also known as California Water Fix. This plan includes construction of large tunnels in the Delta, altering how water is exported, and a conservation plan aimed at restoring the Delta ecosystem. The Delta Stewardship Council is currently considering this plan, which is undergoing environmental review and a

water rights review process. The Delta Stewardship Council has several other initiatives are under consideration with respect to use and protection of Delta resources.

In summary, the Delta is the subject of extensive planning and study. The Bay Area is one of many entities relying on water exports from the Delta; approximately 2.3 million of the 27 million people in California who are served by the Delta live in the Bay Area. The proposed Plan will not alter exports from the Delta to the Bay Area. However, all customers utilizing exported water from the Delta will participate in long-term efforts aimed at achieving the co-equal goals expressed in the *Delta Plan*.

18-4 The commenter expresses concern about the Draft EIR's discussion of drought and the focus on impacts from one single dry year. The commenter also questions whether the mitigation measures will be adequate to address water supply impacts, but does not include any specific suggestions for additional mitigation. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues. The commenter also suggests that the Draft EIR consider an alternative that reduces the amount of job growth. The projected level of growth in the regional forecast is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area. Federal and State regulations require MTC as the Bay Area's metropolitan planning organization to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (Draft EIR, page 1.2-4). For more information regarding alternatives to the proposed Plan, please see Master Response 6, Range of Alternatives.

18-5 The commenter questions whether the Draft EIR addresses the cost of implementing alternative water sources, such as reclaimed water and use of purple pipes. CEQA does not require enumeration of the costs associated with projects. However, use of reclaimed water is considered in the Draft EIR; see Draft EIR Mitigation Measures 2.12 -1(a), (b), and (c). Also, please see Master Response 3, Water Supply and Drought, for a discussion of how water supply impacts were analyzed and the mitigation measures included in the Draft EIR.

18-6 The commenter discusses general conditions in the Bay Area and the United States. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

18-7 The commenter expresses concern related to infrastructure in need of repairs throughout the Bay Area. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

ALAMEDA LAFCO	CONTRA COSTA LAFCO	MARIN LAFCO	SAN MATEO
1221 OAK STREET, SUITE 555	651 PINE STREET, 6TH FLOOR	1401 LOS GAMOS DRIVE, SUITE 220	455 COUNTY CENTE
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Letter 19

May 19, 2017

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

Dear MTC Public Information Officer:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for Plan Bay Area 2040. The Alameda Local Agency Formation Commission (LAFCo), Contra Costa LAFCo, and Marin LAFCo submitted comments in response to the Notice of Preparation circulated by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in June 2016 (see attached letters).

LAFCos are independent agencies with discretion to approve or disapprove changes of organization and reorganization of cities and special districts. LAFCos consider a variety of factors when evaluating a matter or project for approval, including potential impacts on agricultural land and open space, and on the provision of public services.

LAFCos determine spheres of influence (SOIs) which are plans for the probable physical boundaries and service areas for cities and special districts. SOI plans include determinations on present and planned land uses; present and probable need for public facilities and services; present capacity and adequacy of public services and facilities; the existence of relevant social and economic communities of interest, and the present and probable public facility and services needs of any identified disadvantaged unincorporated communities. In light of this, Alameda, Contra Costa, Marin, and San Mateo LAFCos offer the following comments pertaining to these environmental topics in the Draft EIR for Plan Bay Area 2040.

19-1

Plan Bay Area 2040 Goals

The proposed Plan Bay Area 2040 outlines seven goals. Among the goals are adequate housing, and open space and agricultural preservation. Regarding the goal of adequate housing, the draft EIR should include an analysis of whether adequate municipal services exist now as well as whether such services will be available in the future to support the proposed housing and transportation plans. Examples of municipal services that should be reviewed include water, sewer, police, fire, schools, etc.

19-2

Agricultural Lands and Open Space

We appreciate the inclusion of a table showing the number of farmland and open space acres potentially affected within Transit Priority Areas (TPAs). However, this table does not illustrate where these potential land use conflicts would occur. We therefore request that the EIR be updated to include a figure which overlays the farmland and open space areas with the TPAs, Priority Development Areas (PDAs), and potential future transportation projects.

As noted in the Regulatory Setting discussion on page 2.3-30, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov't. Code §56000 et. seq., hereinafter the "CKH Act") assigns LAFCos a prominent role in regional planning issues by charging each LAFCo to consider a wide range of factors when it acts on matters under its jurisdiction such as setting SOIs, annexations, incorporations and other matters. Preserving agricultural and open space lands is a high priority for LAFCos. Pursuant to §56001 of the CKH Act, LAFCos have broad statutory responsibility to consider planned, orderly, efficient patterns of urban development that may assist in preserving agricultural and open space lands and achieving a share of the region's housing needs. For

19-3

these reasons, it is important to consider SOIs of both cities and special districts when analyzing the impact of implementing the proposed Plan. Additionally, several LAFCos in the Bay Area, including Contra Costa, Santa Clara, and Sonoma, have adopted agricultural and open space preservation policies. We would encourage MTC and ABAG to enhance its discussion in the EIR regarding the Priority Conservation Areas (PCAs) and include more specific measures for assessing the impacts of development on agricultural and open space lands.

CKH Act §56016 defines agricultural land as "land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program." Additionally, §56064 defines Prime agricultural land as:

> *"an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:*
>
> *(a) Land that qualifies, if irrigated, for rating as class I or class II in the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.*
>
> *(b) Land that qualifies for rating 80 through 100 Storie Index Rating.*
>
> *(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA in the National Range and Pasture Handbook, Revision 1, December 2003.*
>
> *(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.*
>
> *(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years."*

19-3 cont

We recognize that the CKH Act definition of prime agricultural land is different from the significance criteria used in the California Environmental Quality Act (CEQA) regarding impacts to agricultural lands. In regards to agricultural lands and open space, we see an opportunity to improve the public discussion of Plan Bay Area 2040 and its EIR if the EIR were to integrate the two different sets of criteria related to potential impacts in the document, setting a model for local jurisdictions to likewise consider impacts under both criteria, especially when a project requires subsequent action by a LAFCo.

We, therefore, request that the Draft EIR include a reference to the CKH Act, include the definition of prime agricultural land per the CKH Act, and evaluate potential impacts of Plan Bay Area 2040 on agricultural lands pursuant to the definitions in CKH Act. Local land use projects whose CEQA documents seek to tier from the Plan Bay Area EIR without an evaluation of potential impacts to agricultural lands using the CKH definitions may find their CEQA document inadequate.

Public Utilities, Public Services and Recreation

The Draft EIR does not provide an update to the 2013 Plan Bay Area EIR Table 2.12-5, which depicts the flow and capacity of wastewater treatment facilities. The analysis of wastewater capacity references the previous estimates included in the table, but does not update data to reflect current capacities. LAFCos throughout California are required to periodically conduct Municipal Service Reviews (MSRs) for cities and special districts within their jurisdiction. Wastewater collection and treatment infrastructure are among the services included in MSRs. We request that the Plan Bay Area 2040 EIR be revised to include updated wastewater capacity

19-4

information where available. If not already done, we encourage the EIR preparers to contact the Bay Area Clean Water Agencies for an opportunity to provide comment. 19-4 cont

The Plan Bay Area should recognize special districts as critical service providers in addition to counties and cities. In many counties, including all counties in the Bay Area, sewer, water, fire, and parks and recreation services, among others, are provided by special districts. We strongly encourage the EIR preparers to reach out to special districts to provide opportunities to comment on the proposed Plan. 19-5

In general, we encourage the EIR preparers to avail themselves of the rich data source provided by LAFCo MSRs 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 Plan Bay Area 2040.

Thank you for your consideration of our comments.

Sincerely,

Mona Palacios, Executive Officer
Alameda LAFCo
mona.palacios@acgov.org

Lou Ann Texeira, Executive Officer
Contra Costa LAFCO
LouAnn.Texeira@lafco.cccounty.us

Keene Simonds, Executive Officer
Marin LAFCO
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Martha Poyatos, Executive Officer
San Mateo LAFCo
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Attachments

Response 19

Mona Palacios, LouAnn Texeira, Keene Simonds, Martha Poyatos
Alameda LAFCO, Contra Costa LAFCO, Marin LAFCO, San Mateo LAFCO
May 23, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

19-1 The commenter provides an overview of the purpose of local agency formation commissions (LAFCOs). Please see responses to comments 19-2 through 19-5 addressing the remainder of this letter.

19-2 The commenter requests that the Draft EIR include analysis of whether adequate municipal services can accommodate the land use and transportation projects under the proposed Plan. The commenter provides examples of municipal services that may be affected including water, sewer, police, fire, and schools. These analyses are included in the Draft EIR. Impacts related to water and wastewater are addressed in Draft EIR Section 2.12, "Public Utilities and Facilities." Impacts to police, fire, and schools are evaluated in Draft EIR Section 2.14, "Public Services," mitigation is included to ensure sufficiency of these services; see Draft EIR page 2.14-13.

19-3 The commenter requests a figure that overlays the farmland and open space areas with the transit priority areas (TPA), priority development areas (PDA), and potential future transportation projects. This presents a challenge of scale; the Bay Area region covers 4.4 million acres; TPAs could result in the conversion of 130 acres of Important Farmland as defined by CEQA (Prime, Statewide Important, and Unique Farmland; see CEQA Guidelines Appendix G), and an additional conversion of 20 acres of less quality Farmland of Local Importance and 370 acres of grazing land (see Table 2.3-6 on Draft EIR page 2.3-32). Altogether, this represents 0.01 percent of the land area in the Bay Area. When total urban development of farmland (of all quality; Important and other Farmland) within the proposed Plan area are considered including transportation projects (see Draft EIR Tables 2.3-6 and 2.3-9), total potential conversion totals 7,160 acres, or 0.2 percent of the Bay Area. This is spread though the nine-county region and would not be graphically meaningful (would not show up) unless extremely large-scale maps—several times larger than used in the Draft EIR—were used. The addition of total potential open space conversion, 1,080 acres (Draft EIR Tables 2.3-7 and 2.3-10) to the agricultural land conversion potential, does not cure this graphical challenge. However, the Draft EIR uses a geographic information system (GIS) modeling tool to evaluate conversion potential throughout the Bay Area's nine counties/101 cities, depicted in Draft EIR Tables 2.3-6 through 2.3-10 where, by county, the conversion may take place, and determined the impact would be potentially significant. Mitigation measures are included on Draft EIR page 2.3-35 (e.g., avoid Important Farmland conversion, maintain buffers, acquire conservation easements, etc.) to reduce this impact. Finally, Draft EIR Figures 1.2-3 through 1.2-11 depict the locations of urban growth and transportation projects included in the proposed Plan, and they can be compared to Draft EIR Figures 2.3-3, 2.3-4, and 2.3-5 to generally discern the areas of potential overlap between land conversion and agriculture and open space. The information in the Draft EIR is sufficient, as a programmatic level, to determine the level and degree of impact.

The commenter also requested more detailed information to determine impacts to agricultural and open space lands. Draft EIR Page 2.3-33 generally describes measures and methods used by the various Bay Area counties and cities to protect agriculture and open space, and Draft EIR Table 2.3-8 depicts those jurisdictions that have adopted agriculture and open space protection measures, such as growth boundaries. Finally, the commenter requests additional consideration of Prime agriculture, as defined by the Cortese-Knox-Hertzberg act. The very

specific definition of Prime farmland included in this act is far more restrictive than the Important Farmland criteria used in CEQA, and therefore the analysis in the Draft EIR encompasses this land in the analysis of impacts. Further, Prime Agricultural land is specifically identified in Draft EIR Tables 2.3-6 and 2.3-9.

In summary, the Draft EIR sufficiently identifies the impacts of development in the proposed Plan, including from conversion of agricultural land and open space by TPA, overall urban development, and transportation projects, at a level that will provide for informed decision making. Moreover, this analysis will not affect the overall statutory authority of the various LAFCOs when considering potential development that involves corporate boundary changes. Also, please see Master Response 5, Programmatic EIR, for a discussion of the programmatic nature of the analysis.

19-4 The commenter expresses concern that the Draft EIR did not update Table 2.12-5 of the EIR for *Plan Bay Area* ("2013 EIR"), which shows the flow and capacity of wastewater treatment facilities in the region. The analysis performed for the Draft EIR for the proposed Plan takes a more qualitative, programmatic approach in addressing impacts to wastewater treatment facilities. As discussed in greater detail in Draft EIR Section 2.12, "Public Utilities and Facilities" under Impact 2.12-2, implementation of land use and transportation projects under the proposed Plan could result in increased levels of wastewater, which may require the expansion or construction of new wastewater treatment facilities. However, there is inherent uncertainty as to the timing and volume of wastewater produced by land use and transportation projects, and effects would be specific to the specific treatment that would serve specific projects in different locations. Further, MTC/ABAG do not have land use authority; therefore, the deployment of land use strategies outlined in the proposed Plan ultimately is the responsibility of local agencies with land use authority. As such, the location and character of land use projects constructed during the lifetime of the proposed Plan cannot be accurately predicted and attributed to specific wastewater treatment plant service areas at this time.

Additionally, daily flow rates of wastewater treatment in the region have decreased at certain facilities since the 2013 EIR was prepared. This is consistent with trends throughout California, where the application of water conservation measures and use of water conserving appliances has led to an overall statewide reduction in wastewater flow and treatment. (Please see Master Response 3, Water Supply and Drought, which also discusses this trend.) For example, as shown in Table 2.12-5 of the 2013 EIR, the East Bay Municipal Utility District (EBMUD), the agency treating the greatest volume of wastewater in the region, received an average flow rate (in dry weather conditions) of 80 million gallons per day (mgd) in 2010; however, EMBUD currently treats an average flow rate of 63 mpg (EBMUD 2017). Table 2.12-5 of the 2013 EIR also shows an average flow rate (in dry weather conditions) of 10 mgd at the Central Marin Sanitation Agency in 2012, which treated an average flow rate of 8 mgd under dry conditions in 2014 (Central Marin Sanitation Agency 2014). While the decreased flow rates of these facilities do not necessarily indicate the same results at all wastewater treatment plants, these decreases do suggest that wastewater flow and treatment has decreased in certain portions of the Bay Area. Further, the 2013 EIR showed overall regional capacities, but this did not (and still does not) obviate the need for individual projects to be evaluated against capacities of treatment facilities in each locality.

The analysis in the Draft EIR assumes a conservative, programmatic approach to assessing effects to wastewater treatment facilities. Please see Master Response 5, Programmatic EIR, for a discussion of these issues. Because there is inherent uncertainty regarding the location, nature, timing, and magnitude of land use projects under the proposed Plan, the Draft EIR concludes a potentially significant impact associated with wastewater treatment. The Draft EIR provides project- and site-specific mitigation to reduce wastewater impacts; however, as

MTC/ABAG will not serve as the lead agency for wastewater capacity-expansion projects, implementation of mitigation would be the responsibility of the lead or responsible agency overseeing such projects. The Draft EIR discloses this and concludes a significant and unavoidable impact.

The commenter also recommends contacting the Bay Area Clean Water Agencies for an opportunity to comment on the EIR. As described in Section 1, Introduction, of this Final EIR MTC/ABAG issues an email communication announcing the availability of the Draft Plan Bay Area and Draft EIR to 3,046 federal, state, regional, and local agencies. Comment letters were received from BACWA member agencies - the San Francisco Planning Department and San Francisco Public Utilities Commission (see Letter 39) and the City of San Jose (see Letter 30).

19-5 The commenter recommends that the Draft EIR recognize and consult with special districts for sewer, water, fire, and parks and recreation services. The Draft EIR evaluates potential impacts to these resources in Draft EIR Sections 2.12 and 2.14, as described under response to comment 19-4. Mitigation measures included in the Draft EIR to address impacts on water and wastewater facilities require coordination between future project sponsors, implementing agencies, and the appropriate "service providers." The commenter also requests that these districts be provided the opportunity to provide input on the Plan. As described in Section 1.0, "Introduction," of this Final EIR (see 1.2, Draft EIR Public Review Process, in Section 1.0), MTC/ABAG provided notice of the availability of the proposed Plan and Draft EIR via direct e-mails, publication in various newspapers, and via other means (see 1.2, "Draft EIR Public Review Process," in Section 1, "Introduction," of this Final EIR). Further, individual service providers, including special districts if applicable, will have additional opportunity to consult on individual projects as they come forward for review.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 20

Subject: Plan Bay Area 2040
Date: Tuesday, May 23, 2017 at 5:28:11 PM Pacific Daylight Time
From: Kenneth Gibson
To: EIR Comments

The print and display versions of the Draft Plan Bay Area 2040 seem to be presented in summary form with little in terms of specific proposals as guidelines for planning and regulation by county and municipal governments and agencies within the nine county region. There is no detailed table of contents to display the structure of the document. 20-1

Certainly the thrust of planning for our region, consistent with the needs and desires of residents in the region should be to preserve open space and in particular natural habitat, to reduce air pollution and global warming and to make the experience of living and working in the Bay Area less stressful. From a planning perspective, land use and transportation resource development are critical to the realization of those planning outcomes. Land use can be impacted (and thence transportation needs) can be impacted by the cost of water used for irrigation. If water used for residential irrigation is perceived as relatively high, households will be less attracted to homes with extensive lawns.

Plan Bay Area 2040 should encourage water agencies to adopt water pricing policies that reduce or eliminate a fixed charge for residential (or any) potable water use. Water volume charges should be tiered from a very low price for minimal daily use (25 gallons or less per capita in a household) through many tiers (say ten or more) with each tier priced a multiple (say 125% or so) of the step below it.

Water metering technology currently in use should be replaced with smart meters so that water suppliers can focus personnel on water loss prevention rather than meter reading and so that each household, even in multi-unit buildings, can be billed monthly separately to focus the attention of those who control water use on the cost of high volume water use. While encouraging water conservation, such a change would be a significant step toward social equity. 20-2

The effect would be more dramatic if two other changes in the typical urban water bill were made. Water agencies typically bill water treatment costs to residential water users as a fixed amount every period. There is no justification for that approach. The bill should reflect the volume of potable water used by the household as that is the best available proxy for the wastewater generated. This would tend to shift inequity away from those who can least afford it onto those who can most afford it. It would also make the irrigation of large lots a more noticeable expense. This would make multi-unit housing relatively more attractive from a cost standpoint.

The other change would be have sewer charges billed more appropriately. In most Bay Area urban locations residential water users are billed for sewage on a flat rate basis. This charge should be made up of two components. A variable component would be driven by metered potable water use while a fixed component would be based on the hard surface (impermeable) area of the property (roofs, driveways, paved areas draining to the street) and half the width of its surrounding streets. Again, lawns and expanses of paving surrounding a property would raise the costs of "ownership." Satellite technology that has been used to develop household "water budgets" for water agency customers - justifying greater water use for some over others - should rather be used to more logically, accurately and fairly allocate sewer capacity costs.

This is a win-win for Plan Bay Area 2040 which promotes ideas for keeping the Bay Area livable. Land, air and water are all essential to that end.

Kenneth Gibson
Oakland, 94602

Response 20	Kenneth GIbson May 23, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

20-1 The commenter states that the proposed Plan is presented in summary form and there is no detailed table of contents. It is unclear where, or in what form, the commenter reviewed the document. The proposed Plan and supplemental reports are available online at http://2040.planbayarea.org/reports. A table of contents appears immediately after the title page of the document. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

20-2 The commenter makes several recommendations for agencies in the Bay Area, including water agencies. The commenter offers suggestions for revising sewer charges for users. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

DUBLIN
CALIFORNIA
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AMERICAN
BACKYARD

May 23, 2017

Letter 21

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

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

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

To Whom It May Concern:

The City of Dublin appreciates the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for Plan Bay Area 2040. The City understands that the Draft EIR is based on the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) which includes a land use scenario that forecasts a development pattern for the Bay Area region between 2010 and 2040. This development pattern specifies the amount, location, density and intensity of future housing construction with an emphasis on locating housing and jobs within Priority Development Areas that are served by transit.

Dublin also appreciates that you heard our concerns outlined in the October 14, 2016 letter addressed to ABAG and MTC regarding the development potential of Dublin's three Priority Development Areas (PDAs). The City of Dublin has three Priority Development Areas, two of which are located directly adjacent to Bay Area Rapid Transit (BART) Stations. These BART Stations represent a significant financial investment in transit in our community. The City has certified Environmental Impact Reports (EIRs) and adopted zoning to allow for both household and job growth around these transit hubs. **21-1**

The Household and Employment Growth Forecasts by Jurisdiction contained in the Land Use Modeling Report (dated March 2017) reflects incremental progress in acknowledging Dublin's PDAs. The City currently estimates that we will reach 28,245 households in advance of 2040 with 12,476 households located within our PDAs. The Land Use Modeling Report forecasts 26,500 households by 2040 with 11,000 being located within PDAs.

The City understands that under the forecasted development pattern for the region, growth is being allocated primarily to PDAs within the "Big 3 Cities" of San Jose, San Francisco and Oakland in an effort to achieve not only the State-mandated environmental goals but a number of other performance measures. While we admire the ambitious goals set for our region, we also think it is important to be realistic about actual conditions occurring in the Inland/Coastal/Delta communities, like Dublin.

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City Manager 925.833.6650
Community Development 925.833.6610
Economic Development 925.833.6650
Finance/IT 925.833.6640
Fire Prevention 925.833.6606
Human Resources 925.833.6605
Parks & Community Services 925.833.6645
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In the Downtown Dublin Specific Plan PDA there are 697 existing housing units and another 440 under construction. There is additional development potential for 1,751 units within this PDA. While the timing of the remainder of these units is not currently known, the development potential exists and there is interest from the development community to construct these units. At full residential build-out, this PDA is expected to have approximately 2,800 households.

In the Dublin Transit Center/Dublin Crossing PDA there are 1,335 existing housing units at the Dublin Transit Center. Currently there is interest in constructing an additional 415 units. At Dublin Crossing there are 450 units breaking ground and future phases will provide up to 1,500 additional housing units. At full residential build-out the Dublin Transit Center/Dublin Crossing PDA has the potential for close to 3,800 housing units within ½ mile of the Dublin/Pleasanton BART Station.

The Town Center PDA is largely built out but has development potential for an additional 260 units.

As of January 1, 2017, the City of Dublin has close to 21,000 housing units and has issued an additional 127 residential units in the first quarter. While the adjusted Plan Bay Area 2040 projection of 26,500 is closer to our local projection of 28,245 it still falls a little short. With each 4-year update of Plan Bay Area 2040 we hope to have an opportunity to continue providing input so that the goals being set for the region can be reasonably compared to what is occurring locally.

Thank you again for the opportunity to provide input and for adjusting the household growth projections closer to our local projections.

21-1 cont

Sincerely,

David D. Haubert

David Haubert
Mayor

CC: Dublin City Council
Christopher L. Foss, City Manager
Linda Smith, Assistant City Manager
Luke Sims, Community Development Director
Jeff Baker, Assistant Community Development Director
Marnie R. Delgado, Senior Planner

Response 21	David Haubert, City of Dublin May 23, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

21-1 The commenter expresses concerns related to the proposed Plan's forecasted development pattern and resultant small geography growth projections and inconsistencies with the City of Dublin's household projections. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. In order to accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion of this issue. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. Furthermore, as noted by the commenter, state law requires the Plan to be updated every four years. MTC/ABAG will coordinate with the City of Dublin and all jurisdictions within the region as part of future updates to the Plan; regional projections and goals will continue to be refined as part of this future planning process.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 22

Subject: Keep Marin Green
Date: Wednesday, May 24, 2017 at 11:59:24 AM Pacific Daylight Time
From: Leslie Citroen
To: EIR Comments

To Whom it May Concern

I am a 19 year resident of Marin County. in the last 3 years the traffic has gotten terrible here... our roads and infrastructure can not be expanded -we are maxed out. The weekends out of towners descend on our little town - and our roads are even more clogged with cyclists in spandex. 22-1

There is a mismatch between jobs and where people live. I would think you should consider setting up enterprise zones - where businesses can set up in areas outside of the coastal areas. These areas need to be developed. I also worry that we will have another drought - it makes no sense to keep bringing more and more people into our area. Seems to me the only ones who profit are the developers and bureaucrats. 22-2 22-3

leslie citroen

Response 22	Leslie Citroen May 24, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

22-1 The commenter states that the traffic conditions in Marin County have degraded over the past three years as a result of increases in both car and bicycle travel. Transportation related impacts as a result of implementing the proposed Plan are fully evaluated at a programmatic level in Draft EIR Section 2.1, "Transportation." The commenter provides opinions and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

22-2 The commenter expresses opinions related to the proposed Plan's regional and small geography growth projections, particularly regarding inconsistencies with where people live and where people work, and the need for growth areas outside of coastal areas. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion of this issue. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

22-3 The commenter expresses concern about the possibility of another drought and questions whether more people should be located in the Bay Area. The proposed Plan will not, in itself, create household or job growth; the growth accommodated in the proposed Plan is projected to occur regardless of the adoption of the proposed Plan. Please see Master Response 1, Population and Employment Forecasts, for a discussion of this issue. Please see also Master Response 3, Water Supply and Drought, for a discussion of how water supply impacts related to drought conditions are addressed.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

East Bay Regional Park District

Letter 23

2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

May 24, 2017

Jake Mackenzie, Chair
Metropolitan Transportation Commission
Julie Pierce, President
Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

RE: Draft Plan Bay Area 2040

Dear MTC Chair Mackenzie, ABAG President Pierce, and Commissioners:

Thank you for the opportunity to comment on the Draft Plan Bay Area 2040. 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 including over 55 miles of shoreline. In doing so, the District provides a substantial contribution to 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.

District lands and shorelines provide significant ecosystem services and provide the first line of defense against sea level rise that protect East Bay businesses, homes, and infrastructure. A recent economic study completed by Economic and Planning Systems, Inc., estimates the value of the ecosystem services provided by the District at $517 million annually. These lands and shorelines will become increasingly important as the region experiences the increased impacts of sea level rise and extreme storm events.

Responding to the challenges of sea level rise and extreme storm events to protect the region's transportation infrastructure will require significant investment in restoration and adaptation projects. The Bay Area Council estimates that $46.2 billion in structures and contents are located within a 100-year flood plain throughout the Bay Area. In the East Bay, many of these flood plains and shorelines are owned and managed by the East Bay Regional Park District. 23-1

Plan Bay Area needs to provide a bold vision for addressing the need to protect the region's infrastructure with specific measures for implementation. Following are recommendations that would help the East Bay respond to the climate change impacts that we are currently experiencing along the 55 miles of shorelines and within the 65 regional parks that we steward:

- The proposed regional strategy for climate adaptation projects needs to include special districts, such as the Park District, that own and manage land. This strategy should be linked to the creation of new funding sources for adaptation and resilience. The strategy should function as a funding framework similar to a transportation expenditure plan.

- Include an integrated permitting strategy for climate smart infrastructure that achieve sPlan Bay Area 2040 goals and objectives in an effort to allow a coordinated permitting process that avoids unnecessary delays. 23-2

- The District is working to expand the region's network of natural infrastructure through partnering on initiatives such as Priority Conservation Areas, the Resilient by Design Challenge, San Francisco Estuary Partnership, and the Bay Restoration Authority. MTC should partner with the District to pursue new funding opportunities for climate smart infrastructure to protect against flooding. The District is a regional leader in natural infrastructure and our expertise in environmental permitting, restoration, and management can be a key asset in implementing the goals of Plan Bay Area. 23-3

- The Regional Advance Mitigation Plan should be expanded to development projects to create greater certainty for both the development and environmental communities and eventually be expanded to include regional carbon off-sets that could invest in open spaces that store carbon. 23-4

We appreciate the opportunity to provide our comments, and please feel free to contact us if you have any questions or would like additional information.

Sincerely,

Brian Holt
Principal Planner
Advance Planning

Cc: Erich Phuehler – Government Affairs Manager
Sandra Hamlat – Senior Planner

Response 23	Brian Holt, East Bay Regional Parks District May 24, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

23-1 The commenter recommends that climate adaptation projects under the proposed Plan collaborate with special districts, such as Park Districts, that own and manage land and recommends new funding sources be made for climate adaptation and resilience. The commenter addresses the proposed Plan but does not raise issues related to the Draft EIR and/or the analysis of environmental impacts. With respect to the Draft EIR, Mitigation Measures 2.5-4 (a) through 2.5-4 (c) include requirements for implementing agencies and project sponsors. Implementing agencies and project sponsors may include special districts, such as Park Districts, where applicable. The text of the Draft EIR will be revised to reflect the preceding clarification (please also see Section 3.0, "Revisions to the Draft EIR," of this Final EIR). Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" text on Draft EIR page 2.5-46 is revised to read as follows (new text is underlined):

> 2.5-4(b) Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to, coordination with BCDC, Caltrans, local jurisdictions (cities and counties), Park Districts, and other transportation agencies to develop Transportation Asset Management Plans that consider the potential impacts of sea level rise over the life cycle of threatened assets.

23-2 The commenter recommends inclusion of an integrated permitting strategy for climate smart infrastructure that achieves the proposed Plan's goals and objectives. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. MTC/ABAG notes, however, that by concentrating future growth within already developed areas, the proposed Plan reduces the need for new infrastructure to service new areas and allows new development to take advantage of existing infrastructure more easily.

23-3 The commenter recommends that MTC/ABAG partner with the District to pursue new funding opportunities for climate smart infrastructure to protect against flooding. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. See also response to comment 23-1 and the text edit to Draft EIR Mitigation Measure 2.5-4(b), which clarifies that implementing agencies and project sponsors should coordinate with special districts, such as Park Districts, where applicable.

23-4 The commenter states that the Regional Advance Mitigation Plan (RAMP) should be expanded to development projects to create greater certainty for both the development and environmental communities and eventually be expanded to include regional carbon offsets that could be used to invest in open spaces that store carbon. RAMP allows for natural resources to be protected or restored as compensatory mitigation before infrastructure projects are constructed, often years in advance. The Draft EIR contains mitigation measures that refer to RAMP to reduce impacts related to biological resources and land use (see Draft EIR Mitigation Measures 2.3-4, 2.3-5, 2.9-1a, 2.9-1b, and 2.9-2). Please see response to comment 45-7 for additional information about the RAMP program. Comments related to the potential for expansion of RAMP to include regional carbon offsets and carbon storage are noted.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 24

[redacted]

Date: May 29, 2017 at 10:40:27 AM PDT

To: <kkirkey@mtc.ca.gov>

Subject: MEMBERS OF MTC & ABAG, PLEASE TAKE ACTION AGAINST DISPLACEMENT NOW!

[redacted]

MTC and ABAG are fueling the regional displacement crisis by targeting low-income neighborhoods for redevelopment without first ensuring housing security for long-time residents. The agencies concluded in their environmental analysis that displacement is "unavoidable" under Plan Bay Area 2040 – but they have the political weight and the resources to pursue anti-displacement policies.

We believe MTC and ABAG must act to protect vulnerable communities from displacement! Start by including the following actions in your ACTION PLAN, as proposed by the 6 Wins Network:

1. Generate revenue to address the affordable housing crisis
2. Give more transportation funds to cities that create affordable housing and act to prevent displacement
3. Expand, improve, and implement strong housing initiatives
4. Prioritize public land for affordable housing
5. Pursue state funds and new laws to produce/preserve affordable housing and fight displacement
6. Support good jobs to close the gap between wages and rising housing costs

I will be watching MTC and ABAG in June and July and hold them accountable if they fail to meaningfully address the displacement crisis that is harming our communities. Thank you for your action!

24-1

Rhonda HIXSON

Pacifica

Response 24 **Multiple (Form letter)**
May 29 and multiple dates, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

MTC/ABAG received multiple emails (143) with the same comment. The multiple versions of this comment letter are addressed here. Comments were received from:

Michael Abramson	Gayle Eads	April Kumlin	Will Roscoe
Claire Amkraut	Anthony Federico	Robin Kvietys	David Rosenheim
Lacei Amodei	Mary Fenelon	Carol Lamont	Jackie Rosenheim
David Arnone	Gale Frances	Sandra Lang	Susan Russell
Mary Arnone	Emily Galpern	Celeste Langille	Laiseng Saechao
Jennifer Asaro	Shadell Garry	Jeffrey Levin	Annie Sajid
Tayla Auld	Mary Lou Geimer	Katrina Logan	Mackenzie Santiago
Brendan Bartholomew	Laurie Goldberg	Susan Lopez	Susan Schacher
Stephen Barton	Linda Gomez	Mashael Majid	Kim Schroeder
Tameeka Bennett	Cesar Gonzalez	Louisa Malaspina	Susan Shaw
Laura Bernell	April Grant	Dennis Maloney	Maria Sierra-Bell
Mary Bier	Terra Graziani	Jessica Marx	Anne Silver
Mary Bier	Bernard Guillot	Gehad Massoud	Nora Spalholz
Alma Blackwell	Ellen Hage	Delia McGrath	Julie Starobin
Serge Bonte	Vanessa Hall	Ryan McNeely	Diane Stow
Brytanee Brown	Salimah Hankins	Charles Meier	Jamienne Studley
Demitrius Burnett	Debi Harris	Teddy Miller	Afomeia Tesfai
Audrey Byrne	Rosario Hernandez	Patricia Mines	Ariana Thompson—Lastad
Nico Calavita	Brad Hirn	Julie Moed	
Sheri Calvert	Larry Hixson	Suzanne Moore	Jeff Thorpe
Elizabeth Cassidy	Rhonda Hixson	Nancy Morrison	Chelsea Tu
Diana Castillo	Scott Hochberg	Blue Murov	Morgen Underhill
Steve Chandler	Arleen Hoffman	Marsha Murphy	Nancy Vargas
Maria Chatterjee	Cheryl Hozid	Denise Nelson	Chris Vera
Christine Cherdboonmuang	Joshua Hugg	Ayodele Nzinga	Henriette Vinet-Martin
	Phil Hwang	Keith Ogden	Dexter Vizinau
John Claassen	Aimee Inglis	Monica Olsen	Kelsey Waldron
Bradley Cleveland	Carolyn Jaramillo	Maddie Orenstein	Barbara Waugh
Esther Conrad	Jerri Jensen	Laura Overmann	William Webster
Jack Coots	Sonia Jhao	Tom Pache	Marian Wolfe
Philip Cosby	Kris Johnson	Sumi Paik	Alvina Wong
Marilu Delgado Houshmand	Susanne Jonas	Matthew Palm	Nina Wouk
	Julie Jones	Rebecca Pinger	Cynthia Wukotich
Jennifer Dixon	John Jones III	Elaine Piver	Judy Yamahiro
Michael Doeltz	Rose King	Charles Ramilo	Miya Yoshitani
Maria Dominguez	Mary Knoll	Jaime Rapaport Barry	Jessica Zisser
	Rev. Earl Koteen	Thursday Roberts	

24-1 The commenter refers to the risk of displacement impact in the Draft EIR, and the commenter provides recommendations to protect communities from displacement risk. Draft EIR Impact 2.3-1 addresses the risk of displacement, concluding that projected growth would result in less-than-significant displacement impacts at the regional level and potentially significant at the local level; transportation projects would result in a potentially significant displacement

impact. The Draft EIR addresses the requirements of CEQA when considering displacement in the second to last paragraph on Draft EIR page 2.3-25 of Section 2.3, "Land Use and Physical Development:"

> CEQA requires analysis and mitigation of potentially substantial adverse changes in the physical environment (PRC Section 21151, 21060.5, and 21068). "Economic and social changes resulting from a project are not treated as significant environmental effects [citation] and, thus, need not be mitigated or avoided under CEQA." (San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 209 Cal.App.3d 1502, 1516.). Physical changes in the environment caused by economic or social effects of a project may constitute significant environmental effects (CEQA Guidelines Sections 15131 and 15064(e)). Social and economic effects in and of themselves, however, are not significant effects on the environment under CEQA. (Melom v. City of Madera (2010) 183 Cal.App.4th 41, 55.).

Physical impacts related to displacement that would occur as a result of implementation of the proposed Plan are associated with redevelopment and new housing construction from projected land use, and the construction of replacement housing from transportation projects that would require the expansion of existing, or designation of new, rights-of-way. Significant impacts that may result from this change have been identified in the Draft EIR in the following areas: transportation, air quality, land use and physical development, climate change and greenhouse gases, noise, biological resources, visual resources, cultural resources, public utilities and facilities, hazards, and public services and recreation (second and last paragraph, Draft EIR, page 2.3-26). Draft EIR Mitigation Measure 2.3-1 would reduce these impacts through implementation of Mitigation Measures 2.2-2 (air quality); 2.3-2, 2.3-4, and 2.3-5 (land use); 2.5-4 (sea level rise); 2.6-1, 2.6-5, and 2.6-6 (noise); 2.9-1 through 2.9-5 (biological resources); 2.10-1 and 2.10-3 through 2.10-5 (visual resources); 2.11-1 through 2.11-5 (cultural resources); and 2.13-4 (hazards). While the commenter states the opinion that MTC/ABAG, "have the political weight and the resources to pursue anti-displacement policies" when referring to the impact as unavoidable, the Draft EIR explains that MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures identified in Mitigation Measure 2.3-1 because they do not have the regulatory or approval authority. Please see Master Response 7, MTC/ABAG Role and Authority, for a discussion of this issue.

For a discussion related to recommendations from the 6 Wins Network, please see responses to comment letter 51. Also, please see Master Response 2, Displacement and Housing Affordability, for a discussion of displacement issues and the potential for additional mitigation. It should also be noted that the streamlining provisions of SB 375 help incentivize development of affordable housing. Specifically, Public Resources Code section 21155.1 includes streamlining benefits for transit priority projects for which:

(1) At least 20 percent of the housing will be sold to families of moderate income, or not less than 10 percent of the housing will be rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income, and the transit priority project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing. Rental units shall be affordable for at least 55 years. Ownership units shall be subject to resale restrictions or equity sharing requirements for at least 30 years; or

(2) The transit priority project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to paragraph (1) above.

(Pub. Resources Code, § 21155.1, subd. (c)(1)-(2).)

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 25

Subject: Drag Race To The Resource Planning Cliff---Courtesy of ABAG-MTC
Date: Tuesday, May 30, 2017 at 1:34:17 PM Pacific Daylight Time
From: Peter Hensel
To: EIR Comments

"DRAG RACE TO THE RESOURCE PLANNING CLIFF---COURTESY OF ABAG-MTC"

5/30/2017

ABAG-MTC Planners,

Why do you continue to bully small town Corte Madera with inflated growth numbers in your latest iteration of Plan Bay Area?

You assign Corte Madera 500 new household units by 2040. Yet, we are a built out small town (population 9,500) of only three square miles with no commuter rail system as they have in the East Bay.

Haven't you studied the data?

Our Highway 101 is already clogged with commute traffic. Bus ridership has been declining in Marin over the last few years. http://www.marinij.com/general-news/20170425/new-manager-takes-wheel-at-golden-gate-transit

And the Larkspur Landing ferry, managed by the Golden Gate Bridge District, is already at capacity.

Your planning update---a new "Transit Corridor" for Corte Madera--- is a joke. https://2.bp.blogspot.com/-uiZptTHXzFw/WSiH1okIE2I/AAAAAAAAH5A/TZoaPYcjcAshb35Nt9M_0ynBmiVoZn5NwCLcB/s1600/revised%2Bpda%2Bmap.jpg

It won't reduce either traffic or greenhouse gases. How could it? It will only put more cars on the road!

ABAG/MTC-mandated high density growth for Corte Madera will only worsen these problems, lead to urban congestion and a decline in lifestyle for all who pay big bucks to live in Marin.

ABAG-MTC planners, you above all were responsible for the ugly "Tam Ridge Residences" AKA WinCup style development which will always blight Highway 101 next to Corte Madera's precious bay front. 25-1

And now you want to replicate more architectural abominations in Marin?

Insane!

Have you forgotten the admitted ABAG "mistake" ---the over allocation to Corte Madera of 244 units in the 2017-2014 RHNA cycle which caused Corte Madera planners to kowtow to ugly "WinCup-style" development that would be a rejected in Daly City or South Francisco?

We in Corte Madera haven't. We have to live forever with your bad regionalist planning

ABAG-MTC, you are bullies. And you are terrible planners.

Orinda---a city in the East Bay with an area of 12 square miles, 17,000 in population AND a BART Station—is assigned just 200 new households by 2040 in the appendix of your nonsensical EIR. Versus tiny Corte Madera's assigned 500 units.

Are you blind to this disparity?

RECALIBRATE, PROVIDE CORTE MADERA WITH A REASONABLE GROWTH PROJECTION---200 HOUSEHOLD UNITS OR LESS, IF YOU WANT TO BE FAIR. Corte Madera after all is half the size of Orinda.

Five hundred allocated units appears to be another whopper of an ABAG "mistake" ---directed at Corte Madera. Why? Why has your regionalist planning, ONLY OF BENEFIT TO DEVELOPERS, again gone off the rails?

It's abundant natural resources, especially water supply to grow the state's food, that should legitimize the kind of ambitious growth you are projecting---2.3 new resident s in the Bay Area by 2040. But we don't have those water resources to support such growth. Supplies are limited. Our farmers are not getting from the state the water allocations they need even now. They are having to tap the dwindling, sagging aquifer. They are fallowing their fields.

Climate change and seasonal variations in rainfall make the future water supply impossible to predict. Your assurances of adequate "dry year" and "multiple dry year" supplies trip blithely into the realm of fantasy. All are premised on future draconian state-mandated conservation quotas which will be highly unpopular with the populace. And where do further "conservation measures" leave our farmers and our food supply? In no man's land.

25-2

In the end, Plan Bay Area 2040 does nothing but provide a green screen for big development.

I t is a perversion of the noble purpose of the Sustainable Communities Act, which purports to control the proliferation of greenhouse gases by cutting down on motor vehicle traffic. Give it up. Mandated growth without the public's commitment to public transit only puts money in big developers' pockets.

ABAG-MTC planners, if you really cared about the future of California and the planet, you'd resign your cushy high-salaried jobs and put up for lease your eight-story HQ in downtown SF---which resembles Orwell's satirized Ministry of Truth, Justice and Love--- so as to truly benefit taxpayers.

And you'd join the local voices for local control of land use planning which, increasingly, are rising in protest.

25-3

Your caffeine-rush growth planning, with no sober catalogue of state water supply to support it, reminds me of the "Drag Race To The Cliff" in the classic movie "Rebel Without A Cause". Remember?
https://www.youtube.com/watch?v=u7hZ9jKrwvo

The teen age bad ass boys commandeer two junker cars which they don't mind sacrificing to the rocks and boulders at ocean's edge. "Buzz" challenges rival "Jim" to a race. They gun their engines and peel out. And, as the cliff edge rapidly approaches, the first bad ass to dive out the door to safety will be deemed a "chickie".

ABAG-MTC, which one of you will bail first? Or do propose to take all of us with you, over the resource planning cliff edge?

Sincerely,

Peter Hensel, Corte Madera

Response 25	Peter Hensel May 30, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

25-1 The commenter expresses opinions related to the proposed Plan's forecasted development pattern and resultant small geography growth projections as it relates to the Town of Corte Madera's household projections, and disagrees with adding up to 500 new units to the town. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. In order to accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

25-2 The commenter expresses concern regarding the regional water supply but does not address a specific point or analysis in the Draft EIR. Consequently, additional response regarding the water supply analysis in the Draft EIR cannot be provided. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues.

25-3 The commenter suggests that the proposed Plan allows for big development. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. The commenter also calls for local control of land use. The proposed Plan does not alter local land use control nor mandate that the forecasted development pattern is built. Please see Master Response 1, Population and Employment Forecasts, for a discussion on local control of land use.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 26

Subject: Plan Bay Area 2040
Date: Monday, May 29, 2017 at 3:40:23 PM Pacific Daylight Time
From: Barbara Solomon
To: EIR Comments
CC: Barbara Solomon, assemblymember.levine@assembly.ca.gov

To MTC:

Please take a good look at the concerns our Corte Madera Mayor, Diane Furst, raised at the Plan Bay Area 2040 community workshop in Mill Valley on May 20, 2017. Our town is built out, at least one-quarter of our households are currently housed in flood zones, and our middle income residents are being priced out of town. Your consultants made a big mistake during the last go-round when they used the wrong figures to decide our need for low-income housing; as a result, we are stuck with the shabbily-constructed, oversized multiplex building still being built on the old Wincup property. Even without that building occupied, we have total gridlock on our narrow little streets at certain times of the day, month, and year. As Mayor Furst pointed out, your plans to build mass housing in flood zones make no sense. Please leave our town alone, and allow us to preserve our tight-knit small town character and our limited water resources. Forcing us to accept big developers' mass construction of luxury housing to gain a small handful of affordable units makes no sense in our town. 26-1

Barbara Solomon

Response 26	Barbara Solomon May 29, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

26-1 The commenter expresses opinions related to the proposed Plan's forecasted development pattern and resultant small geography growth projections as it relates to the Town of Corte Madera's household projections. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 27

May 30, 2017

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

Subject: Draft Plan Bay Area 2040 and Draft Environmental Impact Report (City File No. P15-008)

To whom it may concern:

The City of San Rafael has completed its review of the Draft Plan Bay Area 2040 and Draft Environmental Impact Report (DEIR) and would like to make the following comments:

Comments on Draft Plan Bay Area 2040

1. One Bay Area Grant Program (OBAG). It is stated that OBAG funding over the next four years will be allocated to cities that approve and build housing per the Regional Housing Needs Allocation (RHNA) process. This is concerning as the City of San Rafael does not build housing and cannot control whether a private property owner or developer will construct a project that has received all planning entitlements. As an example, in San Rafael there are two (2) housing projects in the Downtown area (San Rafael's PDA) with a combined unit count of 77 units, 1203 Lincoln Ave. and 809-815B St., which have had active planning entitlements since 2006 and April 2016, but have not been constructed. This prerequisite of qualifying for funds appears to penalize local jurisdictions over a matter for which the jurisdiction has no direct control. 27-1

2. Housing Projections. The latest plan shows a further reduction in housing of 600 households since the most recent projections. San Rafael can accommodate the projected additional 2,800 households as projected in Draft Plan Bay Area 2040, which is on track to be consistent with our General Plan 2020 projections.

3. Employment Projections. The Draft Plan Bay Area 2040 Employment Projection is showing an increase of 5,600 jobs for San Rafael. This projection is ambitious given the built environment and constrained transportation network. We are aware that jobs can have large fluctuations in short periods of time and that these projections are not currently tied to anything. However, we believe it is important to stress our concern regarding the ambitious job projection. 27-2

Comments on the DEIR

1. Water Demand. The City of San Rafael would like to confirm that the Future Demand (2040) for water by Marin Municipal Water District (MMWD) is accurate. The future demand is showing no change from 2020 despite the projections for Marin (City of Novato excluded as it is served by North Marin 27-3

Water District) showing a 7500-household increase and an 11,300-employment increase.

We appreciate the opportunity to review and comment on the Draft Plan Bay Area 2040 and Draft Environmental Impact Report. We look forward to a response to our comments. Should you have any questions regarding the information in this letter please feel free to contact Alan Montes, our Assistant Planner at (415) 485-3397 or email at Alan.Montes@cityofsanrafael.org. 27-3 cont

Sincerely,

Paul a. Jensen

Paul Jensen
CITY OF SAN RAFAEL
Community Development Director

cc: City Council
City Manager
Public Works Director
Community Development Director
Planning Commission
City Attorney
Economic Development Director

Response 27	Paul Jensen, City of San Rafael May 30, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

27-1 The commenter expresses concerns related to the One Bay Area Grant (OBAG) funding program. Project selection criteria and programming policy for the OBAG2 Program are guided by MTC Resolution 4202 including the county funding distribution formula encompassing three components: population (50 percent), housing production (30 percent) and the 2014-2022 RHNA Allocation (20 percent). In particular, the commenter expresses concern related to that portion of the OBAG formula pertaining to "building and approving" new housing and RHNA. Many local jurisdictions do not have the financial capacity to construct new housing. However, per CA statute all have the legal authority to approve and permit new housing. OBAG is structured, in part, to align investments with housing production and reward jurisdictions that are permitting housing. County congestion management agencies administer OBAG funds based on guidance in MTC Resolution 4202.

To further support affordable housing production, a new component of OBAG, the 80k by 2020 Initiative, offers an incentivized opportunity for jurisdictions that permit very low, low and moderate income housing At the end of the production challenge cycle, MTC will distribute transportation funding to the jurisdictions that contribute the most toward reaching the regional production target. This funding is separate from the county funds described above. The commenter provides opinions and recommendations related to the OBAG program and does not raise specific issue related to the Draft EIR, or the analysis of environmental impacts for which a further response can be provided.

27-2 The commenter provides feedback on the proposed Plan's forecasted development pattern and resultant small geography growth projections and consistency with the City of San Rafael's household projections, but inconsistency with the City of San Rafael's job projections. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. In order to accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

27-3 The commenter questions whether the future water demand for Marin Municipal Water District (MMWD) for 2040 is accurate given that no change is represented between 2020 and 2040, expressed in Draft EIR Table 2.12-2. The projections for water demand in 2020 and 2040 are derived from Table 4-2 in MMWD's 2015 Urban Water Management Plan (UWMP). Notably, the estimations shown in Draft EIR Table 2.12-2 rounds projections; however, the 2015 UWMP gives the following estimates: 41,420 acre-feet per year (AFY) in 2020 and 41,589 AFY in 2040. Table 4-2 of the 2015 UWMP specifies that projections for 2040 reflect implementation of active conservation actions, which will show savings by 2040 despite increases in population in MMWD's service area. For more information regarding water supply, see Master Response 3, Water Supply and Drought.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 28

From: gc schmid
To: info@PlanBayArea.org
Subject: Comment on Plan Bay Area 2040 (EIR)
Date: Tuesday, May 30, 2017 10:12:23 PM

May 30, 2017

Comment on Plan Bay Area 2040:

Thanks for the opportunity to make comments on the Plan Bay Area 2040 Draft Environmental Impact Report.

I am very concerned about the sustainability of growth in California and the Bay Area. As the last few years of drought have shown climate change and water are critical aspects of maintaining a sustainable Bay Area. The longer term trends of rising temperatures and declining precipitation provide a keen challenge for a region that draws most of its water from the local rains and from the snow pack in the California mountains.

The recent drought has created statewide concern over California's snow pack and water supply and has led to major cutbacks in Bay Area water usage. But it has also brought several longer-term environmental responses at the state level. The California State Water Resource Control Board is currently proposing new increased, minimum stream flow requirements for the Tuolumne River in order to protect fish and other wildlife. These requirements could reduce the reliable flow of water to San Francisco and other Bay area water districts that use the Hetch Hetchy system. Further the Governor issued Executive Order B-37-16 ("Making Conservation a California Way of Life") in late 2016. That proposal defines very strict long-term water use targets and a Water Shortage Contigency Plan that involves water caps for individual residences as well as commercial and business enterprises when the state declares that a drought is in process. Each of these requirements, if put into practice, will mean that less water will be available to Bay Area communities. 28-1

It is crucial to acknowledge that decisions about the future of California water flows must be made in tandem with decisions about population growth. Plan Bay Area 2040 needs to take proposals for water restrictions as well as as California's limited water supply into consideration when it puts forward a substantial increase in both jobs and population since, as we all know, the Bay Area has few alternative supplies for new water without huge new investments.

Plan Bay Area 2040 is based on the assumption that the regional population should be encouraged to grow at a rate that is some 23% higher than the state as a whole. Why is there not a population growth scenario for analysis that more closely tracks the state average? 28-2

Plan Bay Area 2040 offers a unique opportunity to create a roadmap for a more sustainable Bay Area. It is time to address the fact that the population of the Bay Area cannot continue to grow rapidly without dealing with environmental challenges such as water supply. We need a more robust analysis of how the Plan might impact water resources, a more extensive look at the costs of realistic mitigation measures, and inclusion of an alternative that tracks the projected population and employment growth of the state as a whole. 28-3

Greg Schmid

Response 28	Greg Schmid May 30, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

28-1 The commenter expresses concern about the recent drought and water availability to supply projected growth. The commenter further cites to action by the State Water Resources Control Board minimum stream flow requirements for the Tuolumne River and Executive Order B-37-16 defining strict water conservation goals and states that these requirements will result in less water available for the Bay Area. Please see response to comment 18-4 for a discussion of the overall Delta area—including rivers that flow to the Delta--water supply issues. The commenter further states that the proposed Plan needs to take proposals for water restrictions as well as limited supply into consideration when it puts forward substantial increases in jobs and growth. The proposed Plan will not, in itself, create household or job growth; the growth accommodated in the proposed Plan is projected to occur regardless of the proposed Plan's adoption. Please see Master Response 1, Population and Employment Forecasts, for a discussion of this issue. Please see also Master Response 3, Water Supply and Drought, for a discussion of how water supply impacts are mitigated in the Draft EIR.

28-2 The commenter expresses concerns related to the proposed Plan's regional growth projections and the Bay Area's projected population growth rates relative to the State of California. It is noted that the projections are a neutral forecast; they neither encourage nor discourage growth but rather use national and local modeling to forecast it based on a variety of factors. Please see Master Response 1, Population and Employment Forecasts, for a discussion of the methodology used to determine the regional growth projections. See also response to comment 28-3 regarding consideration of alternative regional growth forecasts.

28-3 The commenter requests a more robust analysis of how the proposed Plan might impact water resources, and a more extensive look at the costs of realistic mitigation. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues. The commenter also suggests that the Draft EIR consider an alternative that tracks growth of the State as a whole. See response to comment 18-5 for a discussion of the formulation of the proposed Plan and alternatives related to the expected households and jobs projections. Please see Master Response 1, Population and Employment Forecasts, and Master Response 6, Range of Alternatives, for additional details related to this issue.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

CITY OF SAUSALITO

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Telephone: (415) 289-4128
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Letter 29

VIA ELECTRONIC MAIL

May 31, 2017

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

Dear MTC,

Thank you for the opportunity to comment on the Draft EIR for Plan Bay Area 2040. The City of Sausalito appreciates your seeking our local input. We do not agree with Sausalito's projected forecast numbers for households and employment, and respectfully request that further modification be done to revise these forecast numbers to reflect our experience and realistically possible growth.

We reviewed both the Draft and Final Preferred Scenarios and the methodology. We understand that these projections stem from distributing ABAG's economic and demographic forecasts through use of UrbanSim, a regional land use model, and consideration of local plans (General and Specific Plans) and zoning.

Following our input of the Draft Preferred Scenario, your response was that "a number of technical corrections at the parcel-level were made in the Final Preferred Scenario". However, the Final Preferred Scenario now incorporated into the Draft EIR lists Sausalito's household number for base year 2010 as 4,112, and the forecast number for year 2040 as 4,370 – 258 new households -- a slight decrease from 350 as provided in the Draft Preferred Scenario; the employment number for base year 2010 as 5,220, and the forecast number for year 2040 as 5,880 – 660 new jobs – an increase from 600 as provided in the Draft Preferred Scenario! We do not believe the technical corrections at the parcel-level were done accurately as the forecast numbers are still aggressively high and should be reduced based on these factors:

- Sausalito's population of 7,156 (year 2015) has shown an overall decrease from the last three decades, and has been no greater than 7,300 since 1980, according to US Census figures. This population trend decrease is not consistent with the projected 258 new households (with an average of 1.71 persons per household in Sausalito) by year 2040.

29-1

To: MTC
Date: May 31, 2017
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- The description of the methodology for the housing and employment forecasts states that local plans (General, Specific Plans) and/or local zoning were considered. We do not believe that the development density (FAR, allowable intensity) limits as prescribed in the City's General Plan, Marinship Specific Plan, and zoning were factored into the employment projections, nor will they accommodate this level of development. While the City has existing commercial, office, and industrial building development potential, the density (specifically FAR, building coverage, and height) restrictions for any new development in Sausalito's commercial and industrial land use areas do not support the very high projected 660 new jobs by the year 2040.

- The City has recently conveyed over two acres of open space for conservation purposes (conservation easement) that will ensure that the land be maintained as natural open space in perpetuity (APN 64-321-01). The residential land use designation/zoning will be amended as open space designation/zoning. This land area should be removed from the UrbanSim land use modeling and the household projections adjusted (reduced) to reflect this change.

- Sausalito maintains strong historic preservation policies, and has an established Historic Overlay Zoning District that encompasses the entire downtown commercial area as this area represents Sausalito's early town development. Strict rules apply to redevelopment of these historic buildings and its setting. We do not believe that the employment projections factor the development limitations within this commercial land use/zoning district overlay area.

- Sausalito is not designated as a PDA (Priority Development Area). However, we are concerned that the high forecast numbers distributed for Sausalito could be an error of the land use modeling because of Sausalito's adjacency to the neighboring community of Marin City, which is located in the jurisdiction of the County of Marin and is identified as a PDA (Priority Development Area). We request that these jurisdictional boundaries be closely examined and adjusted.

- There is a lack of rationale for the forecast numbers distributed to Sausalito when compared to other cities in Marin County. For example, a comparable town of Tiburon, in terms of size (square miles) and population has a forecast of 90 new jobs by 2040, yet Sausalito has a forecast of 660 new jobs by 2040. Mill Valley is double the size (square miles) and double the population of Sausalito, and yet Mill Valley is forecasted to have 570 new jobs – a lower projection than for Sausalito.

291 cont

To: MTC
Date: May 31, 2017
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Please consider the above factors and reduce the households and employment forecast projections for Sausalito and make the necessary modifications to the Draft EIR. 29-1 cont

Sincerely,

Danny Castro

Danny Castro
Community Development Director
City of Sausalito

cc:
Sausalito City Council
Adam Politzer, City Manager
Lilly Whalen, Assistant City Manager/City Clerk
Mary A. Wagner, City Attorney

Response 29	Danny Castro, City of Sausalito May 30, 2017

Thank you for your comment. Your interest is appreciated and your comment are now a part of the official record on the proposed Plan.

29-1 This commenter expresses concerns related to the proposed Plan's forecasted development pattern and resultant small geography growth projections and inconsistencies with the City of Sausalito's household and job projections. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 30

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement

HARRY FREITAS, DIRECTOR

May 31, 2017

Ken Kirkey
Planning Director
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

Subject: Plan Bay Area 2040 Draft Environmental Impact Report, Comments from City of San José

Dear Mr. Kirkey:

Thank you for the opportunity to provide comments on the *Plan Bay Area 2040* Draft Environmental Impact Report. Upon review of *Plan Bay Area 2040*, the Draft EIR, and background documents, the City of San José has the following comments:

Regional Objectives: The City of San José recognizes that *Plan Bay Area 2040* is an important vision for comprehensive regional planning. The primary objective of the Plan is to implement SB 375 to integrate regional housing and transportation needs to plan the Bay Area's growth while striving to attain greenhouse gas (GHG) reduction targets. In order to do so, a visionary approach is required to balance the mix of land uses, and thereby encourage more sustainable land use patterns where the region's people can live, work, and play.

Land use investment influences transportation systems, and transportation investment influences land use markets. San José understands that MTC/ABAG does not have land use authority; however, MTC can provide transportation funds to public agencies that could be leveraged to encourage land use decisions that can spur balanced and equitable growth for the region.

30-1

Land Use Imbalance: *Plan Bay Area 2040* is not entirely consistent with the *Envision San José 2040 General Plan*, particularly regarding employment growth. As proposed, *Plan Bay Area 2040* reduces the percent of County-wide employment growth allocated to San José in the current RTP (Plan Bay Area 2013) from 49% to 44%. The *Envision San José 2040 General Plan* strives to achieve a balanced community in the City by improving the City's jobs-to-employed resident ratio (J/ER) to 1.1 while accommodating its Regional Housing Needs Allocation (RHNA) fair share. The City's General Plan, therefore, establishes a target of 750,450 jobs by 2040. Robust job growth is critical to the long-term fiscal health of the City.

The proposed *Plan Bay Area 2040* assumes 196,550 fewer jobs in 2040 and no change in San José's percentage of jobs overall within Santa Clara County between 2010 and 2040 (43%). Under this

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scenario, the imbalance of jobs to housing within the region would persist, and this imbalance would continue to hamper the achievement of regional goals around equity, congestion, and the environment.

Employment Assumptions: San José continues to be concerned with the long-term assumptions for land use and jobs used in the Draft EIR. Although there has been some acknowledgement of the incongruity between the *Envision San José 2040 General Plan* and *Plan Bay Area 2040* pertaining to the Draft Preferred Scenario and Final Scenario, there is still a gap between the City's planned job growth and the planned job growth used in *Plan Bay Area 2040*. We recommend that the EIR analyze an alternative that would assume greater employment growth allocated to San José in order to better achieve Plan Bay Area 2040 objectives including Climate Protection, Equitable Access, and Transportation System Effectiveness. 30-1 cont

As we have stated previously, adding more jobs in San José, specifically in Downtown, North San José, Urban Villages and other urban and transit-served areas, will provide significant gains in managing congestion, reducing Vehicle Miles Traveled (VMT), improving air quality, and improving quality of life throughout the region. We note that the Land Use and Physical Development chapter of the Draft EIR mentions a mismatch between growth in jobs and housing in the region but does not address the mismatch in the *distribution* of jobs and housing. San José has a disproportionate amount of housing in relation to jobs, and this inadequate proportion of jobs-to-employed residents has a negative effect on the long-term fiscal health of the City. We suggest that the Draft EIR include more robust analysis of how the *distribution* of jobs and housing across the region affects both VMT and GHG emissions. 30-2

A higher employment allocation for San José, specifically in Downtown, North San José, Urban Villages and other urban and transit-served areas, would not only achieve our mutual goals around equity, congestion and the environment, but also support the significant transportation investments the State and region are making in San José including the Silicon Valley BART extension, Capitol Expressway Light Rail, High Speed Rail, and the Diridon Intermodal Station. Although MTC projections imply that San José will become less of an employment center in the future, real estate trends in San José suggest the opposite is true. We are seeing increasing interest in the construction of new commercial and industrial space due to high rents/low land availability on the peninsula, as well as the political backlash in some jobs-rich communities to accommodate more commercial/industrial space. Examples of major office projects exemplifying this trend include Samsung's completed campus in North San José (640,000 sq.ft.), Apple's proposed campus in North San José (up to 4.15 million sq.ft.), Federal Realty's Santana West (1 million sq.ft.), and Trammell Crow's "Destination Diridon" project in Downtown San José (1 million sq.ft.). 30-3

Alternatives: The Draft EIR and associated technical studies provide demographic forecasts broken out at each county level only. San José would like to see the forecasted demographic, economic, and housing data at the city level. Finer grained city-level data for jobs and households for each alternative is needed to fully evaluate how each of the alternatives would impact San José. 30-4

San José recommends exploring a modified Big Cities Alternative that allocates higher job growth to San José and more household units in other Silicon Valley/Peninsula cities along transit lines. Such a hybrid modified Big Cities Alternative is very likely to result in further reductions to VMT and, therefore, GHG

emissions. As an example, Cupertino has a hard cap on office development and Palo Alto does not have adequate housing, being more jobs rich. These imbalances are fueling the growing intraregional disparities in housing and job growth leading to lopsided computing patterns. San José has untapped industrial and commercial developmental capacity in the City's priority development areas and transit priority areas.

30-4 cont

Again, thank you for the opportunity to comment on the *Plan Bay Area 2040* Draft EIR. The City looks forward to continuing the partnership with MTC/ABAG to support this endeavor. Should you have any questions, please contact Meenaxi Panakkal, Supervising Planner, Environmental Review Team at meenaxi.panakkal@sanjoseca.gov .

Sincerely,

Rosalynn Hughey

Rosalynn Hughey
Assistant Director

c: City Manager
City Attorney
Mayor's Office

Response 30	Rosalynn Hughey, City of San Jose May 31, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

30-1 The commenter expresses concerns related to the proposed Plan's forecasted development pattern and resultant small geography growth projections and inconsistencies with the City of San José's household and job projections in Envision San José 2040 General Plan. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. Please see also response to comment 28-3 regarding consideration of alternative regional growth forecasts. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

30-2 The commenter suggests that adding more jobs in San José would provide benefits in terms of congestion management and vehicle miles traveled (VMT) reductions. The commenter recommends that the Draft EIR include a more robust analysis of how the regional distribution of jobs and housing affects both VMT and greenhouse gas (GHG) emissions. The Draft EIR examines impacts to VMT and GHG across the proposed Plan and a range of reasonable alternatives described in Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The analysis included in the Draft EIR accounts for the projected growth of jobs and housing in the region, but analyzes the impacts of the unique forecasted development patterns across the alternatives relative to the proposed Plan. The proposed Plan's impact on VMT is addressed in Draft EIR Section 2.1, "Transportation," and GHG emissions are addressed in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases."

30-3 The commenter expresses concerns related to the proposed Plan's small geography growth projections and inconsistencies with the City of San José's job projections. See response to comment 30-1, and see Master Response 1, Population and Employment Forecasts, for additional discussion of this issue.

30-4 The commenter expresses the desire to disclose small geography household and job growth projections by city across each alternative in the Draft EIR. Land use implications, including the projections of households and jobs by alternative are provided in Draft EIR Tables 3.1-2, 3.1-4, and 3.1-7. These tables include breakdowns by county for households and jobs projections, and projected acres in the land use growth footprint. MTC/ABAG believe this level of detail is appropriate for a regional program EIR. EIRs must contain sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison; however, the California Environmental Quality Act (CEQA) does not require lead agencies to describe alternatives with the same level of detail as the proposed project (CEQA Guidelines Section 15126.6). "No ironclad rules can be imposed regarding the level of detail in required in considering alternatives" (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1993) 18 Cal.App.4th 729, 745; see also N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs. (2013) 216 Cal.App.4th 614). The alternatives analysis in Draft EIR Section 3.1, "Alternatives to the Proposed Plan" provides adequate detail of each alternative to allow for meaningful analysis, including quantitative analyses across several key impact areas. The detailed descriptions and comparisons of the alternatives exceeds CEQA's requirements for

plan level environmental review (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1993) 18 Cal.App.4th 729, 745). See Master Response 6, Range of Alternatives, for additional details related to this issue.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 31

BARHII

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

May 31st, 2017

VIA ELECTRONIC EMAIL: info@PlanBayArea.org
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

Re: BARHII's Comments on the Draft Plan Bay Area 2040 and the Draft Environmental Impact Report

Dear MTC Commissioners and ABAG Board Members,

On behalf of the Bay Area Regional Health Inequities Initiative (BARHII), we would like to thank you for the opportunity to comment on the Draft Plan Bay Area 2040 (PBA 2040) and the Draft Environmental Impact Report (DEIR). 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. Integrated regional land use, housing and transportation planning under PBA 2040 has the potential to improve public health by supporting affordable transportation access and safe streets; stable, affordable housing and neighborhoods; and an economy that provides opportunities for all residents and workers. We have welcomed the opportunity to partner with our regional planning agencies to maximize these potential health equity gains in PBA 2040. With this intent, we outline suggestions for the Action Plan and the DEIR below.

31-1

Action Plan

Resilience

- **Incorporate Health Equity in All Actions.** The Resiliency Actions are heavily focused on infrastructure and natural hazards (earthquake, flooding, and fire) with only Action #2 focusing on communities with high social vulnerability and potential exposure to hazards. This section would be made stronger by including actions designed to improve community health and resilience. It should, for instance, assess potential vulnerability to high heat due to impervious surfaces and include appropriate mitigations, ensure targeted outreach and engagement of climate vulnerable communities, and identify policies to ensure that the needs of these communities are met.

- **Provide Expanded Policy Leadership on Resilient Housing.** In addition to making houses resilient to natural hazards, the concept of housing resiliency should also include measures that improve the daily health of the residents residing in those houses. Such measures include providing weatherization, reducing toxic exposures such as lead, asbestos, mold and pests/vectors, and requiring advanced air filtration in developments near sources of air pollution.
- **Adaptation and Resilience Investments Should Promote Quality Jobs and Career Pathways for Underserved Residents.** Existing and new funding sources identified to advance resilient communities should promote family-supporting jobs and offer training opportunities for underserved residents.

Economic Development

- **Promote Quality Jobs and Clean Industries.** The Action Plan should incorporate language that will ensure its outlined actions lead to the creation, appropriate training for, and retention of family-supporting jobs and industries that improve public health and do not further exacerbate environmental degradation. For example, criteria and incentives for Production Priority Areas should promote the creation and preservation of middle-wage and living-wage jobs and clean industries.
- **Improve Economic Modelling Capacity.** Include an additional action that explicitly address the need to improve existing modelling capacities in order to more accurately measure the impact that PBA 2040 land use policies and transportation investments have on jobs at all income levels. In this way, we will be able to better measure the direct, indirect, and induced impact of transportation investments on the creation and preservation of middle-wage jobs and assess whether or not land-use policies are incentivizing or hindering the location of middle-wage industries.

31-1 cont

Housing

- **Promote Healthy Housing.** Old and aging housing stock and the slow production of new affordable housing units force many low-income residents to live in substandard conditions, which expose them to adverse health impacts[1]. Existing and future funding sources and preservation and rehabilitation programs should promote healthy design guidelines and green buildings.
- **Limit the Displacement of Vulnerable Residents:** we commend the efforts to incentivize the development of housing and affordable housing. The Action Plan should go further to outline specific existing and addition sources of funding and strategies to preserve existing affordable units and to incentivize local jurisdictions to support anti-displacement measures.
- **Accelerate Funding and Legislative Actions.** The Action Plan relies on CASA's future work plan to advance new funding and legislative solutions, but that work plan will take a couple of years. In addition to this strategy, the Action Plan should identify immediate actions that MTC and ABAG can take to pursue a strong legislative strategy to advance affordable housing and the protection of low-income tenants from displacement. It should also outline the existing and future sources of funding that could be conditioned to incentivize the development of affordable and healthy housing—for example RM3.

Comprehensive Recommendation:

[1] Bay Area Regional Health Inequities Initiative. Displacement Brief. 2016. Available at: http://barhii.org/wp-content/uploads/2016/02/BARHII-displacement-brief.pdf

- **Engage and Work with Impacted Communities.** Throughout the Action Plan it should be clear that investments and strategies will be driven and informed by impacted communities. For example, the impact of resilience investments and strategies could be maximized if vulnerable communities already facing environmental and health disparities are key strategic partners in the design, implementation, and monitoring of these strategies.

31-1 cont

Draft Environmental Impact Report

Housing:

- **Clarify the Role Publicly Funded Development Projects Play in Intensifying Displacement Pressures.** The DEIR includes an excellent description of the housing and displacement crisis in the Bay Area. This description would be strengthened by clarifying the role that publicly funded development projects—in this case those proposed by PBA 2040—often play in intensifying displacement pressures[2], and specifically addressing this link in the impacts analysis and mitigation measures.
- **Provide Sufficient Detail on the Nature of Environmental Impacts of Displacement.** The DIER takes a strong step forward by addressing the environmental impacts of displacement due to rising rents. However, the DEIR does not provide sufficient detail about the nature or significance of these impacts. Please provide more detail about the impacts of displacement to human health (see our synthesis of the literature[3]), and potential impacts on VMT, climate, and air quality.

31-2

Air Quality:

- We are strongly supportive of the DEIR's inclusion of detailed air quality modeling and health concerns. In particular, we appreciate the attention to the location of sensitive receptors in Transit Priority Areas with high TAC/PM/Cancer risks, the analysis of air quality changes in CARE versus non-CARE communities and the inclusion of recommendations from BAAQMD's *Planning Healthy Places*. However, it is extremely worrying that the plan shows increased air quality inequities in already overburdened CARE communities. Therefore, we make the following recommendations for the Plan and EIR:
  - **Mitigation Measures and the Plan Should Include Increased Deployment of Zero-Emission and Near-Zero* emission Technologies.** (*near-zero emission under the definition used in the Freight Emission Reduction Action Plan).
  - **Include Further Detail and Implementation Timelines for Mitigation Measures 2.2-5 and 2.2-6 in the DEIR and Draft PBA 2040 Action Plan.**
  - **Include Actions that MTC, ABAG, BAAQMD and Other Regional Actors Can Take to Increase Local Uptake/Implementation of Mitigation Measures 2.2-5 and 2.2-6.** While MTC/ABAG cannot ensure that local project sponsors or jurisdictions follow mitigation measures, you can provide technical assistance, training, grants, or other incentives to encourage progress towards mitigation.

31-3

[2] See for Example: Gentrification, Displacement and the Role of Public Investment: A Literature Review http://iurd.berkeley.edu/uploads/Displacement_Lit_Review_Final.pdf

[3] Bay Area Regional Health Inequities Initiative. Displacement Brief. 2016. Available at: http://barhii.org/wp-content/uploads/2016/02/BARHII-displacement-brief.pdf

- **Identify specific Communities (by Census Tract) Expected to See Inequitable Increases in Air Pollution.** Ensure that regionally controlled/funded programs include targeted, enforceable provisions to improve air quality in these communities.

31-3 cont

Noise

- **Model Projected Exposure to Noise and Vibration by Census Tract.** Disaggregate by race and income.

31-4

We again thank you for the opportunity to comment on the Draft PBA 2040 and DEIR. Please let us know if you have any questions on the above recommendations and how to best partner with you to implement our suggestions.

Sincerely,

Melissa Jones, Executive Director
Bay Area Regional Health Inequities Initiative

Response 31	Melissa Jones, Bay Area Regional Health Inequities Initiative May 31, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

31-1 The commenter provides suggestions for Chapter 5, "Action Plan" of the proposed Plan, including incorporating health into the resilience actions, emphasizing the creation of living-wage and clean industries in the economic development actions, and emphasizing affordable housing and anti-displacement policies in the housing actions. The commenter provides opinions and recommendations related to the proposed Plan and does not address issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

31-2 The commenter requests that the discussion of displacement in the Draft EIR be expanded to include the role that publicly funded development projects can play in intensifying displacement pressure. As discussed in the last paragraph on Draft EIR page 2.3-24, "…the proposed Plan does not authorize or provide entitlement to redevelopment or construction projects in the region. Rather, the proposed Plan is a regional strategy that sets a vision for future development, which must still be reviewed, analyzed and approved by local governments, which retain full control over local land use authority. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue.

The commenter states that the Draft EIR does not provide sufficient detail regarding the nature or significance of environmental impacts of displacement due to rising rents. Please see response to comment 24-1 and Master Response 2, Displacement and Housing Affordability, for more information on this issue.

The commenter specifically requests additional details related to potential impacts on vehicle miles traveled (VMT), climate, and air quality resulting from the risk of displacement. The analysis in the Draft EIR is based on transportation and land use forecasts developed using the MTC travel demand forecasting model, Travel Model One, and the land use forecasting model, Bay Area UrbanSim. These models include assumptions about localized displacement risk and construction of replacement housing associated with the proposed Plan. The integrated model produced the key outputs used in assessing the significance of transportation impacts, such as VMT, level of service (LOS), transit and transit utilization (see "Method of Analysis" in the transportation chapter, starting in the Draft EIR page 2.1-19 for more details). The outputs of these models were used to calculate air quality and climate change and greenhouse gas (GHG) impacts associated with the proposed Plan (see Draft EIR pages 2.2-18 and 2.5-30 for respective methodologies used to calculate emissions). Thus, the analysis of VMT (Draft EIR Impacts 2.1-3 and 2.1-4), air quality (Draft EIR Section 2.2), and climate change and GHGs (Draft EIR Section 2.5) includes impacts associated with localized risk of displacement. The commenter does not indicate why or how additional information could be added; thus, no further response is required.

31-3 The commenter recommends additions and changes to the proposed Plan and mitigation measures included in Draft EIR Section 2.2, "Air Quality." These recommendations were provided as four bullet points, which are reflected in the response below.

Mitigation measures recommended by the commenter include deployment of zero and near-zero emission technologies for freight, and references *the Freight Emission Reduction Action Plan*. The proposed Plan includes $5 billion of goods movement investment, including $350 million for a clean-fuel and impact reduction program. This program will help to implement recommendations from the recently completed *Freight Emissions Reduction Action Plan*, a

supplemental report for the proposed Plan. Chapter 5, "Action Plan" of the proposed Plan includes an analysis of various zero emission truck and rail scenarios, and concludes that the Bay Area should prioritize implementation of a Range-Extended Electric Vehicle (REEV) with engine (for urban delivery trucks) and yard switching using dual-mode electric locomotives with battery-assist (tender) cars. The proposed Plan also includes $400 million for Smart Deliveries and Operations.

While the proposed Plan activities referenced above are programmatic in nature and do not list precise activities or a timeframe for implementation, MTC has been working with the Bay Area's county congestion management agencies, the Port of Oakland, and the Bay Area Air Quality Management District (BAAQMD) on a near-term freight investment strategy. This is an effort that will help identify specific projects/investments within the proposed Plan's programmatic categories and set forth a shared regional commitment to fund and deliver them. This investment strategy is in progress and is likely to be considered by the MTC Commission in 2017 or 2018.

The commenter also requested additional detail with regard to the timing of the mitigation measures aimed at reducing exposure to toxic air contaminants (TAC). There are two main types of mitigation measures provided in the EIR to address TACs: 1) measures associated with development projects, such as passive electrostatic filtering systems (i.e., the majority actions included in Draft EIR Mitigation Measure 2.2-5(a)); and, 2) measures requiring partnerships with other agencies, such as developing a program with BAAQMD (i.e., the actions included in Draft EIR Mitigation Measure 2.2-6(a) through 2.2-6(c)). Mitigation measures associated with development projects would be implemented through future project-specific environmental review based on project- and site-specific considerations. Regarding mitigation measures requiring partnerships with other implementing agencies, many of these measures rely on cooperation by implementing agencies, as well as the ability of these agencies to raise their own matching funds through their budgeting process or other funding means. This is further addressed in response to comments 38-7 and 38-8.

Increased local uptake/implementation of Draft EIR Mitigation Measures 2.2-5 and 2.2-6 suggested by the commenter would be driven primarily by CEQA streamlining provisions (see Draft EIR Section 1.1.8, "CEQA Streamlining Opportunities"). As noted under the Draft EIR subheading "Significance after Mitigation" for Mitigation Measures 2.2-5 and 2.2-6, MTC/ABAG cannot require local implementing agencies to adopt listed mitigation measures. Please see Master Response 7, MTC/ABAG Role and Authority, for a discussion of MTC/ABAG's ability to incentivize implementation of the Plan.

The commenter requests identification of specific communities by Census Tract. The information presented in the Draft EIR is presented by County and by Community Air Risk Evaluation (CARE) status, which is an appropriate level of detail for this programmatic EIR. Please see Master Response 5, Programmatic EIR, for a discussion of this issue.

31-4 The commenter requests that noise and vibration levels be disclosed by race and income level. The Draft EIR noise analysis is a programmatic evaluation of average and representative noise levels for the various sources of noise within the Bay Area (e.g., construction, stationary, traffic, rail, aircraft). Specific locations for project construction and operational noise increases were not available for the programmatic analysis conducted. For purposes of evaluating noise impacts to sensitive receptors, noise thresholds were applied according to specific noise sources and available guidance to evaluate noise impacts to all receptors equally and based on standard methods and techniques, as appropriate. Race and income factors are social and economic in nature, and social and economic effects are not, per CEQA Guidelines Section 15131, treated as environmental impacts. Moreover, there is no evidence to suggest that people of different race or income levels react differently to noise exposure and would thus require application of different thresholds of significance. The analysis is based on widely

accepted noise exposure levels and guidance, and adequately evaluates noise exposure to all receptors within the Bay Area. Thus, impacts were characterized at an appropriate level of detail. No revisions to the noise analysis are necessary.

The MTC Commission/ABAG Executive Board will consider these comments in its overall consideration of the proposed Plan.

Letter 32

From: Nancy Arbuckle
To: info@planbayarea.org
Subject: Comments on DEIR for Plan Bay Area 2040
Date: Wednesday, May 31, 2017 2:46:00 PM

Thank you for the opportunity to provide comments the DEIR for Plan Bay Area 2040. My comments follow:

Failure to adequately address impacts on rivers and Delta
I believe the DEIR for Plan Bay Area 2040 fails to adequately address potential significant negative environmental impacts on the Tuolumne and other rivers as well as the Sacramento-San Joaquin Bay-Delta. I am concerned that the impacts of population and job growth projections included in Plan Bay Area have not been adequately studied. 32-1

The Plan forecasts that the SFPUC's customer base will increase by 28%, from 2.6 million to 3.3 million people by 2040. Population in the Santa Clara Valley Water District service area is projected to increase by 26%, and population in the East Bay Municipal Utilities District by 25%. This level of growth is simply not sustainable.

Failure to give equal weight to ecosystem restoration
The Delta Reform Act of 2009 established as state policy that achieving water supply reliability and restoring the Delta's ecosystem must be given equal consideration. The Plan Bay Area Draft EIR offers no real analysis of potential impacts on our waterways and the Bay-Delta, and fails to give equal weight to ecosystem restoration. 32-2

A 2010 flow criteria report by the State Water Resources Control Board determined that 60% of the San Joaquin River's unimpaired flow would be necessary to fully protect fish, yet currently only about a third of the River's natural flow reaches the Delta on average. The Tuolumne is the largest tributary to the San Joaquin, and on average only 20% of its unimpaired flow reaches the San Joaquin. The precipitous decline of Central Valley salmon, steelhead and other aquatic species over the past few decades suggests that humans are already diverting too much water from our rivers and the Delta. 32-3

The EIR must evaluate how the increase in water demand might impact our river and Delta ecosystems, especially potential impacts to fish and wildlife, water quality and recreation. 32-4

Failure to address extended drought conditions
The EIR is inadequate in that it appears to focus on water supply impacts from a single dry year versus a multiple-year drought. Most water agencies have adopted drought plans aimed at managing three-to-five-year droughts; the SFPUC's drought plan addresses an eight-and-a-half-year drought. While extended droughts create challenges for water agencies, they have a much more serious impact on fish and wildlife, including species protected by the Endangered Species Act. Water quality, protected by the Clean Water Act, also is heavily impacted by droughts. 32-5

Inadequate mitigation
The primary mitigation measure included in the EIR suggests that water agencies and municipalities must conserve more water and/or identify new sources of water, such as reclaimed water and desalination. This is not an adequate mitigation. The EIR must address potential environmental impacts that might occur if conservation and alternative water supplies are unable to keep pace with demand, and identify mitigation measures to address these potential impacts. 32-6

Jobs/housing imbalance will continue regardless
While a case could be made for adding new housing stock to the Bay Area to enable people to live closer to their jobs and/or public transportation in order to reduce greenhouse gas emissions from automobiles, the projected growth in employment will likely offset any gains at addressing the jobs/housing imbalance. The Plan forecasts a 31% increase in households, and a 37% increase in jobs. If these projections are accurate, the region will continue to face a severe housing shortage, while adding a lot more stress on our aquatic ecosystems. The final EIR must include an alternative that dramatically reduces the amount of projected jobs growth. 32-7

I appreciate the opportunity to be heard.

Nancy Arbuckle

Response 32	Nancy Arbuckle May 31, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

32-1 The commenter states that the Draft EIR does not adequately address potential significant negative environmental impacts on the Tuolumne and other rivers including the Sacramento-San Joaquin Bay-Delta. The comment is general in nature and does not address a specific point or analysis in the Draft EIR. Please see response to comment 18-4 for a discussion of this issue. Please also see Master Response 3, Water Supply and Drought, for a discussion of long-term water supply.

32-2 The commenter refers to the Delta Reform Act of 2009 (Water Code Section 85000-85004) and a 2010 flow criteria report by the State Water Resources Control Board. The Delta Reform Act of 2009 created the Delta Stewardship Council and established new standards for groundwater monitoring, statewide water conservation, and Delta diversions. The commenter offers the opinion that the Draft EIR does not present a detailed analysis of effects on waterways and the Bay-Delta and does not equally weigh the merits of water supply and ecosystem restoration. Please see response to comment 18-4 for a discussion of the effects of the proposed Plan on the Delta.

32-3 The commenter states that the decline of Central Valley salmon, steelhead, and other aquatic species indicates that water diversions from the Delta already exceed amounts needed to sustain these species. Please see response to comment 18-4 for a discussion of these issues.

32-4 The commenter recommends that the Draft EIR evaluate how the increase in water demand associated with the proposed Plan would affect the San Joaquin River and the Delta ecosystems, especially impacts to fish and wildlife, water quality, and recreation. Please see Master Response 3, Water Supply and Drought, for an overall discussion of water supply issues. The proposed Plan will not, in itself, create household or job growth.

Please see response to comment 18-4, which also addresses impacts to Delta ecological resources as a result of water use.

32-5 The commenter states that the Draft EIR does not sufficiently address drought conditions. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues.

32-6 The commenter states that the Draft EIR does not consider mitigation and associated impacts associated with providing new water supply in the event conservation measures and reuse of recycled water does not provide sufficient supply. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues, including the role of water supply considerations in a first tier (programmatic) EIR such as this one, where uncertainty regarding the need for future water supplies exists. Also, Draft EIR Section 2.12, "Public Utilities and Facilities," page 2.12-29, Mitigation Measure 2.12-1(a) includes requirements for additional CEQA review under future development if additional water supply infrastructure is needed.

32-7 The commenter recommends that the Draft EIR include an alternative that reduces the number of projected jobs. Please see response to comment 18-5 and Master Response 6, Range of Alternatives, for a discussion of this issue. Please also see Master Response 1, Population and Employment Forecasts, for additional details related to this issue.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 33

TOWN OF HILLSBOROUGH

SAN MATEO COUNTY

Building & Planning Department
(650) 375-7422

1600 Floribunda Avenue
Hillsborough

May 31, 2016

Ken Kirkey
Director, Planning
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: Draft Environmental Impact Report (Draft EIR) (SCH# 2016052041) for Plan Bay Area 2040 and the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) for the San Francisco Bay Area

Dear Mr. Kirkey:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) (SCH# 2016052041) for Plan Bay Area (PBA) 2040 and the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) for the San Francisco Bay Area. We have initiated communication with your office to discuss the projections for the Town of Hillsborough over the last several months, and were pleased to have the opportunity to discuss the issue with a Metropolitan Transportation Commission (MTC) representative on May 26, 2017.

We continue to detect discrepancies between both the 2010 and 2040 employment figures. Hillsborough is a single family residential community with no commercial zoning. Non-residential uses in Hillsborough are limited to schools, country clubs and government facilities which employ a total of approximately 600 regular employees. The above noted documents indicate that Hillsborough had 2,100 employees in 2010 and would have 2,300 employees by 2040. These figures appear the same as in the prior Draft documents despite the Town's October 13, 2016 letter indicating inaccuracies. Following is additional information that may assist in understanding the Town of Hillsborough's concerns:

33-1

May 31, 2017
Ken Kirkey
Page -2-

- The Association of Bay Area Government (ABAG) 2013 projections indicated Hillsborough had 1850 jobs in 2010.
- Also, according to ABAG 2013 projections, Hillsborough could expect to lose three percent of its jobs between 2000 and 2025.
- The Town of Hillsborough includes two census tracts. The methodology that is referenced in the documents above for projecting Hillsborough's jobs appears to assume that the two tracts have an average of 486 jobs per square mile. While this methodology may be appropriate in a jurisdiction with mixed land uses, the Town of Hillsborough has one single family zoning district.
- At the time of preparation of this letter, Hillsborough has licensed 1761 businesses. Historically, of this number approximately half are regular full time jobs and half are home occupations or temporary jobs.
- The job growth for Hillsborough within the above documents exceeds those of other predominantly single family residential San Mateo County communities that have commercial zoning districts.

33-1 cont

While Hillsborough embraces a strategic approach for advanced planning purposes, we believe that planning with consideration for actual constraints is the appropriate method to stimulate community goals. Aggressive projections can have significant negative environmental impacts to resources such as water, as well as to local community and regional character. We are committed to setting and meeting realistic targets, as well as participating regionally to resolve jobs and housing challenges.

We understand that our community is particularly unique as there are only a handful of communities in the entire State of California that have no commercial businesses whatsoever. We welcome an opportunity to discuss our comments further.

Sincerely,

Elizabeth S.R. Cullinan
Director, Building and Planning
Town of Hillsborough

Response 33	Elizabeth S. R. Cullinan, Town of Hillsborough May 31, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

33-1 The commenter expresses concerns related to the proposed Plan's forecasted development pattern and resultant small geography growth projections and inconsistency with the City of Hillsborough's baseline job estimates and job projections. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The manner in which jobs were defined and counted changed during ABAG's development of the regional forecast. The new method attempts to account for jobs outside of traditional commercial spaces. This may lead to discrepancies from other sources or methods of estimating jobs. MTC/ABAG acknowledge the challenge of creating an accurate estimate of the number of jobs or workers in any given location due to the sensitivity of the datasets, as well as the numerous sources and reporting methods. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., G...

Letter 34

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
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Making Conservation a California Way of Life

May 31, 2017

SCH# 2016052041
GTS # 04-ALL-2017-00022
BAG055

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

Dear Mr. Noelting:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Plan Bay Area 2040 RTP/SCS. Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR) dated April 2017, followed by comments on the Plan Bay Area (PBA) 2040 Draft Plan. To reference our comments on the DEIR Notice of Preparation please refer to our June 15, 2016 comment letter.

DEIR

Executive Summary
Based on the MTC *Goods Movement Land Use Study*, we suggest to add the following bullet under the Areas of Controversy section (Page ES-10): "Shortages in industrial land result in outward dispersion of industrial activities and related employment." Reductions in industrial land may result in increased truck vehicle miles traveled (VMT), trip shifts, pressure for longer truck routes, additional trucks on the highways and local streets, increased emissions, wear and tear on the surface transportation system, higher overall transportation costs, and job displacement outside the Northern California Mega Region.

The passage of Senate Bill (SB) 1 and any resulting changes to the regional revenue estimate should be addressed in the Project Overview (ES-6).

34-1

Climate Change and Greenhouse Gases
Caltrans is concerned that implementation of PBA 2040 "could substantially conflict with the SB

34-2

32 goal of reducing Greenhouse Gas emissions to 40 percent below 1990 levels by 2030." (Impact 2.5-3). We urge MTC to explore all available mitigation strategies and look forward to continuing efforts with your agency and other regional stakeholders in the advancement of climate resiliency strategies and corridor planning efforts, especially in light of the new requirements outlined within SB 1 and the Congested Corridors Program (Mitigation Measure 2.1-3-3[a]). 34-2 cont

Pedestrian and Bicycle Infrastructure
Plan Bay Area 2040 sets the target of increasing non-auto mode shares by 10 percent. Although PBA 2040 outlines how transit infrastructure and service will be improved, it lacks a strategy for increasing pedestrian and bicycle mode share. We encourage MTC to develop a comprehensive active transportation plan as a future action item; PBA 2040 should allocate funding for the development of a regionally connected active transportation network. Such a plan, led by MTC, can support network continuity across jurisdictional boundaries. The Regional Bicycle Plan for the San Francisco Bay Area was last updated by MTC in 2009. Caltrans District 4 is currently developing a bicycle plan for the Bay Area district, but this plan will be limited to the STN. 34-3

Sea Level Rise
Plan Bay Area 2040 could result in a net increase in transportation projects within areas vulnerable to sea level rise by midcentury. While we agree that more work is needed to identify vulnerabilities and risks to the transportation system, and look forward to continuing our partnerships with MTC and the Bay Conservation and Development Commission in developing those assessments, more needs to be done to mitigate against these impacts to ensure that any new transportation project, especially those with design lives of 50 to 75 years and longer, are resilient to increasing sea level rise and other climate change impacts (Impact 2.5-5). 34-4

Highway Operations
The RTP/SCS should clarify that lead agencies should consult with Caltrans on whether a safety analysis is needed for specific local land use projects. Potential safety concerns are not exempt from analysis under the California Environmental Quality Act. 34-5

System Planning
With the enactment of SB 743 and to meet our Strategic Management Plan Targets, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development. In order to maximize efficiency in the transportation network, Caltrans supports efforts by the Association of Bay Area Governments (ABAG) and MTC focused on dense, walkable and transit-oriented neighborhoods rather than sprawl pattern development when addressing the region's housing needs. We look forward to continuing efforts with MTC and other regional stakeholders in the advancement of corridor planning efforts, especially in light of the new requirements outlined within SB 1 and the Congested Corridors Program (Mitigation Measure 2.1-3-3[a]). 34-6

Please note, the I-80 ICM is already operational, not "Planned" (Proposed Expansion to Transportation System Capacity, Page 2.1-22).

Please specify which agency operates each high-occupancy toll lane segment not planned to be operated by MTC (Proposed Expansion to Transportation System Capacity, Page 2.1-24). 34-7

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

Goods Movement

Please add State Routes (SR) 13 (ALA) and 84 (SM, ALA, SOL) to the listing of Major Limited-Access Highways in the Bay Area as both of these facilities feature significant limited-access segments (Table 2.1-1, Page 2.1-2).

I-580 does not terminate in Tracy. The route terminates closer to the San Joaquin/Stanislaus county line to the south in unincorporated San Joaquin County (Table 2.1-1 Major Limited-Access Highways in the Bay Area, Page 2.1-2).

SR 160 does not actually go through Solano County. It crosses from Contra Costa County into Sacramento County at the Antioch Bridge and continues northward on the Sacramento County side of the Sacramento River (Table 2.1-1 Major Limited-Access Highways in the Bay Area, Page 2.1-2).

The sentence, "These seaports are supported by freight railroad services operated by Union Pacific and Burlington Northern Santa Fe" should be revised to, *"These seaports are supported by Class I freight rail services and intermodal yards operated by the Union Pacific Railroad and the BNSF Railway."* This revision aligns with current corporation titles (Seaports and Airports, Page 2.1-6).

Similarly, Caltrans suggests rephrasing the sentence, "The regional goods movement infrastructure includes… major rail lines and terminals operated by Union Pacific and Burlington Northern Santa Fe Railway, and highways that carry high volumes of trucks (MTC 2016c)" to *"...major rail lines and terminals operated by Union Pacific Railroad and BNSF Railway, and trade corridors that carry high volumes of trucks (MTC 2016c)* (Page 2.1-6, Goods Movement). 34-7 cont

Minor edits

- Page 1.2-3, Regional Location and General Setting: South Bay, Santa Clara County: The 1,782,000 county population seems low given the 1.8 million figure from the 2014 US Census. Please verify population numbers for all cities and counties.
- Page 2.1-2, Table 2.1-1*: Major Limited Access Highways in the Bay Area.* Add SR 84 to the table.
- Page 2.1-6, Figure 2.1-3: *Bicycle Facilities*: The map seems to show the Posey Tube between Alameda and Oakland as a bicycle trail, but it is actually a pedestrian trail, and bicyclists may walk their bikes here. Please revise accordingly.
- Page 2.1-10, *Mode Share and Daily Trips*: Text states, "Napa County residents have the longest average one-way commute distance (18.2 miles)" yet Table 2.1-6 shows Solano commute distance as 20.2 miles; please resolve this discrepancy.
- Page 2.1-11 & 12: Table 2.1-7 shows 2015 Bike share at 4%, while Table 2.1-8 shows 2015 Bike Share of 2%; please resolve.
- Page 2.1-26, Table 2.1-15 *Typical Weekday Daily Person Trips:* Please verify the number of bicycle trips. The numbers and percentage seem low considering the increase in bicycling to work reported early in the document as well as various plans and efforts to promote bicycle travel at State, regional and local levels.
- Page 2.3-4*: "Of these approximately 2.3 million acres of agricultural land, over 70*

percent...are used for grazing. Field crops...represent approximately 62 percent of Bay Area agricultural land..." One of these figures appears to be wrong (grazing 70% + field crops 62% = 132%). 34-7 cont

PBA 2040

General

Caltrans appreciates MTC's analysis of State Highway Needs in the *Draft Local Streets and Roads, Bridges, and State Highway Needs Assessment* supplemental report of the draft RTP and we look forward to collaborating with MTC to address these needs.

Caltrans recognizes that PBA 2040 is a limited and focused update, however an evaluation of the previous PBA approach and its contribution to the current housing crisis would help identify needed modifications in the current PBA 2040 to address housing needs (Page 25). 34-8

Please discuss the California Transportation Plan 2040 (CTP 2040), specifically how PBA 2040 is consistent with the CTP 2040's goals and policies, and how local, regional and State governments can work together to achieve state-wide performance targets (Page 26).

Please clarify what the two congestion pricing projects in San Francisco are that are mentioned on Page 49.

Aeronautics

Plan Bay Area 2040 does not mention anything about airport planning or airport access, despite the requirement in Government Code. Section 65081.1, where it states: "*Regions that contain a primary air carrier airport (defined by the Federal Aviation Administration as an airport having at least 10,000 annual scheduled passenger boardings) shall work collaboratively to include an airport ground access improvement program with the RTP. This program shall address airport access improvements projects, including major arterial and highway widening and extension project, with special consideration given to mass transit.*"

Airports are missing from all maps in the document and the planned improvements on page 50. Are there any planned improvements around the region's airports? Could airport projects be identified as ground access improvements? 34-9

Plan Bay Area 2040 excludes any mention of airport land use compatibility considerations within the airport influence area, which is defined as a two-mile radius around an airport, or is designated by local land use agencies. Such planning is needed to protect both on- and off- airport uses, and is addressed in various sections of the Public Utilities, Government, Education, Public Resources, and Business, and Professions Codes.

While the action plan section mentions the region's vulnerability to natural disasters, the contribution airports provide to disaster recovery and regional resilience is omitted (Chapter 5, Page 70-77). ABAG's *2014 Cascading Failures Study* provided an in-depth look at the region's airport capabilities and vulnerabilities; please include mention of their value in this section. The

study is available online at: http://resilience.abag.ca.gov/projects/transportation_utilities_2014/ .

The discussion on climate adaptation does not mention any of the regions six airports that are vulnerable to sea level rise (SLR). The airports are: San Francisco and Oakland International Airports, Rio Vista Municipal, Hayward Executive, Gnoss Field, and Moffett Federal Airfield, and should be referenced (Chapter 5, Page 78).

Travis Air Force Base is a major military installation for both incoming and outgoing troop and military cargo movements; the PBA 2040 does not include any mention or discussion of this important west coast military gateway. A brief mention of this Department of Defense installation, and its needs should be summarized.

34-9 cont

RTP Checklist

Consultation/Cooperation
The *Public Engagement Report* should summarize the Port of Oakland, major airports, and the goods movement industry's (i.e., trucking and rail) involvement in the development of the draft RTP and also reference the *Freight Emissions Reduction Action Plan*.

Programming/Operations
The RTP Checklist refers to the *Investment Strategy Report* (Page 3) for a discussion of the federal Congestion Management Process required pursuant to Title 23 Code of Federal Regulations (CFR) Part 450.320. The report provides a brief description of the State's voluntary Congestion Management Program; however, the State's Congestion Management Program differs from the federal Congestion Management Process. Please clarify whether the federal requirement is satisfied.

34-10

Environmental
The RTP Checklist refers to the Environmental Impact Report (Pages ES-11 to 49) for a discussion of potential mitigation activities. As specified in Title 23 CFR Part 322(f)(7), the RTP shall include: "*A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities. . .The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.*" Please summarize potential mitigation activities to satisfy this federal requirement.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jean Finney, Deputy District Director, Transportation Planning and Local Assistance, at (510) 286-6196 or jean.finney@dot.ca.gov.

34-10 cont

Sincerely,

BIJAN SARTIPI
District Director

c: State Clearinghouse
Mr. Art Dao, ACTC
Mr. Randell Iwasaki, CCTA
Ms. Dianne Steinhauser, TAM
Ms. Kate Miller, NCTPA
Ms. Tilly Chang, SFCTA
Ms. Sandy Wong, C/CAG
Ms. Nuria Fernandez, SCVTA
Mr. Daryl Halls, STA
Ms. Suzanne Smith, SCTA

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

Response 34	Bijan Sartipi, Caltrans District 4, Office of Transit and Community Planning May 31, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

34-1 The commenter recommends adding as an "Area of Controversy" to the Draft EIR, "shortages in industrial land may result in outward dispersion of industrial activities and related employment." MTC/ABAG agrees that this is an important issue, although is not itself the subject of controversy. Furthermore, MTC/ABAG do not have land use authority to designate certain land for industrial uses.

The commenter also requests a discussion related to passage of Senate Bill 1 (SB 1) and any resulting changes to the regional revenue estimate. See response to comment 9-2. As explained therein, SB 1's emphasis on "fix-it-first" investments aligns closely with the proposed Plan's transportation investment strategy, which directs the majority of reasonably expected funding over the next 25 years to maintain the assets and infrastructure of the existing transportation system.

34-2 The commenter expresses concern that the proposed Plan will not meet SB 32 greenhouse gas (GHG) emissions reduction targets and recommends exploring additional mitigation measures. MTC/ABAG believes it has developed a proposed Plan that, by achieving its SB 375 targets (see Draft EIR Impact 2.5-1), is meeting its obligations as to the land use and transportation strategies component articulated in the Draft 2017 Scoping Plan Update. Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of SB 32 and the proposed Plan's compliance with SB 375 and how this was addressed and disclosed in the Draft EIR. Further, please see Draft EIR Mitigation Measure 2.5-3 which provides, in conjunction with other strategies outlined in the 2017 Scoping Plan Update, a pathway for the Bay Area to fully achieve SB 32 targets.

34-3 The commenter suggests the development of a strategy for increasing pedestrian and bicycle mode share, which could be in the form of a regional active transportation plan. The commenter notes that the previous Regional Bicycle Plan was last updated in 2009 and that the proposed Plan should allocate funding for developing a regionally connected active transportation network. The proposed Plan directs approximately $5 billion in future funding toward multimodal and bicycle and pedestrian projects, all of which would contribute to a regional active transportation network. Each Bay Area county has a program for bicycle and pedestrian improvements that county congestion management agencies (CMAs), along with local jurisdiction partners, will administer within the proposed Plan's transportation investment strategy. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR, or the analysis of environmental impacts for which a further response can be provided.

34-4 The commenter correctly states that the proposed Plan could result in a net increase in transportation projects within an area vulnerable to sea level rise by midcentury (Draft EIR Impact 2.5-5). The commenter states that more needs to be done to mitigate against sea level rise impacts. As discussed in the sixth paragraph on Draft EIR page 2.5-46, "[t]he appropriate adaptation strategies would be selected as part of the future project-level analysis and planning. At this time, sufficient detail is not available to identify which adaptation strategy or strategies would be the most effective for each individual transportation project." The commenter provides no recommendation in addition to those listed under Draft EIR Mitigation Measures 2.5-4(a), 2.5-4(b), 2.5-4(c). No changes to the document are required.

34-5 The commenter suggests that lead agencies (local jurisdictions) should consult with Caltrans on whether land use projects merit a highway operations safety analysis. Traffic impacts related to changes in land use are fully evaluated at a programmatic level in Draft EIR Section 2.1, "Transportation." Projects that are of sufficient size and have the potential to affect Caltrans facilities are required to follow consultation requirements in the California Environmental Quality Act (CEQA) Guidelines Sections 15205 and 15206, which results in consultation with Caltrans through the CEQA notification process. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

34-6 The commenter expresses support related to the proposed Plan's commitment to invest in transportation infrastructure to promote smart growth and efficient development. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR, or the analysis of environmental impacts for which a further response can be provided.

34-7 The commenter includes a number of suggested text changes and clarifications. The text of the Draft EIR will be revised to reflect the following modifications. None of these changes affects the analysis of environmental impacts or alters the conclusions in the Draft EIR. The text on Draft EIR page 2.1-2 has been revised as shown (new text is underlined and deleted text is shown in ~~strikeout~~).

Table 2.1-1 Major Limited-Access Highways in the Bay Area

Route	Highway Limits[1]		Bay Area Counties Served[2]
Interstate 80	San Francisco	Teaneck, NJ	SF, ALA, CC, NAP, SOL
Interstate 280	San Francisco	San José	SF, SM, SCL
Interstate 380	San Bruno	South San Francisco	SM
Interstate 580	San Rafael	~~Tracy~~ Unincorporated San Joaquin County	MRN, CC, ALA
Interstate 680	Fairfield	San José	SOL, CC, ALA, SCL
Interstate 780	Vallejo	Benicia	SOL
Interstate 880	Oakland	San José	ALA, SCL
Interstate 980	Oakland	Oakland	ALA
Interstate 238	San Leandro	Castro Valley	ALA
Interstate 505	Dunnigan	Vacaville	SOL
U.S. Route 101	Olympia, WA	Los Angeles	SON, MRN, SF, SM, SCL
State Route 1	Leggett	Dana Point	SON, MRN, SF, SM
State Route 4	Hercules	Markleeville	CC
State Route 12	Sebastopol	San Andreas	SON, NAP, SOL
State Route 13	Oakland	Berkeley	ALA
State Route 17	San José	Santa Cruz	SCL
State Route 24	Oakland	Walnut Creek	ALA, CC
State Route 29	Upper Lake	Vallejo	NAP, SOL
State Route 37	Novato	Vallejo	MRN, SON, NAP, SOL
State Route 84	San Gregorio	West Sacramento	SM, ALA, SOL
State Route 85	Mountain View	San José	SCL

Table 2.1-1 Major Limited-Access Highways in the Bay Area

Route	Highway Limits[1]		Bay Area Counties Served[2]
State Route 87	San José	San José	SCL
State Route 92	Half Moon Bay	Hayward	SM, ALA
State Route 160	Sacramento	Antioch	~~SOL,~~ CC
State Route 237	Mountain View	Milpitas	SCL
State Route 242	Concord	Concord	CC

Notes:

[1] Reflects the overall route limits, rather than the limits of the limited-access segment.

[2] County abbreviations used: ALA (Alameda), CC (Contra Costa), Marin (MRN), NAP (Napa), San Francisco (SF), San Mateo (SM), Santa Clara (SCL), Solano (SOL), and SON (Sonoma).

The text on Draft EIR page 2.1-11 has been revised as shown (new text is underlined and deleted text is shown in ~~strikeout~~).

Table 2.1-7 Bay Area Resident Workers Categorized by Means of Transportation to Work (1990-2015)

Year	1990 Number (Percent of Total)	2000 Number (Percent of Total)	2010 Number (Percent of Total)	2015 Number (Percent of Total)
Drive Alone	2,105,000 (68%)	2,248,000 (68%)	2,243,000 (68%)	2,413,500 (65%)
Carpool	400,000 (13%)	427,000 (13%)	354,000 (11%)	374,200 (10%)
Transit	294,000 (10%)	321,000 (10%)	333,000 (10%)	447,100 (12%)
Walk	112,000 (4%)	106,000 (3%)	112,000 (3%)	~~69,100 (2%)~~ 135,200 (4%)
Bike	32,000 (1%)	36,000 (1%)	50,000 (2%)	~~135,200 (4%)~~ 69,100 (2%)
Other	37,000 (1%)	36,000 (1%)	35,000 (1%)	34,100 (1%)
Work at Home	105,000 (3%)	133,000 (4%)	194,000 (6%)	210,700 (6%)
Total Workers	**3,086,000 (100%)**	**3,306,000 (100%)**	**3,321,000 (100%)**	**3,683,900 (100%)**

Source: U.S. Census Bureau 1990 and 2000, American Community Survey 2010 and 2015

Drat EIR Section 2.1, Page 2.1-22: As part of the Freeway Performance Initiative, a range of "smart" roadway projects are planned for I-880 between San Jose and Oakland~~, I-80 in Alameda and Contra Costa counties,~~ and U.S. 101 in San Mateo County, to supplement the existing Integrated Corridor Management (ICM) system implemented on I-80 in Alameda and Contra Costa counties. Projects include activating metering lights on freeway on-ramps, improving incident detection and response, enhancing operations and traffic signal coordination, and closing gaps in the region's carpool lane network

Draft EIR Section 2.1, Page 2.1-24: A major component of the proposed roadway capacity increases are Bay Area Express Lanes, which would develop a 550-mile network of express lanes on the state highway system~~ operated by the California Department of Transportation (Caltrans)~~. Development of the Bay Area Express Lanes network is a cooperative effort. Bay Area Express Lanes are operated by MTC, Alameda County Transportation Commission, and Santa Clara Valley Transportation Authority. Additional partners helping to develop, implement, and operate Bay Area Express

Lanes include: FasTrak, California Highway Patrol, Caltrans, Contra Costa Transportation Authority, and Solano Transportation Authority.

Draft EIR Section 2.1, Page 2.1-6: These seaports are supported by Class I freight rail~~road~~ services and intermodal yards operated by the Union Pacific Railroad and the Burlington Northern Santa Fe Railway.

Draft EIR Section 2.1, Page 2.1-6: The regional goods movement infrastructure includes … major rail lines and terminals operated by Union Pacific Railroad and Burlington Northern Santa Fe Railway, and ~~highways~~ trade corridors that carry high volumes of trucks (MTC 2016c).

Draft EIR Section 2.1, Page 2.1-10: ~~Napa~~ Solano County residents have the longest average one-way commute distance (~~18.2~~20.2 miles)

The additional minor text edits in this comment are noted but do warrant a revision to the Draft EIR text, as explained below.

The commenter questions data provided for population numbers within the cities and county of the Bay Area. These numbers were derived from the Bay Area Census prepared by MTC and ABAG (MTC and ABAG 2010). More recent data, available from California Department of Finance indicates that population levels are estimated to be approximately 1,923,000 as of January 2016 (DOF 2017). This type of data provides background information for the purposes of describing the regional location and general setting and is the most recent population data provided by MTC and ABAG. Because the proposed Plan is regional and addresses household and job growth by county, this differences in population level data do not affect the environmental analysis. No changes to the document are necessary.

The commenter notes that Draft EIR Figure 1.2-3 incorrectly indicates that Posey Tube between Alameda and Oakland as a bicycle trail. The Posey Tube appears to be included in the figure as a bike trail; however, this is due to the scale of the line work in the graphic, and does not affect the analysis in the Draft EIR. No changes to Figure 1.2-3 are necessary.

The commenter requests verification for the typical weekday daily person trips reported in Table 2.1-15. This data is derived from MTC's Travel Demand Forecasts from 2015, as indicated in the table. For a description of modelling efforts associated with the proposed Plan, please see Draft EIR pages 1.2-14 – 1.2-15. Because no alternative data to that presented in Table 2.1-15 was provided by the commenter, no additional response can be provided.

The commenter notes that there appear to be incorrect figures for grazing land and field crops. As noted in the text, "field crops" includes pasture land (see Draft EIR page 2.3-4 last sentence of second paragraph). This data is correct. No changes to the document are necessary.

34-8 The commenter expresses support for the proposed Plan's analysis of State Highway funding needs assessment, expresses the need for an evaluation of previous plans and their contribution to the housing crisis, expresses the need for an evaluation of the proposed Plan's goals relative to California Transportation Plan 2040 (CTP 2040) goals and policies, and expresses the need for clarity of two transportation investments located in San Francisco. MTC/ABAG are continually tracking and monitoring housing development and other Bay Area performance metrics through numerous forums, including MTC's Vital Signs performance monitoring portal (http://vitalsigns.mtc.ca.gov). MTC/ABAG recognize the lag and lead time required for real estate development construction, and cannot attribute any housing construction or lack of construction to *Plan Bay Area* (the "2013 Plan"). In June 2016, MTC released a Map of the Month on its website that displayed Bay Area Housing Production: Forecast vs Observed. The map displayed which Bay Area jurisdictions were on track to meet

their 2013 Plan housing projections based on 2015 housing production trends (http://gis.mtc.ca.gov/home/motm2016.html). Individual transportation projects are identified and described in the proposed Plan project list portal, http://projects.planbayarea.org.

CTP 2040, adopted in June 2016, describes California's transportation system and explores major trends that would likely influence travel behavior and transportation decisions through 2040. The CTP is a core document that ties together several internal and external inter-related plans and programs to help define and plan transportation in California. The CTP 2040 exists within the larger context of long-range transportation planning that considers other relevant local, regional, and statewide plans and programs that may affect the transportation system. While it outlines goals, policies, strategies, performance measures, and recommendations to achieve that vision, it does not possess regulatory authority. The CTP 2040 is a policy framework designed to guide transportation-related decisions with a goal to help ensure that policy decisions and investments made at all levels of government and within the private sector will work congruently to enhance the State's economy, improve social equity, support local communities, and protect the environment, including achievement of the State's greenhouse gas (GHG) reduction goals. In developing the CTP 2040, State transportation planners and other stakeholders considered factors such as defining legislation, the latest in applied technology, performance measures, and improvements required to meet California's mobility needs. Because CTP 2040 is a strategy document, rather than a regulation, plan, or policy, no discussion of consistency with the proposed Plan is necessary. No changes to the document are necessary.

The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

34-9 The commenter states that airport planning and airport access are not addressed in the proposed Plan or the Draft EIR. MTC is and has been supportive of access improvements to the region's airports, including a number of highway and interchange improvements along US 101 in San Mateo and Santa Clara counties and along I-880 in Alameda County, as well as Bay Area Rapid Transit improvements to San Francisco International Airport and Oakland International Airport. A number of arterial and highway improvements in Solano County would provide access improvements to Travis Air Force Base. Note 2 of Draft EIR Table 2.1-14 identifies that trips to and from airports (airport demand) are accounted for in travel forecasts and their potential impacts are fully evaluated at a programmatic level in Section 2.1, "Transportation," Section 2.2, "Air Quality," and Section 2.5, "Climate Change and Greenhouse Gases." Draft EIR Impact 2.6-6 evaluates exposure to excessive noise from eight airports in the Bay Area; Draft EIR Impact 2.13-6 addresses safety hazards associated with proximity of land uses and transportation facilities to airports. Regarding airport projects subject to sea level rise, Draft EIR Table 2.5-13 summarizes the acreage of transportation projects that would be subject to inundation as a result of sea level rise, and refers to Appendix E of the Draft EIR for a list of specific projects. The only airport-related project that would be located within the mid-century sea level rise inundation zone is the Oakland International Airport Perimeter Dike (RTP ID 17-01-0025). The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR, or the analysis of environmental impacts for which a further response can be provided.

34-10 The commenter requests changes to the proposed Plan document related to consultation/cooperation, programming/operations, and environmental topics to satisfy the requirements of the Regional Transportation Plan checklist developed by the California Transportation Commission and Caltrans. See response to comment 41-25 regarding the checklist. An initial Checklist was submitted to Caltrans for the draft proposed Plan. The initial Checklist will be updated to reflect updates to page numbers and will be re-submitted to Caltrans

along with a copy of final proposed Plan. Also see Master Response 7, MTC/ABAG Role and Authority, for a discussion of feasible mitigation measures. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 35

Subject: PUBLIC COMMENT - Plan Bay Area EIR (Linda Pfeifer)
Date: Wednesday, May 31, 2017 at 7:25:47 PM Pacific Daylight Time
From: LJ pfeifer
To: EIR Comments
CC: LJ pfeifer

To: MTC

Re: Plan Bay Area 2040 EIR Public Comment

The Plan Bay Area 2040 EIR proposes unrealistically high numbers in job growth and household unit growth for Sausalito.

It is *absurd* to estimate job growth at 660 in Sausalito, which is far higher than historic data. What rationale was used to generate this number? Who or what were MTC's sources? Meanwhile, neighboring towns larger than Sausalito (e.g., Tiburon and Mill Valley) have lower job growth numbers than Sausalito. These facts cast serious doubt over the logic and assumptions used to generate Sausalito's job growth numbers.

The household projections for Sausalito are also too high and unjustified. 258 units is far too high for a small town with a population that has decreased, not increased. Again, please revisit the assumptions and logic and data used to generate this number.

I urge MTC to reduce Sausalito's job growth and household unit growth projections in Plan Bay Area 2040. To maintain the current numbers for Sausalito raise serious questions about the integrity of the data used to create these projections.

I also question MTC's projections for unincorporated Marin County, which strike me as ridiculously high. It is sad to see that the lessons learned from the first Plan Bay Area 2013 have not been applied in this new Plan Bay Area 2040. The same hyper-growth mistakes are being made in projections.

35-1

Regards,

Linda Pfeifer

Response 35	Linda Pfeifer May 31, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

35-1 The commenter expresses opinions related to the proposed Plan's forecasted development pattern and resultant small geography growth projections as it relates to the City of Sausalito and unincorporated Marin County's household and job projections. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. In order to accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

SAN FRANCISCO SAN JOSE SANTA ROSA WALNUT CREEK

GREENBELT ALL

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

Letter 36

May 31, 2017

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

RE: Recommendations on Resource Lands Mapping
in Draft Plan Bay Area 2040 and its Draft Environmental Impact Report

To whom it may concern,

Thank you for this opportunity to comment on the Resource Lands Maps in the Draft Plan Bay Area 2040 (Draft Plan) and Draft Environmental Impact Report (DEIR). We appreciate MTC and ABAG's continued attention to improving the illustration and analysis of the Bay Area's natural resource lands and their policy protections in Plan Bay Area. What follows are our suggestions for refining the Draft Plan so that it more comprehensively reflects the natural resources in our region. These proposed revisions will increase the accuracy and utility of the Draft Plan, so that it may best guide land use and transportation decision-making across the Bay Area and serve as an example for other regions across the state and country.

Resource Lands Maps

Within Plan Bay Area's Statutorily Required Plan Maps, the Policy Protection maps (Maps S-5 through S-13) show a good representation of the legislative efforts to safeguard the region's major natural resources. However, the Resource Lands maps (Maps S-14 through S-21) do not include a similar quality of depiction of natural values. These resource maps only display agriculture as the solitary natural resource in the region, effectively ignoring wildlife, carbon, and watershed resources. To address this inadequacy, we recommend that the Resource Lands maps be revised to exhibit the best scientifically-accepted map layers to account for four important natural resource categories: 36-1

- Wildlife habitat
- Carbon storage
- Watershed lands
- Agricultural lands

What follows is a more detailed description of how the Resource Lands maps should reflect the three missing natural resource categories. The table at the end of this letter provides data sources for the following recommendations, including hyperlinks to map layers and notes. 36-1 cont

1. Wildlife habitat

Our primary recommendation is to use the Conservation Lands Network (CLN) to represent Wildlife Habitats in the Resource Lands maps, as these areas comprise the most essential lands needed to sustain the biodiversity of the San Francisco Bay Area. The CLN is a collaborative, science-based effort to map terrestrial upland habitats and rare landscapes for biodiversity conservation. This research dataset was created in consultation with government agencies focusing on the Bay Area, including a committee comprised of members from the following government agencies:

Federal

- USDA Natural Resources Conservation Service
- US National Park Service
- US Fish and Wildlife Service

State

- California Department of Fish and Game
- California State Parks
- University of California, Davis, UC Reserve System
- California State Coastal Conservancy

36-2

Regional

- Midpeninsula Regional Open Space District
- Marin County Open Space District
- Sonoma County Water Agency
- Sonoma County Agricultural Preservation and Open Space District
- Santa Clara County Parks and Recreation Department
- San Francisco Bay Joint Venture
- East Bay Regional Park District

To visualize this dataset in a single Resource Lands map, we recommend using the CLN fields of "Essential," "Important," and "Fragmented" habitat.

Our secondary recommendation for Wildlife Habitat is to use the Department of Fish and Wildlife's coarser layer to show areas important for preserving biological richness, called the Areas of Conservation Emphasis. To include this layer on the Resource Lands maps, it may be necessary to select a threshold of biological richness and display those areas that are above this threshold.

2. Watershed lands
California counties are currently updating their groundwater management plans under the mandate of the Sustainable Groundwater Management Act. Our recommendation is to include the groundwater basin layer (Figure 2.12-3 of the PBA 2040 DEIR) in the Resource Lands maps to represent Watershed Lands showing the distribution of this vital drinking and irrigation water resource. 36-3

3. Carbon storage
The emergence of new and updated datasets provide a great opportunity to show important lands for carbon sequestration and storage that help address SB 375's mandate to reduce emissions of carbon dioxide and other greenhouse gases. Above ground carbon sources include forests and woody biomass while below ground carbon includes soil organic carbon such as in wetlands and agricultural lands. Our recommendation is to combine above ground and below ground sources that significantly contribute to carbon storage and sequestration in the Resource Lands maps. To include these layers on the Resource Lands map, it may be necessary to select a threshold of carbon stock density and display those areas that are above this threshold. 36-4

Maps in the Draft Plan

Farms and ranches are a core foundation of the culture and economy of the Bay Area, and we applaud the inclusion of Map 1.2 on p.17 of PBA 2040 Draft Plan showing recent development on natural resource lands. While this story is critical to keep in the Draft Plan, it contains one notable shortcoming: while purporting to display "resource lands," it only includes farmland and grazing land – rather than displaying the many other important natural resource land types across the region. Our primary recommendation to remedy this situation is to include the full breadth of resource lands across the Bay Area in this map. Our secondary recommendation is to change the name to "Historical Development Pattern and Agricultural Lands." 36-5

Draft Environmental Impact Report

The US Department of Agriculture and the National Park Service have recently published spatial data showing above ground carbon and below ground carbon. This data must be assessed in Plan Bay Area 2040 Environmental Impact Report. The availability of these new data layers provide a direct connection to SB 375's mandate to reduce greenhouse gas emissions. Urban development, transportation projects, and land conversion can reduce or eliminate a landscape's ability to store and sequester carbon and therefore require analysis in the EIR. Links and notes on the data sources are included in the attached spreadsheet. 36-6

Bay Area Greenprint

As the latest scientific data becomes available for the Bay Area's natural resources, it's critical to provide an open avenue for all stakeholders to have access to this information. A new online conservation planning platform called the Bay Area Greenprint Tool (bayareagreenprint.org) is 36-7

now available to provide a detailed map-based source for the latest research and data on the four natural resource categories described above. 36-7 cont

Plan Bay Area and the Greenprint Tool can be very complimentary efforts. Plan Bay Area offers a valuable regional vision for growth, identifying the need to guide growth appropriately in our region. Meanwhile, the Bay Area Greenprint Tool offers a map-based platform to better understand the region's multiple natural resource values and assess open space impacts from transportation and development projects. We look forward to partnership opportunities to explore how the Greenprint Tool can be most efficacious in advancing the Plan Bay Area vision and in integrating conservation values in our local and regional planning decisions.

Sincerely,

Adam Garcia
Planning & Research Manager
Greenbelt Alliance
415-543-6771(x326)

SAN FRANCISCO SAN JOSE SANTA ROSA WALNUT CREEK

GREENBELT ALLIANCE

Plan Bay Area 2040: Recommendations for Resource Lands Map & DEIR Carbon Sources

Layers in the Resource Lands Map					Layers in the Policy Protection Map		
Natural Value	Existing Layers	Primary Recommendation for Resource Map Layers	Secondary Recommendation for Resource Map Layers		Natural Value	Existing Layers	Recommended Layers
Agriculture	Farmland Grazing Land	Combine Farmland and Grazing Land into a single Agricultural Lands layer	*sufficient* *sufficient*	-->	Agriculture	Williamson Act	*sufficient*
Watershed	*none*	Include Groundwater basins *source: Figure 2.12-3, PBA 2040 DEIR*	-	-->	Watershed	Flood Risk Areas	*sufficient*
Wildlife	*none*	Include Conservation Lands Network *source link: Bay Area Open Space Council* *view link: CLN map*	Include CA Biological Richness - Areas of Conservation Emphasis *source link: CA Dept Fish & Wildlife* *view link: view ACE II map*	-->	Wildlife	Critical Habitat	*sufficient*
Carbon	*none*	Combine Soil organic carbon and… *source link: USDA* *notes: Nationwide dataset from gSSURGO,* …Above ground carbon biomass into a single Carbon layer *source link: NPS, USDA* *report link: Aboveground carbon changes in CA* *notes: Living, aboveground carbon density*	-	-->	Carbon	*none*	*no known geographically specific policies protecting carbon stocks*
General	*none*	*none*	-	-->	General	Parks, Easements, PCAs	*sufficient*

Response 36	Adam Garcia, Greenbelt Alliance May 31, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

36-1 The commenter suggests that the Resource Lands maps (S-14 through S-21) in the *Statutorily-Required Plan Maps* of the proposed Plan's draft supplemental report library do not include sufficient depiction of natural resources values, and provides recommended data sources and additional mapping to improve the depiction and analysis of four natural resource categories: wildlife habitat, carbon storage, watershed lands, and agriculture lands. The commenter addresses the proposed Plan but does not raise issues related to the Draft EIR and the analysis of environmental impacts. However, it is noted that much of this information is provided in the Draft EIR: the biological resources section (Section 2.9) contains a number of exhibits depicting wildlife habitat (Figures 2.9-1 through 2.9-9); Figure 2-12-1 depicts the major watersheds in the Bay Area; agricultural lands are depicted in Figures 2.3-3 and 2.3-4. Please see also response to comment 4-8 regarding carbon storage.

36-2 The commenter recommends using the Conservation Lands Network (CLN) to represent wildlife habitats in the Resource Lands maps included in the Draft Plan. The commenter also recommends using CDFW's Areas of Conservation Emphasis data layer to show areas important for protecting biological diversity. The commenter addresses the proposed Plan but does not raise issues related to the Draft EIR and the analysis of environmental impacts. However, the Draft EIR utilized comprehensive data sets, including the California Natural Diversity Database (CNDDB), a detailed compilation of wildlife data; critical habitat designations from the United States Fish and Wildlife Service and National Marine Fisheries Service, and other data sources to map habitat. These sources constitute substantial evidence supporting the analysis in the Draft EIR.

36-3 The commenter makes a recommendation to use a figure from the Draft EIR in the proposed Plan document. The commenter provides a recommendation related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

36-4 The commenter recommends showing important lands for below- and above-ground carbon sequestration and storage that help address Senate Bill 375's mandate to reduce emissions of carbon dioxide and other greenhouse gases on the proposed Plan's Resource Lands maps. See response to comment 4-8 for a discussion of carbon storage. The commenter provides a recommendation related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

36-5 The commenter requests a series of revisions to Map 1.2 of the proposed Plan. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. Please see response to comment 36-1.

36-6 The commenter refers to recently-published spatial data showing above ground carbon and below ground carbon and suggests that this data be assessed in the draft EIR. See response to comment 4-8 for a discussion of carbon storage.

36-7 The commenter points out that as the latest scientific data for the Bay Area's natural resources becomes increasingly available, stakeholder access to this information is important; and, a

new online conservation planning platform (Bay Area Greenprint Tool) is now available to provide a map-based source for the latest research and data on natural resources. MTC/ABAG understands the importance of using best available data and user-friendly mapping platforms in regional conservation planning and resource protection, and increasing public and decision-maker access to this information. The Bay Area Greenprint Tool provides a useful tool for evaluating open space and other resource values, accessing current data, and displaying/mapping a variety of natural resources attributes and values.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

DELTA PROTECTION COMMISSION
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Letter 37

May 31, 2017

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

Subject: Comments on the Draft Plan Bay Area 2040

To whom it may concern:

Delta Protection Commission (Commission) staff have reviewed *the Plan Bay Area 2040, the Regional Transportation Plan/ Sustainable Communities Strategy*. The Commission is a state agency charged with protecting and preserving the Sacramento-San Joaquin Delta. Portions of the Plan Bay Area 2040 planning area are in eastern Contra Costa and Solano Counties. That area lies within the Delta's Primary Zone and is subject to consistency requirements with the Commission's *Land Use and Resource Management Plan (LURMP)*, which contains policies to protect the Delta environment, including its agricultural, ecological and recreational resources.

The Commission has land use authority over development in the Primary Zone and monitors actions inside the Secondary Zone for their impacts on the resources of the Primary Zone. We are encouraged that the Plan Bay Area 2040 directs development within existing transportation corridors and the urban footprint in Priority Development Areas with no additional regional growth plans directed to the Delta region. **37-1**

The Metropolitan Transportation Commission has been a supporter of the San Francisco Bay Trail project that will increase recreation and commute opportunities. The Commission's Great California Delta Trail links to the San Francisco Bay Trail along the Carquinez Strait. The Plan Bay Area 2040 should mention the Great California Delta Trail as an opportunity for people in the eastern portion of the planning area to recreate and connect to commute corridors. **37-2**

The Commission completed a Blueprint Report for the Great California Delta Trail in Contra Costa and Solano Counties, and is currently working on a similar report for Sacramento, San Joaquin, and Yolo Counties. Coordination with the **37-3**

Commission's Delta Trail planning process should be made to ensure that pedestrian and bicycle lanes/routes/trails in your Project are linked or incorporated into this regional trail network, thus increasing connectivity for commuters and recreationists. 37-3 cont

Thank you for the opportunity to provide input. Please contact Melinda Dorin, Program Manager at (916) 375-4882, if you have any questions about the comments provided.

Sincerely,

Erik Vink
Executive Director

cc: Skip Thomson; Solano County Board of Supervisors and Commission Chair
Diane Burgis; Contra Costa County Board of Supervisors and Commission Member
Juan Banales; Pittsburg City Council and Commission Member

Response 37	Erik Vink, Delta Protection Commission May 31, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

37-1 The commenter expresses support for the fact that the proposed Plan does not include projected growth in the Delta Region. The commenter addresses the proposed Plan but does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided

37-2 The commenter suggests that the proposed Plan should mention the Great California Delta Trail as a link to the San Francisco Bay Trail along the Carquinez Strait, which would expand recreational opportunities. Although recreational impacts were discussed in Draft EIR Section 2.14, "Public Services and Recreation," specific facilities were not identified individually. Given the size of the region and the programmatic level of review in the Draft EIR, including a discussion of each individual existing and planned recreation facility would not be feasible and is not required under CEQA. The commenter provides a recommendation related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

37-3 The commenter recommends that pedestrian and bicycle lanes/routes/trails included in the proposed Plan be coordinated with the Coastal Commission's Blueprint Report for the Great California Delta Trail. MTC/ABAG do not possess land use authority, and thus future project coordination with the Coastal Commission would be conducted by local lead agencies. Consideration of the Coastal Commission's Blueprint Report for the Great California Delta Trail would be completed through the planning and the California Environmental Quality Act processes for individual projects.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

DITCHING DIRTY DIESEL

Letter 38

June 1, 2017

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

Re: Plan Bay Area Draft Environmental Impact Report

Dear MTC Commissioners and ABAG Board Members:

Thank you for the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for Plan Bay Area. The Ditching Dirty Diesel Collaborative submits these comments due to our concern about the projected significant increase in PM2.5 and PM10 emissions due to implementation of Plan Bay Area. We are even more concerned that the DEIR does not identify mitigation measures that will reduce PM2.5 emissions to safe levels. The mitigation measures that were included in the DEIR do not do enough to protect the health of our most vulnerable communities. The DEIR should be edited to incorporate the more stringent mitigation measures proposed in this letter. 38-1

MTC AND ABAG MUST PROVIDE ADEQUATE MITIGATION MEASURES AND ANALYSIS

The DEIR does not adequately describe the significance of the impact or the additional emission reductions needed, beyond the mitigation measures, to make the impact less than significant. The DEIR simply states that the impact will be significant and unavoidable due to MTC and ABAG's lack of authority over the implementation of the recommended mitigation measures. However, MTC and ABAG must provide the public with an analysis of the impact. 38-2

MTC and ABAG may not "travel the legally impermissible easy road to CEQA compliance" by simply declaring the Project's long-term cumulative climate impacts significant and unavoidable without adequate analysis. (*Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1371; *see also Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 [lead agency must inform public not just whether an impact is significant, but how significant the impact will be].) Rather, MTC and ABAG "must use [their] best efforts to find out and disclose all that [they] reasonably can." (CEQA Guidelines, § 15144.) An EIR's significance 38-3

determinations also must be based on scientific and factual data to the extent possible. (*Id.*, § 15064, subd. (b); § 15064.4.)

38-3 cont

Our comments below describe mitigation measures that MTC and ABAG should analyze and include in the DEIR to address excess PM2.5 and PM10 emissions in order to protect the health of Bay Area communities.

EXISTING MITIGATION MEASURES ARE INSUFFICIENT TO ADDRESS HEALTH DISPARITIES

As years of research have demonstrated, air pollution in the Bay Area disproportionately impacts communities of color and low income communities, both of which are more likely to live near congested freeways, ports, and other facilities associated with the freight sector. It follows that "a net increase of emissions of criteria pollutants from on-road mobile and land use sources compared to existing conditions"[1] will disproportionately impact communities that are already overexposed to pollution and vulnerable to the health impacts associated with pollution.

38-4

The DEIR's proposed mitigation measures will not protect communities from the dangers of PM2.5 and PM 10 pollution, and must be changed. To reduce mobile and area source pollution, the DEIR recommends mitigation measures such as continuing existing retrofit programs or changing tires and brake pads. The DEIR also includes mitigation measures such as increasing density, which may result in some amount of PM emission reductions associated with mobile sources but would do little to nothing to help people living in already dense areas, particularly those in communities adjacent to freeways, the Port of Oakland, airports, or other major freight facilities. These mitigation measures do not address the concerns of the Bay Area's most impacted populations.

UPGRADING ENGINES AND ENFORCING TRUCK RESTRICTIONS TO PROTECT COMMUNITY HEALTH

In addition to the mitigation measures identified in the Draft EIR, enhanced mitigation measures to replace existing short-haul locomotives with cleaner engines, reduce idling of trucks at ports and in traffic, and enacts and enforce truck route restrictions must be identified.

38-5

[1] Metropolitan Transportation Commission and Association of Bay Area Governments. April 2017. Plan Bay Area Draft Environmental Impact Report SCH# 2016052041, p. 2.2-36.

MAKING HOUSING SAFER NEAR EMISSIONS SOURCES

Mitigation measures cannot be thought of as just measures that reduce the amount of pollution being emitted into the air. Measures that prevent pollution from entering the new homes that are predicted to be built over the lifetime of the Plan, as well as existing homes, must also be considered. These measures include high efficiency air filtration systems, weatherization measures that reduce infiltration, and buffers such as trees. The Draft EIR also needs to consider recommending buffer zones between new housing and sources of pollution, especially for diesel particulate matter, because even moving homes short distances from sources of diesel particulate matter can substantially reduce the risk. 38-6

FASTER DEPLOYMENT OF ZERO EMISSION TECHNOLOGIES WILL REDUCE EMISSIONS

Transitioning to zero-emission equipment and near-zero emission equipment[2] will produce needed reductions in PM emissions. The DEIR should recommend faster deployment of these technologies by more aggressively funding the pilot projects developed in Plan Bay Area's Freight Emission Reduction Action Plan. Because MTC and ABAG do have authority over the Freight Emission Reduction Action Plan, they can require adoption and rapid implementation of the plan; for the other mitigation measures recommended, MTC and ABAG are not lead agencies and cannot be sure that the measures will be implemented, which is why PM emissions remain significant and unavoidable in the DEIR.[3] In light of that dynamic, the DEIR should state that MTC and ABAG will seek new funds or use existing funds to accelerate implementation of the Plan Bay Area Freight Emission Reduction Action Plan. 38-7

The DEIR should include additional mitigation measures to increase the use of zero emission and near-zero emission vehicles and equipment. MTC and ABAG should work with the Port of Oakland to ensure that the port and airport transition to zero equipment cargo handling equipment and ground support equipment expeditiously. As the California Air Resources Board's technology assessment for cargo handling equipment states, "automated all-electric (battery or grid-powered) equipment has been 38-8

[2] Plan Bay Area defines near-zero emission vehicles as follows: "'Near-zero emission vehicles must be able to operate for many miles for a period of time while having zero emissions. Outside of that time, there can be emissions (within current standards for clean vehicles).'" Plan Bay Area 2040: Freight Emissions Reduction Action Plan, p. 3 (quoting the California Air Resources Board).

[3] *See* Metropolitan Transportation Commission and Association of Bay Area Governments. April 2017. Plan Bay Area Draft Environmental Impact Report SCH# 2016052041, p. 2.2-39.

in use at port container terminals in Europe, Asia, and Australia, since as early as 1993."[4] The assessment recommends investment in electrified cargo handling equipment in California,[5] and adopting that recommendation in the Bay Area could reduce some of the emissions impacts associated with Plan Bay Area.

38-8 cont

MTC and ABAG should work with the Bay Area Air Quality Management District and the California Air Resources Board to transition local or "last-mile" delivery trucks to zero emission technology as soon as possible. ARB has found that medium-duty trucks "are being utilized in an optimal duty cycle for [battery electric vehicles], urban delivery, and have ARB incentives to promote adoption."[6] ARB expects "widespread penetration into the market place will occur in the next 5 to 10 years."[7] Given that Plan Bay Area will impact PM concentrations for decades to come, the DEIR should include a mitigation measure that encourages faster turnover to less emitting delivery vehicles. These trucks circulate throughout communities and can contribute to increased PM concentrations. MTC and ABAG should prioritize investment in highly impacted communities, to address some of the inequities and health disparities plaguing our region.

38-9

CONCLUSION

Ditching Dirty Diesel recommends that MTC and ABAG accept and incorporate these recommendations into the air quality section of the DEIR in order to protect the most impacted Bay Area residents from additional threats to their health and wellbeing. Thank you for the opportunity to comment and we look forward to continuing to work with MTC and ABAG to improve air quality and health outcomes in the Bay Area.

38-10

Sincerely,

Ditching Dirty Diesel Collaborative

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[4] California Air Resources Board. November 2015. Draft Technology Assessment: Cargo Handling Equipment, p. ES-4.
[5] California Air Resources Board. November 2015. Draft Technology Assessment: Cargo Handling Equipment, p. ES-6.
[6] California Air Resources Board. October 2015. Draft Technology Assessment: Medium- and Heavy-Duty Battery Electric Trucks and Buses, p. IV-13.
[7] California Air Resources Board. October 2015. Draft Technology Assessment: Medium- and Heavy-Duty Battery Electric Trucks and Buses, p. IV-13

Response 38	Ditching Dirty Diesel June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

38-1 The commenter expresses concern over the projected increase in particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$), and expresses the opinion that the mitigation measures do not do enough to protect the health of the most vulnerable communities. Impacts 2.2-2 (construction-related emissions), 2.2-3 (operational criteria air pollutants emissions), and Impact 2.2-5 (impacts of toxic air contaminants [TACs] and $PM_{2.5}$ on sensitive receptors in transit priority areas) would be potentially significant; however, the Draft EIR identifies mitigation measures that would reduce these impacts to a less-than-significant level if implemented at the project level. Impacts 2.2-3 and 2.2-5 are identified as significant and unavoidable in the Draft EIR because MTC/ABAG do not have the authority to implement the respective mitigation measures that would reduce these impacts to a less-than-significant level.

With regard to impact conclusions associated with emissions in disadvantaged communities, as described under Impact 2.2-6, the proposed Plan could result in changes in TACs and/or PM_{10} exposure levels that disproportionately affect minority and low-income communities after implementation of feasible mitigation measures (see subheadings "Conclusion" and "Significance after Mitigation" on Draft EIR page 2.2-56). See responses to comments 38-5 through 38-9 for a discussion related to mitigation measures recommended in the comment letter. Also see Master Response 7, MTC/ABAG Role and Authority, regarding the issue of mitigation measures.

38-2 The commenter states that the Draft EIR does not adequately describe the significance of $PM_{2.5}$ or PM_{10} impacts or the additional emissions reductions needed, beyond the mitigation measures, to reduce the impacts to a less-than-significant level. This is not correct. Discussions related to $PM_{2.5}$ or PM_{10} are described under Impacts 2.2-2, 2.2-3, 2.2-5, and 2.2-6, starting on Draft EIR page 2.2-32. These analyses include modeled data in graphs and as figures that display geospatial analysis. As noted under response to comment 38-1, the Draft EIR concludes the impacts would be potentially significant and includes mitigation measures to reduce the magnitude of Impacts 2.2-2, 2.2-3, and 2.2-5 to a less-than-significant level (see "Significance after Mitigation" following each impact discussion), if implemented by agencies responsible for approval of subsequent projects.

As discussed under Draft EIR Impact 2.2-6, the proposed Plan would result in changes in TAC and/or $PM_{2.5}$ exposure levels that disproportionally affect minority and low-income populations. The threshold used to determine significance for this impact is based on a comparison of changes in mobile source emissions between Community Air Risk Evaluation [CARE] communities and other areas within the Plan area. Because the effectiveness of Draft EIR Mitigation Measures 2.2-6 (a) through 2.2-6 (d) depend on collaboration with and action by other implementing agencies including the Bay Area Air Quality Management District (BAAQMD), other air districts, and local lead agencies, the extent to which mitigation would be applied cannot reasonably be quantified with any degree of certainty at this programmatic level. Thus, the Draft EIR concluded that this impact would be significant and unavoidable.

Please also see Master Response 5, Programmatic EIR, for a discussion of these issues. Please also see Master Response 7, MTC/ABAG Role and Authority, for a discussion of these issues.

38-3 The commenter states that the cumulative climate impacts are identified as significant and unavoidable without adequate analysis. Cumulative impacts associated with climate change and greenhouse gases are analyzed and discussed on Draft EIR page 3.2-13, reproduced below:

> ### Climate Change and Greenhouse Gases
> Climate change is an inherently cumulative issue. As discussed in Section 2.5, implementation of projected development under the proposed Plan woud reduce per capita passenger vehicle and light duty truck CO_2 emissions by over seven percent by 2020 and by over 15 percent by 2035 as compared to 2005 baseline; and, would result in net reductions in greenhouse gas (GHG) emissions in 2040 compared to existing conditions. While development of projected development and transportation projects could be located in areas that would be regularly inundated by sea level rise by midcentury, these impacts would be site-specific and would not combine to create a significant cumulative effect. Thus, the proposed Plan would not contribute to cumulative climate change effects, and impacts would be less than significant.
>
> Impact 3-5: *The contribution of the proposed Plan to climate change and GHG impacts would not be cumulatively considerable, and the impact would be less than significant (LS).*
>
> Mitigation Measure
>
> None required.

This discussion quantifies the level of net reductions in greenhouse gas (GHG) emissions in 2040 compared to existing conditions. Because there would be a net decrease in GHG emissions, the proposed Plan could not considerably contribute to a significant cumulative impact and the discussion is consistent with California Environmental Quality Act (CEQA) requirements. Please see Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" for a detailed evaluation of climate change impacts. No changes to the document are necessary.

38-4 The commenter correctly states that exhaust-related emissions would be higher in areas with sensitive populations (i.e., CARE communities). The commenter also reiterates mitigation measures listed in the Draft EIR, including retrofit programs (Mitigation Measure 2.2-6(b)) and increasing density (Mitigation Measure 2.2-6(c)). As further noted by the commenter, toxic air contaminants (TAC) and $PM_{2.5}$ emissions associated with the proposed Plan would be significant and unavoidable after implementation of recommended mitigation measures (see discussion under subheading "Significance after Mitigation" on Draft EIR page 2.2-56).

Contrary to statements made by the commenter, Mitigation Measures 2.2-6(a) through 2.2-6(d) would reduce TAC and/or PM exposure levels through actions such as installation of air filtration devices in existing residential buildings and other buildings with sensitive receptors, located near freeways or sources of TACs and $PM_{2.5}$ (Mitigation Measure 2.2-6(c); and, other measures that would decrease TAC and $PM_{2.5}$ emission levels more generally throughout the Bay Area (Mitigation Measure 2.2-6(b)). See responses to comments 38-5 through 38-9 for a discussion related to mitigation measures proposed in the comment letter.

38-5 The commenter recommends including a mitigation measure that would replace short-haul locomotives with cleaner engines, reduce idling of trucks at ports and in traffic, and enact and enforce truck route restrictions. BAAQMD currently provides incentive funding for short-haul locomotives with cleaner engines, and enforces California Air Resources Board (ARB) requirements to reduce idling of trucks at ports and in traffic. Mitigation Measure 2.2-5(a) includes a requirement that truck routes be established to avoid sensitive receptors. The measure also requires the establishment of a truck route program, along with truck calming and delivery restrictions, to direct traffic activity at non-permitted sources and large construction

projects. These requirements would be the responsibility of implementing agencies and are consistent with BAAQMD recommendations. Truck routes restrictions cannot be established or enforced by MTC/ABAG or BAAQMD. No changes to the document are necessary.

38-6 The commenter recommends including measures that are already included in the Draft EIR. The recommended mitigation measures consist of: high efficiency air filtration systems, weatherization measures that reduce infiltration, and buffers. These types of mitigation measures are listed in Mitigation Measures 2.2-5(a) and 2.2-6(b). No changes to the document are necessary.

38-7 The commenter recommends modifying the Draft EIR to state that MTC/ABAG will seek new funds or use existing funds to accelerate implementation of the *Freight Emission Reduction Action Plan,* a planning document finalized in 2016 (also included as a supplemental report to the proposed Plan). The proposed Plan includes $5 billion of goods movement investment, including $350 million for a clean-fuel and impact reduction program. This programmatic investment will help to implement recommendations from the *Freight Emissions Reduction Action Plan*. Chapter 5 of the *Freight Emissions Reduction Action Plan* includes an analysis of various zero emission truck and rail scenarios, and concludes that the Bay Area should prioritize implementation of a Range-Extended Electric Vehicle (REEV) with engine (for urban delivery trucks) and yard switching using dual-mode electric locomotives with battery-assist (tender) cars. The proposed Plan also includes $400 million for Smart Deliveries and Operations.

While the proposed Plan activities referenced above are programmatic in nature and do not provide a specific timeframe for implementation, MTC has been coordinating with the Bay Area's county congestion management agencies (CMAs), the Port of Oakland, and BAAQMD on a near-term freight investment strategy. This is an effort that will help identify specific projects/investments within the proposed Plan's programmatic categories and set forth a shared regional commitment to fund and deliver them. This investment strategy is in progress and is likely to be considered by the MTC Commission in 2017 or 2018. This is a high priority program; however, because funding for implementation is currently under development and must be balanced with other MTC and BAAQMD funding priorities, MTC cannot commit to accelerated implementation of the *Plan Bay Area Freight Emission Reduction Plan.* Also, see response to comment 38-8 regarding additional funding considerations and constraints. No changes to the document are necessary.

38-8 The commenter states that the Draft EIR should include mitigation measures that direct MTC/ABAG to work with the Port of Oakland to invest in zero-emission electrified cargo handling equipment. Actions to decarbonize the energy systems, such as through transitioning to electrified vehicles, are key priorities of BAAQMD's *2017 Clean Air Plan*. MTC/ABAG is currently consulting with BAAQMD, the City of Oakland, the Port of Oakland, and other local agencies to develop funding mechanisms for programs such as electrified cargo handling equipment deployment. Among the issues under consideration are the need for matching funds in the grants provided by BAAQMD to agencies like the Port of Oakland, which must commit its share of funds to these programs, and possibly raise fees from the Port's clients. Funding challenges such as these make committing to a timeline for these types of measures infeasible, even when they are a priority. MTC and BAAQMD can only control their own timing for use of funds and are constrained by the implementing agencies' actions. However, as stated on pages 4/12 through 4/13 of BAAQMD's *2017 Clean Air Plan*:

> Reducing Emissions from Seaports and Goods Movement
>
> Goods movement activities are a major source of emissions in impacted communities identified in the CARE program and along major freeways. Therefore, reducing emissions from seaports and the goods movement sector has been a major focus of Air District efforts in recent years. To provide a technical foundation, the Air District

developed detailed emissions inventories for each of the five Bay Area seaports. Based on these inventories, the Air District has prioritized reducing emissions at the Port of Oakland, the fifth largest port in the United States, with a large environmentally disadvantaged community adjacent to the port. The Air District also works to achieve emission reductions at the other Bay Area ports.

Since 2009, the Air District has invested approximately $100 million from the Goods Movement Program and other Air District programs to reduce emissions and health risks from freight movement along the Bay Area's highest travelled trade corridors. These funds came from a combination of sources: state funding, federal funding, local Air District funding, and funding from the Port of Oakland. The majority of the funding for this effort was provided by the ARB Proposition 1B Goods Movement Bond Program (I-Bond), which was approved in 2006 by California voters who authorized the Legislature to appropriate $1 billion in bond funding to reduce air pollution and health risk.

The Air District primarily has used these funds to reduce emissions in and around the Port of Oakland and the region's major trade corridors. These funds have reduced truck emissions from thousands of heavy-duty diesel-powered trucks (via retrofit or replacement), and supported shore power projects at 12 berths at the Port of Oakland. Studies have confirmed regulations, incentives, enforcement and monitoring efforts, and local actions have combined to make significant reductions in emissions from mobile sources at the Port of Oakland. Improvements have been made from all the major port emissions sources over the past eight years. The recent success in reducing emissions at the Port is a direct result of the collaboration of regulatory agencies, businesses and community groups.

Despite this progress, additional action will be needed to continue improving air quality in the communities surrounding the Port of Oakland. Opportunities for continued air quality improvement include: taking action to move goods more efficiently and with zero (or near-zero) emissions; transitioning to cleaner, renewable transportation energy sources; providing reliable speed at which goods move and expanded system capacity; and improving integration with national and international freight transportation systems.

Moving forward, the Air District expects to provide an additional $48.1 million to further reduce emissions from goods movement activities. This funding consists of $40.1 million in new funding from ARB (Year 5 I-Bond program) and approximately $8 million remaining from previous I-Bond grant awards. The Air District began to award these funds in 2016 to the following project equipment categories:

> Heavy-duty diesel trucks: $25.1 million for truck projects to upgrade more than 500 older diesel trucks to zero-emission vehicles, hybrid vehicles that are capable of zero emission miles, or vehicles certified to the lowest optional NO_X emissions standard. This funding is designed to achieve early or extra emission reductions by assisting small truck fleets with upgrading to cleaner technology than required by the ARB Truck & Bus Regulation. These funds are estimated to reduce 3,577 tons of NO_X over the lifespan of the projects and will continue to reduce the health risk in communities throughout the region, especially those near freeways and freight facilities.
>
> Locomotives and railyards: $15 million for locomotive and railyard projects to upgrade engines to meet the most stringent national emission standards (Tier 4). This funding will replace approximately seven locomotives, and is estimated

to reduce 64 tons of PM and 1,062 tons of NO_X over the lifespan of the funded projects. These projects will further reduce the health risks near railyards.

Transportation refrigeration units (TRU): $3 million to upgrade approximately 66 TRUs. These funds are estimated to reduce 3 tons of PM and 106 tons of NO_X over the lifespan of the funded projects.

Ships at berth and cargo handling equipment: $5 million to upgrade four pieces of cargo-handling equipment. These funds are estimated to reduce 3 tons of PM and 296 tons of NO_X over the lifespan of the funded projects.

From 2017 through 2024, the Air District expects to provide approximately $288 million for additional projects to reduce emissions of air pollutants and GHGs in the Bay Area through grant programs that it directly administers. In addition, the region may receive a significant amount of funding from the California Cap-and-Trade Program, assuming that the program is extended beyond 2020. Cap-and-Trade funds could provide significant capital to spur the innovation and growth in clean technology needed to achieve the 2050 vision for a post-carbon Bay Area.

Thus, BAAQMD is already engaged in programs to invest in zero-emission vehicles and reduced emissions from cargo handling equipment and the Port, and MTC/ABAG will continue to consult with BAAQMD to develop funding mechanisms for programs such as electrified cargo handling equipment deployment. No changes to the document are necessary.

38-9 The commenter states that the Draft EIR should include mitigation measures that encourage faster transition to zero emission delivery vehicles. As discussed in response to comment 38-8, actions to decarbonize the energy systems are key priorities of, and will be implemented through, BAAQMD's *2017 Clean Air Plan*. The recommendation for faster turnover of vehicles is noted, but the ability to do so is constrained by funding as described in response to comments 38-7 and 38-8.

38-10 The commenter offers a concluding recommendation. Please see responses to comments 38-2 through 38-9. Also see Master Response 7, MTC/ABAG Role and Authority, regarding the issue of mitigation measures.

The members of the MTC Commission/ABAG Executive Board will consider these comments in their overall consideration of the proposed Plan.

San Francisco Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

SAN FRANCISCO
PLANNING DEPARTMENT

Letter 39

June 1, 2017

MTC Public Information
Re: Plan Bay Area 2040 Public Comment
375 Beale Street, Suite 800
San Francisco, CA, 94105
eircomments@mtc.ca.gov

Subject: Draft Plan Bay Area 2040 Draft EIR, April, 2017; State Clearinghouse No. 2016052041

To Whom It May Concern:

Over the past few years, the City and County of San Francisco has been involved in providing input to the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) on Plan Bay Area 2040 (Plan). The Draft Plan Bay Area 2040 and Draft EIR were published in April 2017. The San Francisco Planning Department and Public Utilities Commission (SFPUC) has reviewed these documents and we appreciate the opportunity to provide the following comments.

The San Francisco Planning Department is the Lead Agency responsible for implementing the California Environmental Quality Act (CEQA) within San Francisco. Several provisions of CEQA (Public Resources Code Sections 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs. Sections 15000 *et seq.*) provide for streamlining the CEQA process when considering a specific project consistent with a previously approved land use plan for which an EIR or negative declaration was certified or adopted. We have particular experience in applying one of these streamlining processes in an area with an approved community plan or zoning plan, codified in CEQA Section 21083.3 and CEQA Guidelines Section 15183. (See also CEQA Sections 21081.2, 21094, 21159.20-21159.24, 21159.28.)Based on this experience, we offer the following comments, which are intended to provide greater clarity to lead agencies seeking to streamline the environmental review process for approval of individual projects by relying on the Plan EIR. 39-1

1. *Significance of impacts after Mitigation.* Throughout the Draft EIR, the analysis finds that if a project adopts and implements identified mitigation measures, the impact would be less than significant with mitigation. In our experience, it is important that the EIR adequately support whether each mitigation measure would ensure that impacts would be mitigated to below significance levels. Alternatively, the EIR would need to satisfy CEQA's requirement to identify significant and unavoidable impacts even with implementation of mitigation. We suggest you review the EIR to clarify, as necessary, the supporting basis for concluding that any impact would be less than significant with mitigation.

2. *Transportation – Future reliance on the Plan for analyzing the significance of transportation impacts in land use plans.*

On page 2.1-19, the Draft EIR provides the significance criteria related to vehicles miles traveled (VMT) and defines a significant increase in VMT per capita of 5 percent. 39-2
The Office of Planning and Research (OPR) released a draft proposal for changes to the CEQA Guidelines on January 20, 2016. This document provides guidance on analyzing transportation impacts. It states that

vehicles miles traveled (VMT) is generally the most appropriate measure of transportation impacts. The guidance does not address how regional plans such as the Plan should evaluate transportation impacts, but as the Draft EIR uses significance criteria that considers VMT, the criterion appears consistent with the guidance. Our concern, however, is that it is unclear whether the Plan could be relied upon in the future for determining whether new land use plans have significant transportation impacts.

While the guidance primarily focuses on analyzing the transportation impacts of specific development proposals, the guidance also addresses the evaluation of land use plans. For individual projects, it finds that per capita or per employee VMT 15 percent below that of existing development is both reasonably ambitious and generally achievable and recommends this criterion for determining the significance of transportation impacts. For evaluating land use plans, such as specific plans or general plans, the guidance states that such plans might be considered to have a less than significant effect at the plan level if they are consistent with an adopted sustainable community strategy. The Plan does not include a VMT goal. Without a stated VMT goal, it is unclear how land use plans in the region would be evaluated based on the OPR proposed Guidelines. We urge the inclusion of a clear VMT goal in the Plan to enable local lead agencies preparing land use plans in the future to evaluate those plans for consistency with the Plan's VMT goal. 39-2 cont

On page 2.1-32, it is recommended to revise Mitigation Measure 2.1-3-3(a) as follows (additions in underline):

> "MTC, in its role as a funding agency, and implementing agencies shall support the advancement of corridor-level plans and implementation of projects that prioritize person throughput located on severely congested (LOS F) facilities."

Furthermore, to assist with mitigating regional VMT impacts given that transportation demand management will not reduce impacts sufficiently in many locations, we recommend that the EIR include an additional mitigation measure such as a regional VMT fee on residential and commercial development based on the project's geographic location, square footage, and projected VMT. The fee should apply in high VMT settings. In those settings where the fee would apply, the expenditure program should go towards supporting multimodal transportation improvements in the region. The fee could be implemented by the Bay Area Air Quality Management District as part of an indirect source rule and could serve as a feasible mitigation measure for development projects. 39-3

Moreover, it is recommended that the EIR provide maps and data to indicate VMT for different land use types throughout the transportation analysis zones (TAZs) in the region. The EIR should also provide comparisons of these VMTs to the regional averages. Jurisdictions can then use these maps and associated data for implementing Senate Bill 743 provisions (which the OPR Guidance cited above address). 39-4

3. *Air Quality*. CEQA Section 21155.1 provides for an exemption from CEQA for transit priority projects that meet specified requirements and are consistent with a sustainable community strategy such as the proposed Plan. The specific requirements for an exemption for a Transit Priority Project under CEQA Section 21155.1 do not include consideration of the project being located in an area with higher levels of toxic air contaminants (TACs) or $PM_{2.5}$, but it does require that mitigation measures from a prior EIR be incorporated into the project. In the *California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)* case decided in 2015,[1] the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's occupants, except where the project would exacerbate an existing environmental condition. Impact 2.2-6 finds that the Plan would result in an increase in $PM_{2.5}$ levels and finds this impact to be significant. Mitigation Measure 39-5

[1] *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal.4th 369. Opinion Filed December 17, 2015.

2.2-5a on page 2.2-53 identifies mitigation for this impact, requiring certain actions whenever a project is located in TAC risk areas. We recommend you clarify the mitigation measure to limit its application to those areas where $PM_{2.5}$ impacts would increase as a result of the Plan. For areas where the Plan would not increase localized health risks (TACs or $PM_{2.5}$ concentrations) because the Plan would not exacerbate the existing environmental condition with respect to TACs, CEQA would not require mitigation. The Planning Department agrees that as a policy matter, it is undesirable to site new sensitive land uses in TAC risk areas that do not implement the measures identified in Mitigation Measure 2.2-5a, but rather than through CEQA mitigation measures, we suggest that the Plan include policies and recommendations to work with local agencies to develop regulations similar to San Francisco's Health Code Article 38. These code provisions require high efficiency ventilations systems designed to remove fine particulate matter for sensitive use projects located in areas with poor air quality. Furthermore, it is recommended that text on page 2.2-54 be modified to state that this mitigation measure only applies in areas where the Plan would increase local health risks, as analyzed under Impact 2.2-6. 39-5 cont

In addition, on page 2.2-55, Table 2.2-15, *Percent Change in On-Road Mobile Source Exhaust Emissions, Years 2015 - 2040* is missing information for San Francisco's CARE community. 39-6

4. *Climate Change and Greenhouse Gases.* On page 2.5-42, Impact 2.5-3 assumes that Senate Bill 32 requires a 40% reduction in greenhouse gas (GHG) emissions for all GHG sectors equally. In actuality, and as with the Scoping Plan, each sector may need to meet lower or higher targets in order for the State to achieve the 40 percent GHG reduction goal. As shown on page 2.5-43, the Renewable Portfolio Standard (RPS) requires utilities to provide 30 percent of their electricity from renewable sources by 2030. Applying a 40 percent reduction target by 2030 for a project or plan may not be consistent with the intent of Senate Bill 32.

   Similar to the discussion in Air Quality above, Impacts 2.5-5 and 2.5-6 address the impacts of placing transportation facilities and new development in areas subjected to future sea level rise. However, the Plan, including subsequent development that could tier of off or streamline CEQA review using the Plan Bay Area EIR would not exacerbate sea level rise. The Plan would reduce GHG emissions below existing baseline conditions on a per capita basis and thus, the Plan would not exacerbate the potential for sea level rise. Although mitigation measures requiring subsequent transportation or land use projects under the Plan to account for sea level rise and incorporate sea level rise adaptation strategies are important considerations, they have a questionable nexus as CEQA mitigation requirements. The Planning Department suggests that these measures not be characterized as CEQA mitigation measures, but improvement measures or policy recommendations in the Plan that project sponsors of subsequent development projects are encouraged to implement, but are not required to implement to satisfy CEQA requirements. 39-7

5. *Noise.* On page 2.6-17, Criterions 2 and 3 identify a significance standard for noise that calls for determining whether the Plan would increase noise by 1.5 dBA in areas where the applicable noise thresholds are already exceeded and 3 dBA in all other areas. A noise level increase of less than 5 dBA is not reliably "perceptible" in outdoor environments and thus, a 5 dBA increase is an appropriate standard in areas where the existing noise environment is satisfactory. A 3 dBA noise level increase is "barely perceptible" in outdoor environments and thus, an appropriate standard in a degraded noise environment. In our view, a 1.5 dBA noise level increase is not perceptible in outdoor environments and thus not an appropriate threshold to base significant environmental impacts. 39-8

6. *Cultural Resources.* On page 2.11-35, we recommend an addition to Mitigation Measure 2.11-5 to address the preservation of the resources in place (in-situ). This measure could be augmented by requiring an archeological resource preservation plan (ARPP) produced in coordination with affiliated Native American 39-9

tribal representatives and approved by the applicable jurisdiction. The ARPP plan could be required to guide an interpretive program, identify proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The ARPP program could include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays. 39-9 cont

7. *Section 2.8, Water Resources.* On page 2.8-16, we recommend that the Regional and Local Regulations setting describe Water Quality Control Plans. These plans are relevant, particularly the San Francisco Bay-Sacramento/San Joaquin Delta Estuary (Bay-Delta Plan).Changes are currently being proposed by the State Water Resources Control Board (SWRCB) that would decrease the amount of water that the SFPUC could withdraw from the Tuolumne River and thus supply to its retail and wholesale service areas in the Bay Area. 39-10

Additionally, on page 2.8-22, paragraph 2, please clarify whether the Draft EIR correctly refers to the California Groundwater Management Act or if it should refer to the Sustainable Groundwater Management Act (SGMA). The SGMA is introduced on page 2.8-12 in the Water Resources section, whereas the California Groundwater Management Act is introduced on page 2.12-23 in the Public Utilities and Facilities section. There are several instances in the Draft EIR where the Groundwater Management Act is referenced alongside Executive Order B-29-15 (page 2.8-22 and in Section 3.1). If the statement on page 2.8-22 is correctly referring to the California Groundwater Management Act, please introduce the California Groundwater Management Act in the Section 2.8 regulatory setting. If the statement should be referring to SGMA, please replace "Groundwater Management Act" with "SGMA". Please also review the text in Section 3.1 where the Groundwater Management Act is also discussed. 39-11

8. *Section 2.12, Public Utilities and Facilities.* On page 2.12-4, paragraph 5, the primary water source for San Mateo County is not the SFPUC's Peninsula System. The primary source is the SFPUC's Regional Water System (RWS), which combines supply from Hetch Hetchy with supplies from local Alameda and Peninsula watersheds. The following revision is suggested: "The primary water source for San Mateo County is the RWS~~Peninsula System~~. In addition to supplies from Hetch Hetchy, the system utilizes two reservoirs in San Mateo County, Crystal Springs and San Andreas, which collect runoff from the San Mateo Creek Watershed. Crystal Springs Reservoir also receives water from the Hetch Hetchy System. Water from the Pilarcitos Reservoir, on Pilarcitos Creek, directly serves one of the wholesale customers, the Coastside County Water District (which serves Half Moon Bay, Miramar, Princeton By The Sea, and El Granada), and can also deliver water to Crystal Springs and San Andreas Reservoirs. San Mateo County ~~W~~wholesale customers of the SFPUC ~~Peninsula System~~ include: the cities of Brisbane, Burlingame, Daly City, East Palo Alto, Menlo Park, Millbrae, San Bruno, Redwood City, the Town of Hillsborough, the Coastside County Water District, the Cordilleras Mutual Water Association, the Estero Municipal Improvement District, the Guadalupe Valley Municipal Improvement District, the Mid-Peninsula Water District, ~~and~~ the North Coast County Water District, and the Westborough Water District. ~~It~~ The SFPUC also serves the California Water Service Company Bear Gulch and Bayshore Districts." 39-12

On page 2.12-4, paragraph 6 through page 2.12-5, paragraph 1, the description the Santa Clara Valley Water District (SCVWD) should note that SCVWD's and SFPUC's wholesale service areas overlap. The City of Palo Alto and Purissima Hills Water District are not the only agencies with supplies that are mostly from SFPUC. The following text from SCVWD's 2015 Urban Water Management Plan (UWMP), page 6-7, could be adapted for use in the Draft EIR: "Eight retailers in the county have contracts with the San Francisco Public Utilities Commission (SFPUC) to receive water from the SFPUC Regional Water System. The eight retailers, considered to be wholesale customers of SFPUC, are the cities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, San José, and Milpitas; Purissima Hills Water District; and Stanford University. The District 39-13

does not control or administer SFPUC supplies in the county, but the supply reduces the demands on District sources of supply." **39-13 cont**

On page 2.12-7, paragraphs 6 – 7, the description of the Bay Area Regional Desalination Project is outdated ("The five largest water agencies in the Bay Area [...] each agency's changing water supply and demand picture through 2030 (BARDP 2016)." Please replace text with the following, possibly under a heading other than "Desalination": "Eight water agencies in the Bay Area (ACWD, BAWSCA, CCWD, EBMUD, MMWD, SFPUC, SCVWD and Zone 7 Water Agency) are working together to investigate opportunities for collaboration. The purpose of this planning effort, known as Bay Area Regional Reliability (BARR), is to identify projects and processes to enhance water supply reliability across the region, leverage existing infrastructure investments, facilitate water transfers during critical shortages, and improve climate change resiliency. Projects to be considered will include interagency interties and pipelines; treatment plant improvements and expansion; groundwater management and recharge; potable reuse; desalination; and water transfers. While no specific capacity or supply has been identified, this program may result in the addition of future supplies that would benefit Bay Area customers." **39-14**

On page 2.12-9, paragraph 2, any reference to the California Urban Water Conservation Council should note that as of January 1, 2017, the California Urban Water Conservation Council has become the California Water Efficiency Partnership. This organization is currently in transition and is being reshaped. It may be moving away from BMPs. For more information, see its web site or factsheet at: https://www.cuwcc.org/Portals/0/CalWEP%20Fact%20Sht%201_033117_03.pdf?ver=2017-04-12-125941-540. **39-15**

On page 2.12-13, paragraph 2, please consider revising the first sentence so that it reads "... SWRCB adopted a an emergency water conservation regulation..." **39-16**

On page 2.12-13, paragraph 3, at the end of or after the third paragraph, please add a description of the Governor's and SWRCB's actions in April 2017 to lift the drought emergency and related emergency conservation regulation. Key information is available in this SWRCB press release: http://www.waterboards.ca.gov/press_room/press_releases/2017/pr042617_regulation_repeal.pdf **39-17**

On page 2.12-23, paragraph 3, the description of the Water Conservation Act of 2009 should note that new water use efficiency targets that go beyond those established under this Act will be developed as part of a long-term conservation framework for urban water agencies per Executive Order B-37-16. Executive Order B-37-16 should be introduced somewhere in this regulatory setting. **39-18**

On page 2.12-25, paragraph 4, the Model Water Efficient Landscape Ordinance (MWELO) description should note a local agency may adopt a local ordinance that is at least as effective in conserving water as MWELO. **39-19**

On page 2.12-25, paragraph 6, the description of Executive Order B-29-15 should be updated or expanded to reflect Executive Order B-37-16 issued on May 9, 2016, which sets forth numerous directives aimed at long-term water use efficiency. **39-20**

On page 2.12-28, paragraph 1, future water supply challenges are associated not only with climate change-related periods of drought, but also regulatory actions. Future actions affecting the SFPUC's water supply and demand are described in Section 7.7 of the SFPUC 2015 UWMP. In addition, as noted in an earlier comment, changes to the Bay-Delta Plan that are currently proposed by the SWRCB would decrease the SFPUC's supplies from the Tuolumne River. Water supply availability can also be limited by institutional factors and contractual obligations (e.g., water transfer agreements, wholesale contracts). **39-21**

On page 2.12-28, Table 2.12-17, the table notes should be numbered to correspond to the superscripted numbers in the table. 39-22

On page 2.12-29, paragraph 1, Mitigation Measure 2.12-1(a) states that measures shall be implemented based on project- and site-specific considerations. Many of the considerations in the bullet list are already required by either state and or local law and thus will not result in additional mitigation (e.g., State's MWELO; California Plumbing Code; San Francisco's ordinances related to green building, water efficiency, recycled water, and non-potable water). We suggest you clarify that state and local laws addressing these considerations already exist, but for locations or scenarios where state and local laws are not applicable, the considerations in the bullet list should be made. 39-23

9. *Section 3.1, Alternatives to the Proposed Plan.* On page 3.1-11, Table 3.1-7, please specify the unit of measure for the footprint area. 39-24

On page 3.1-65, paragraph 5; page 3.1-67, paragraph 2; page 3.1-68, paragraph 4; and page 3.1-69, paragraph 6, Table 3.1-7, please see the earlier comment on *Section 2.8, Water Resources* regarding clarification of the Groundwater Management Act vs. SGMA. 39-25

On page 3.1-81, paragraph 9 and page 3.1-82, paragraphs 1 and 7, we find the following statement problematic: "However, the land use growth footprint is greater [...], which would result in a less efficient water supply system (e.g., greater areas of irrigated landscaping)." It implies that existing landscaping irrigation systems are less efficient than water systems in new construction, and that by replacing existing landscapes with new construction, water supply systems would be more efficient. It also implies that new growth would directly replace irrigated landscapes, which may not be the case if growth occurs in currently vacant areas or wildlands that are not irrigated. It does not acknowledge that the volumetric demand could increase depending on the nature of new construction (e.g., 10-story apartment building vs. open space). It also appears speculative and disregards the value of landscaping and vegetation to communities, if this statement is trying to say that there would be more suburban sprawl under the No Project Alternative, resulting in less density and less efficient use of water, it needs to be revised to make this point clear. 39-26

On page 3.1-82, paragraphs 3 and 5, please clarify the following sentence: "However, the land use growth footprint is smaller under the [...] Alternative than under the proposed Plan, which would result in a more efficient water supply system (e.g., greater areas of irrigated landscaping)." Should the term "greater areas" read "less area"? Please see previous comment regarding problematic nature of this argument and suggestion to revise it for clarity. 36-27

10. *Section 3.2.4, Other CEQA Considerations – Cumulative Impacts.* On page 3.2-16, paragraph 5, the Public Utilities and Facilities cumulative impacts analysis should acknowledge that regulatory actions could also affect supplies and demands. For example, as noted in an earlier comment, changes to the Bay-Delta Plan that are currently proposed by the SWRCB would decrease the SFPUC's supplies from the Tuolumne River, affecting the availability of water in the Bay Area. Water supply availability can also be limited by institutional factors and contractual obligations (e.g., water transfer agreements, wholesale contracts). 39-28

Thank you for the opportunity to provide comments on the Plan Bay Area 2040 Draft EIR. Please do not hesitate to contact Alesia Hsiao of the Planning Department (Alesia.Hsiao@sfgov.org) if you have any questions.

John Rahaim, Director
San Francisco Planning Department

Harlan L. Kelley, Jr., General Manager
San Francisco Public Utilities Commission

Response 39	John Rahaim Harlan Kelley, San Francisco Planning Department June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

39-1 The commenter describes the San Francisco Planning Department as a California Environmental Quality Act (CEQA) Lead Agency and discusses CEQA streamlining provisions for future projects under the proposed Plan. The commenter refers to the conclusions of the Draft EIR regarding significance of impacts following implementation of mitigation measures and requests clarifications for the supporting basis for concluding that any impact would be less than significant with mitigation. The commenter also asks for identification of impacts that would be significant and unavoidable even with implementation of mitigation. The Draft EIR identifies the significance of impacts with or without implementation of mitigation measures in Draft EIR Table ES-2 in the Executive Summary.

The Draft EIR also explains the basis for concluding that an impact would be less than significant with mitigation under the subheadings titled "Significance after Mitigation" in each resource section (Draft EIR Sections 2.1 through 2.14). For purposes of streamlining future environmental review, the commenter and other lead agencies can refer to Draft EIR Table ES-2 for a list of impacts that would be less than significant following implementation of mitigation measures. As discussed in Draft EIR Section 2.0, "Approach to the Analysis," to rely on this Draft EIR to streamline environmental review for an individual project, the lead agency must require the applicable mitigation measures as part of the project-level environmental review. These commitments would obligate project sponsors to implement measures that would minimize or eliminate significant impacts pursuant to CEQA. The project sponsor or lead agency would be responsible for ensuring adherence to the mitigation measures during construction and operation of the project. Draft EIR Table ES-2 also discloses the impacts that would remain significant and unavoidable with implementation of the identified mitigation measures. In particular, those three impacts would be Impact 2.2-6 (Changes in toxic air contaminants (TAC) and/or PM2.5 exposure levels that disproportionally impact minority and low-income populations), because the mitigation measures would result in less emissions in and lower exposure to minority and low-income populations, but exact reductions are not known at this time (DEIR, p 2.2-56); Impact 2.5-3 (conflict with the goal of Senate Bill (SB) 32 to reduce greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030), because there is no assurance that the level of mitigation identified in Mitigation Measure 2.5-3 would be accomplished throughout the Bay Area and because the additional regulatory action at the State level would likely be needed to attain the SB 32 goals (Draft EIR page 2.5-44); and Impact 2.10-1 (substantial adverse effect on a scenic vista), because it cannot be concluded with certainty that all significant viewshed impacts could be avoided (Draft EIR, page 2.10-17).

It should be noted that the following edit will be made to Table ES-2 to correct the text on page ES-21 to correctly reflect the conclusion reached in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" regarding the significance of Impact 2.5-3 after mitigation (new text is underlined and deleted text shown in ~~strikeout~~) (see Section 3, "Revisions to the Draft EIR" of this Final EIR):

Impact 2.5-3: Implementation of the proposed Plan could substantially conflict with the goal of SB 32 to reduce statewide GHG emissions to	PS	Mitigation Measure 2.5-3 Consistent with the recommendations in the Draft 2017 Scoping Plan, implementing agencies and/or project sponsors shall implement measures, where feasible and	~~LS M~~ SU	SU

40 percent below 1990 levels by 2030.		necessary based on project- and site-specific considerations that include, but are not limited to: ◢ MTC and ABAG, in partnership with the BAAQMD, shall work with the counties and cities in the Bay Area to adopt qualified GHG reduction plans (e.g., CAPs). The CAPs can be regional or adopted by individual jurisdictions, so long as they meet the standards of a GHG reduction program as described in CEQA Guidelines Section 15183.5. At the regional level, the cumulative emissions reduction of individual CAPs within the region or a regional CAP should demonstrate an additional Bay Area-wide reduction of 24 $MMTCO_2e$ from land uses and on-road transportation compared with projected 2040 emissions levels already expected to be achieved by the Plan. (This is based on the 2015 Bay Area land use and on-road transportation emissions of 52 $MMTCO_2e$, an interpolated statewide GHG reduction target of 60 percent below 1990 levels by 2040, and a two percent increase in statewide emissions between 1990 and 2015). The CAP(s) should also show a commitment to achieving a downward trajectory in emissions post-2040 to meet statewide goals of reducing GHG emissions by 80 percent below 1990 levels by 2050, per S-03-05. These reductions can be achieved through a combination of programs, including ZNE in new construction, retrofits of existing buildings, incentivizing and development of renewable energy sources that serve both new and existing land uses, and other measures so long as the overall 32 $MMTCO_2e$ reduction (by 2040) can be demonstrated. This target can be adjusted if statewide legislation or regulations would reduce GHG emissions, so long as a trajectory to achieve this target in the Bay Area is maintained. Implementation of CAPs in the region would help to reduce both GHG and area source emissions from the land use projects that would be constructed under the Plan, as well as reducing GHG emissions from existing uses. However, this may require installation of renewable energy facilities on houses and businesses, construction of community-serving facilities such as small-scale solar farms, or other actions. These additional facilities, if needed, could require in additional land conversion, resulting in similar environmental impacts associated with land use development described throughout this EIR.		

39-2 The commenter expresses concern about whether the proposed Plan could be relied upon in the future for determining whether future land plans have significant impacts based on draft regulatory guidance related to SB 743 (see Draft EIR page 2.1-16 for additional information

regarding SB 743). As noted in the comment, vehicle miles traveled (VMT) impacts are analyzed on Draft EIR page 2.1-19 through a threshold identified during scoping.

It is important to recognize that the 2016 draft proposal for guidelines to implement SB 743 released by the Office of Planning and Research (OPR) ("Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA", OPR 2016) has not yet been finalized and put into effect. Thus, the VMT guidance referenced in the comment is draft guidance, as suggested by the commenter. It was released in its current form in January 2016 (OPR 2016) and has not been submitted by OPR to the state Natural Resources Agency for adoption as of this writing (June 2017). It is not known if the guidance will change before it is finalized and adopted.

The OPR draft guidance advises that lead agencies undertake project screening based on project size, type, and proximity to transit, and other factors. This screening could result in eliminating the need for detailed VMT analysis under the draft guidance. Transit priority projects (TPPs), as defined by CEQA, would generally be presumed to not result in a significant impact to transportation, subject to certain conditions (such as parking details). Various thresholds, based on project type, apply under the draft guidance, with the most common threshold tied to projects needing to achieve a VMT of 15 percent below average per capita regional VMT levels.

Regarding establishing a VMT "target", page 25 of the draft guidance states: "An RTP/SCS achieving per capita VMT reductions sufficient to achieve SB 375 target GHG emissions reduction may constitute a less than significant transportation impact." This applies to the RTP/SCS as a whole, with subsequent projects generally subject to the screening process and the 15 percent below per capita VMT threshold. As described on Draft EIR page 2.5-37, the proposed plan would meet SB 375 targets attributable to vehicular emissions. As described in Draft EIR Table 2.1-20, the regional per capita VMT for the proposed Plan would be reduced from 21.5 in 2015 to 21.0 in 2040. This determination was not disaggregated by employee and non-employee trip.

Regarding specific plans, general plans and community plans, the draft guidance (also at page 25) states:

> "A land use plan may have a significant impact on transportation if it is not consistent with the relevant RTP/SCS. For this purpose, consistency with the SCS means all of the following must be true:
>
> - Development specified in the plan is also specified in the SCS (i.e. the plan does not specify developing in outlying areas specified as open space in the SCS)
>
> - Taken as a whole, development specified in the plan leads to VMT that is equal to or less than the VMT per capita and VMT per employee specified in the SCS."

If the draft guidance is adopted as currently written, it appears that the per capita VMT, discussed above, could be used as the VMT benchmark for evaluation of subsequent projects and plans, as defined in the guidance, Land uses can be evaluated for consistency with land use assumptions included in the proposed Plan. The *Statutorily-Required Plan Maps* included in the proposed Plan's draft supplemental report library will aid in consistency determinations.

To the extent the final CEQA Guidelines are adopted prior to preparation of subsequent RTP/SCSs, those will be considered and incorporated as appropriate. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of the role of SCSs and the OPR's proposed VMT guidelines in meeting statewide GHG emissions reduction targets.

39-3 The commenter suggests text edits to Draft EIR Mitigation Measure 2.1-3-3(a). MTC disagrees with the commenter's perspective that throughput should always be the primary goal of project implementation. MTC/ABAG have Complete Streets and Bicycle/Pedestrian programs and related projects that have provided incentives for Bay Area jurisdictions to incorporate alternative modes as part of transportation planning and infrastructure investments. In addition, focused growth is central to the proposed Plan providing for a strong connection between jobs and housing with the goal of reducing overall transportation demand through closer proximity of uses and amenities. The proposed addition would be in conflict with projects intended to reduce demand.

The commenter recommends that the Draft EIR include an additional mitigation measure, such as a regional VMT fee, to assist with mitigating regional VMT impacts. Please see response to comment 41-21 regarding suggestions for regional mitigation related to VMT and GHG emissions. Although these types of measures would be outside of MTC/ABAG's authority to implement, these ideas will be considered by the decision makers during deliberations on the proposed Plan.

39-4 The commenter recommends that the Draft EIR provide VMT maps and data along with comparisons to regional averages, which could be used by jurisdictions for implementing SB 743. The requested maps would pertain primarily to the environmental analysis of individual land development projects as compared to environmental analysis of the proposed Plan. Moreover, as explained in response to comment 39-2, the draft OPR VMT guidelines have not been finalized and approved at this time, and it is possible that the VMT guidelines will change, if adopted. The commenter does not raise a specific concern regarding the environmental analysis of this issue in the Draft EIR.

39-5 The commenter requests clarification of Draft EIR Mitigation Measure 2.2-5(a) to limit its application to those areas were $PM_{2.5}$ impacts would increase as a result of the proposed Plan. Mitigation Measure 2.2-5(a) is already limited to projects under the proposed Plan that would occur within toxic air contaminants (TAC) risk areas as identified in Figures 2.2-3 to 2.2-13 as, "Proposed Land Use Growth Footprint within TAC Risk Areas." The language in the Draft EIR implies that only projects under the proposed Plan would be subject to mitigation measures in the Draft EIR. The text of the Draft EIR is revised to clarify the intended TAC risk areas, as follows.

The text on Draft EIR page 2.2-53 is revised as shown (new text is underlined and deleted text is shown in ~~strikeout~~):

> 2.2-5(a) When locating sensitive receptors in TAC risk areas, as identified in Figures 2.2-3 to 2.2-13, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to the following:

The text on Draft EIR page 2.2-56 is revised as shown (new text is underlined and deleted text is shown in ~~strikeout~~):

> **2.2-6 (d)** Implement measure 2.2-5(a).

In addition, the comment suggests that mitigation proposed to address TAC impacts is not required for transit priority projects (TPP) unless the project would exacerbate TAC conditions. However, Section 21155.1(4)(B) (If a potential for exposure to significant hazards from

surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements) and (6)(C) (TPP cannot be subject to a "risk of a public health exposure at a level that would exceed the standards established by any state or federal agency") both address specific provisions for TPPs related to exposure to existing environmental hazards, including TACs, and Mitigation Measures 2.2-5(a) through 2.2-6 (d) are intended to be applied under these conditions. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal. 4th 369, 392 ["these statutes constitute specific exceptions to CEQA's general rule requiring consideration only of a project's effect on the environment, not the environment's effects on project users"].)

The commenter also recommends additions to the proposed Plan to include policies and recommendations to work with local agencies to develop regulations similar to San Francisco Health Code Article 38 that requires high efficiency ventilation systems designed to remove fine particulate matter for sensitive use projects. See response to comment 38-6

39-6 The commenter identified missing data pertaining to San Francisco's CARE community in Draft EIR Table 2.2-15. The text of Section 2.2, "Air Quality" will be revised. The text on Draft EIR page 2.2-55 is revised to read as follows (new text is <u>underlined</u>)

Table 2.2-15 Percent Change in On-Road Mobile Source Exhaust Emissions, Years 2015 - 2040

County	CARE Status	Exhaust Emissions				Total $PM_{2.5}$[1]	VMT
		Exhaust Only $PM_{2.5}$	Diesel PM	Benzene	1, 3 Butadiene		
Alameda	CARE Community	-87%	-93%	-63%	-64%	<1%	24%
	Remainder of County	-87%	-93%	-66%	-66%	2%	23%
Contra Costa	CARE Community	-84%	-91%	-64%	-65%	7%	25%
	Remainder of County	-87%	-93%	-68%	-68%	-3%	14%
Marin	Entire County[2]	-88%	-94%	-70%	-69%	-6%	13%
Napa	Entire County[2]	-88%	-93%	-72%	-73%	2%	22%
<u>San Francisco</u>	<u>CARE Community</u>	<u>-89%</u>	<u>-94%</u>	<u>-55%</u>	<u>-58%</u>	<u>-6%</u>	<u>24%</u>
	<u>Remainder of County</u>	<u>-86%</u>	<u>-94%</u>	<u>-59%</u>	<u>-60%</u>	<u>0%</u>	<u>23%</u>
San Mateo	Entire County[2]	-89%	-94%	-48%	-45%	-7%	14%
Santa Clara	CARE Community	-85%	-92%	-63%	-64%	7%	27%
	Remainder of County	-85%	-92%	-63%	-64%	8%	29%
Solano	CARE Community	-87%	-93%	-63%	-63%	-2%	17%
	Remainder of County	-84%	-93%	-60%	-59%	9%	25%
Sonoma	Entire County[2]	-88%	-94%	-73%	-74%	4%	24%
Regional Total	**CARE Community**	**-86%**	**-93%**	**-62%**	**-63%**	**3%**	**25%**
	Remainder of Region	**-87%**	**-93%**	**-63%**	**-63%**	**2%**	**22%**
	Total	**-86%**	**-93%**	**-63%**	**-63%**	**2%**	**23%**

Notes: CARE = Community Air Risk Evaluation, $PM_{2.5}$ = fine particulate matter, PM = particulate matter, VMT = vehicle miles travelled

Numbers rounded to nearest whole number

Source: Metropolitan Transportation Commission 2017

[1] Total $PM_{2.5}$ includes vehicle exhaust, re-entrained road dust, tire and brake wear.

[2] County does not have CARE-designated areas

39-7 The commenter expresses concern that Draft EIR Impact 2.5-3 assumes the SB 32 40 percent GHG reduction target applies to all sectors equally when different sectors may need to meet different targets to successfully achieve the goal. Impact 2.5-3 is not intended to imply that all sectors must be reduced to 40 percent below 1990 levels by 2030; rather, it examines the proposed Plan area's GHG emission levels from all sectors related to land use and transportation and considers them in total to determine whether they would substantially conflict with the state's goal of achieving the SB 32 target. This is further explained on Draft EIR pages 2.5-42 through 2.5-44 and in Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, of this Final EIR.

The commenter also states that the proposed Plan would not exacerbate the potential for Sea Level Rise (SLR) impacts because the proposed Plan would reduce per capita GHG emissions. A reduction in per capita emissions may not always result in a reduction of overall GHG emissions, especially when the rate of population growth exceeds the reduction in per capita emissions. While Draft EIR Impact 2.5-2 shows a reduction in overall GHG emissions under the proposed Plan, the proposed Plan may result in impacts related to SLR through the siting of land use development and transportation projects in areas that are known to be regularly inundated by SLR in the future. This impact is addressed in Draft EIR Impact 2.5-5 and Impact 2.5-6.

39-8 The comment expresses an opinion that a 5 decibel (dB) noise increase threshold is more appropriate for determining significance than the 1.5 dB (in areas already exceeding maximum allowable noise levels) and 3 dB (in areas not exceeding maximum allowable noise levels) thresholds used in the noise analysis disclosed in Draft EIR Section 2.6, "Noise." The use of a 1.5 dB threshold of significance for traffic noise level increases affecting areas already in exceedance of 65 or 70 A-weighted decibels is based, in part, on recommendations made by the Federal Interagency Committee on Noise (FICON) to provide guidance in the assessment of changes in ambient noise levels. According to the FICON research, as ambient noise levels increase, a smaller increase in noise resulting from a project is sufficient to cause annoyance.

A limitation of using a single noise-level increase value to evaluate noise impacts is that it fails to account for pre-project noise conditions. FICON developed guidance to be used for the assessment of project-generated increases in noise levels that consider the existing ambient noise level. The FICON recommendations are based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by aircraft noise. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, they can be applied to exposure to other noise sources, especially when common metrics, such as average day-night (L_{dn}) or community noise equivalency level (CNEL) are used to describe noise. These metrics are the only common tool available to take a variety of noise events, such as aircraft, cars, etc., and translate those events into a single number that has been correlated, in a number of studies, to perception of noise increases and their related effects. In addition, this approach is consistent with regional noise analyses conducted on other RTP/SCS's (e.g., Sacramento Area Council of Governments) and project-level analyses conducted for CEQA.

MTC/ABAG acknowledges that various levels for evaluating incremental noise increases can be applied for determining significance, depending on the existing ambient noise levels, receptors in question, project type, and lead agency. Further, differing research, guidance, and opinions exist suggesting appropriate levels of noise increases to use in noise analyses, resulting in different approaches and significance determinations in environmental documents. Thus, to determine the appropriate thresholds to apply to any project, professional discretion as well as coordination with the project lead agency is required. The approach taken in the Draft EIR is intended to characterize the cumulative nature of noise impacts, recognizing that when existing noise levels are relatively high, a smaller incremental increase in noise may be considered

substantial. The approach was derived after a careful review of available guidance, local noise standards, coordination with MTC/ABAG, and a review of other similar EIRs.

Appropriate noise thresholds and perceptibility of noise is subjective and can result in varying approaches and significance determinations, depending on many factors. For the noise analysis conducted in the Draft EIR, a programmatic approach was taken and noise thresholds were established for the entire Bay Area (i.e., nine counties and associated cities), recognizing that an individual local agency may use a different approach or less conservative metrics for their project-level CEQA documents. The thresholds established in the Draft EIR are backed by substantial evidence associated with noise increases and their effects. No revisions have been made to the thresholds applied in the Draft EIR noise analysis.

39-9 The commenter recommends revising Draft EIR Mitigation Measure 2.11-5 to include the preservation of cultural resources in place by requiring an archaeological resource preservation plan. Impact 2.11-5 does not address archaeological resources; instead this impact addresses tribal cultural resources (TCRs) which are not archaeological in nature. TCRs include site features, places, cultural landscapes, and sacred places or objects, which are of cultural value to a Tribe; therefore, it is appropriate that measures for treatment of the resource are identified during the consultation process with the relevant Tribe. The second bullet of Mitigation Measure 2.11-5 provides guidance for the preservation of TCRs if measures are not otherwise identified in the consultation process, including preservation in place. As stated on Draft EIR page 2.11-35:

- Public agencies shall, when feasible, avoid damaging effects to any TCR (PRC Section 21084.3 (a).). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3 (b)). Examples include:

  (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

In addition, Draft EIR Mitigation Measure 2.11-2, which does address archaeological resources, discusses possible recommendations that may be identified during pre-construction surveys; these possible recommendations are not meant to be all-inclusive, however preservation in place is also included. As stated under the first bullet on Draft EIR page 2.11-31:

- Before construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Project sponsors shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place.

The mitigation included in the Draft EIR is consistent with the overall request of the comment, with the primary difference that the commenter recommends that Native American tribal representatives would be involved in preparation of a preservation plan. The mitigation measure does not preclude this and is written to allow for this to occur.

39-10 The commenter suggests that "Regional and Local Regulations" subsection of Draft EIR Section 2.8, "Water Resources," describe water quality control plans, particularly the Bay-Delta Plan. The commenter also states that the State Water Resources Control Board (SWRCB) is considering decreasing the quantity of water that SFPUC could withdraw from the Tuolumne River, which may reduce the water supply available to the Bay Area. As indicated through cross reference on Draft EIR page 2.8-1, water supply impacts are addressed in Section 2.12, "Public Utilities and Facilities."

Basin Plans, which are the Regional Board's Water Quality Control Plans, are referenced in the discussion of the Porter-Cologne Water Quality Control Act, within the "State Regulations" subheading in both Section 2.8, "Water Resources," (Draft EIR page 2.8-12) and Section 2.12, "Public Utilities and Facilities" (Draft EIR page 2.12-21). The Bay-Delta Plan would be unlikely to directly affect the potential for the proposed Plan to result in a violation of a water quality standard, interfere with groundwater recharge, increase erosion, increase non-point pollution, result in alterations to drainage systems, or expose people or structures to flooding within the Bay Area because the Bay-Delta Plan is related to water allocations and ecosystem restoration within the Delta. To the extent that the Bay-Delta Plan could limit SFPUC's withdrawals from the Tuolumne River, this would be an effect on water supply. As discussed in Draft EIR Impact 2.12-1, while SFPUC could have sufficient capacity to accommodate the projected growth accommodate in the proposed Plan, other factors, including development within (or outside of) the Bay Area could result in significant effects on water supply.

For additional discussion of the analysis of the proposed Plan's water supply impacts, refer to Master Response 3, Water Supply and Drought and response to comment 18-4.

39-11 The commenter questions whether the analysis of potential effects on groundwater recharge on Draft EIR page 2.8-22 is referencing the California Groundwater Management Act or the Sustainable Groundwater Management Act. The text is referencing the Sustainable Groundwater Management Act, which was also described in the regulatory setting (Draft EIR page 2.8-12). As noted in the comment, the Groundwater Management Act is not referenced or discussed in Draft EIR Section 2.8, "Water Resources." Please see Section 3, "Revisions to the Draft EIR" of this Final EIR for revisions to Draft EIR pages 2.8-22, and 3.1-69 through 3.1-72. For greater clarity, the following text edit has been made to the second paragraph that begins on Draft EIR page 2.8-22 (new text is <u>underlined</u> and deleted text is shown in ~~strikeout~~):

> Activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ <u>SGMA</u>, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Further, as discussed above under Impact 2.8-1, Provision C.3 of the NPDES program requires new development in the region that would introduce 10,000 or more square feet of new impervious surfaces to incorporate LID strategies, including onsite infiltration, as initial stormwater management strategies. Therefore, the potential for land use projects to interfere with groundwater recharge from implementation of the proposed Plan at the regional and local level is considered less than significant (LS) for Impact 2.8-2.

In addition, the following revisions have been made to the text of Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The text of the first paragraph on Draft EIR page 3.1-65 is revised to read (new text is underlined):

> …Activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the Sustainable Groundwater Management Act (SGMA), as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. This impact would be less than significant for the reasons described under Impact 2.8-2, and greater than the proposed Plan.

The text on Draft EIR page 3.1-67 is revised to read (new text is underlined and deleted text is shown in ~~strikeout~~):

> …Activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Thus, this impact would be less than significant for the reasons described under Impact 2.8-2, and less than the proposed Plan.

The text on Draft EIR page 3.1-68 is revised to read (new text is underlined and deleted text is shown in ~~strikeout~~):

> Regarding groundwater recharge, activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Thus, this impact would be less than significant for the reasons described under Impact 2.8-2, and less than the proposed Plan.

The text on Draft EIR page 3.1-69 is revised to read (new text is underlined and deleted text is shown in ~~strikeout~~):

> …Regarding groundwater recharge, activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Thus, this impact would be less than significant for the reasons described under Impact 2.8-2, and greater than the proposed Plan.

These changes do not affect the analysis or conclusions in the Draft EIR.

39-12 The commenter suggests corrections to language from the Draft EIR regarding the San Francisco Public Utilities Company's (SFPUC's) water sources and service area. The text of the Draft EIR will be revised. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1. This correction does not alter the conclusions of the Draft EIR with respect to the significance of the proposed Plan on water supply. The text in paragraph five on Draft EIR page 2.12-4 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

"The primary water source for San Mateo County is the SFPUC's Regional Water System ~~Peninsula System~~. In addition to supplies from Hetch Hetchy, T~~t~~he system uses ~~utilizes~~ two reservoirs in San Mateo County, Crystal Springs and San Andreas, which collect runoff from the San Mateo Creek Watershed. Crystal Springs Reservoir also receives water from the Hetch Hetchy System. Water from the Pilarcitos Reservoir, on Pilarcitos Creek, directly serves one of the wholesale customs, the Coastside County Water District (which serves Half Moon Bay, Miramar, Princeton By The Sea, and El Granada), and can also deliver water to Crystal Springs and San Andreas Reservoirs. San Mateo County ~~W~~wholesale customers of the SFPUC ~~Peninsula System~~ include: the cities of Brisbane, Burlingame, Daly City, East Palo Alto, Menlo Park, Millbrae, San Bruno, Redwood City, the Town of Hillsborough, the Coastside County Water District, the Cordilleras Mutual Water Association, the Estero Municipal Improvement District, the Guadalupe Valley Municipal Improvement District, the Mid-Peninsula Water District, ~~and~~ the North Coast County Water District, and the Westborough Water District. ~~It~~ The SFPUC also serves the California Water Service Company Bear Gulch Bayshore Districts."

39-13 The commenter suggests clarifications to language from the Draft EIR regarding the Santa Clara Valley Water District (SCVWD). Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply

The text in paragraph six on Draft EIR page 2.12-4 through paragraph one on page 2.12-5 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

"The Santa Clara Valley Water District (SCVWD) is the county's primary water provider, serving Santa Clara County's population of 1,918,044 (U.S. Census 2015). Notably, the SCVWD and SFPUC's wholesale service areas overlap. The SCVWD encompasses all of the county's 1,300 square miles and serves its 15 cities. Eight retailers in San Clara County have contracts with SFPUC to receive water from the SPFUC Regional Water System. The eight retailers, considered to be wholesale customers of SFPUC include the cities of Palo Alta, Mountain View, Sunnyvale, Santa Clara, San Jose, and Milpitas; Purissima Hills Water District; and Stanford University. SCVWD does not control or administer SFPUC supplies in the County, but the supply reduces the demands on SCVWD sources of water supply. ~~Although the City of Palo Alto and the Purissima Hills Water District are located within the County of Santa Clara and SCVWD's service area, most of the current water supply to these two agencies is from SFPUC.~~ These eight retailers ~~Both agencies~~, however, benefit from the comprehensive water management programs and services provided by SCVWD."

39-14 The commenter suggests corrections to language from the Draft EIR regarding the Bay Area Regional Desalination Project. The text of the Draft EIR will be revised. This correction does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1.

The text in paragraphs six and seven on Draft EIR page 2.12-7 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

"In 2003, the ACWD opened the Newark Desalination Facility, the first brackish water desalination facility in Northern California, with a capacity of 5 mgd and it doubled the production to 10 mgd for a total blended production of 12.5 mgd to the distribution system. ~~The five largest water agencies in the Bay Area (CCWD, EBMUD, SFPUC, SCVWD, and Zone 7) are currently studying the feasibility of constructing a 10 to 20 mgd desalination facility at CCWD's Mallard Slough Pump Station in eastern Contra~~

~~Costa County. The proposed Bay Area Regional Desalination Project (BARDP) would operate continuously in all year types (i.e., wet and drought), with the possibility of storing water (including by exchange or transfer) in CCWD's Los Vaqueros Reservoir when demand from the parties is less than plant capacity.~~

~~"Storage in Los Vaqueros Reservoir could provide flexibility to optimize the BARDP yield. Based on studies conducted, the agencies have determined the BARDP is technically feasible. The next step is to revisit the role of the project within the context of each agency's changing water supply and demand picture through 2030 (BARDP 2016).~~ Eight water agencies in the Bay Area (ACWD, BAWSCA, CCWD, EBMUD, MMWD, SFPUC, SCVWD, and Zone 7 Water Agency) are working together to investigate opportunities for collaboration. The purpose of this planning effort, known as Bay Area Regional Reliability (BARR), is to identify projects and processes to enhance water supply reliability across the region, leverage existing infrastructure investments, facilitate water transfers during critical shortages, and improve climate change resiliency. Projects to be considered will include interagency interties and pipelines, treatment plan improvements and expansion, groundwater management and recharge, potable reuse, desalination, and water transfers. While no specific capacity or supply has been identified, this program may result in addition of future supplies that would benefit Bay Area Customers (Brown and Caldwell 2017)."

39-15 The commenter suggests clarifications to language from the Draft EIR regarding the California Urban Water Council. The text of the Draft EIR will be revised. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply

The text in paragraph two on Draft EIR page 2.12-9 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "Reducing water demand through conservation is a key component of improving water supply reliability in the Bay Area. All of the ten major water agencies in the region are members of the California Water Efficiency Partnership, formally known as the California Urban Water Conservation Council, which promotes the development and implementation of conservation best management practices (BMPs) such as metering, public information programs, conservation pricing, and washing machine rebates. Many local water agencies are also implementing conservation projects and programs that extend beyond these baseline BMPs. It is anticipated that regional water agencies will see more than 150,000 AFY of conservation-related savings by 2020 (RMC 2006)."

39-16 The commenter suggests clarifications to language from the Draft EIR. The text of the Draft EIR will be revised. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text in the first sentence of paragraph two on Draft EIR page 2.12-13 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "In May 2015, SWRCB adopted an emergency ~~a~~ water conservation regulation in response to historic drought conditions and an executive order issued by the Governor in April 2015."

39-17 The commenter suggests that the language from the Draft EIR be expanded regarding the Governor and SWRCB's actions in April 2017. Please see Section 3.0, "Revisions to the Draft

EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text in paragraph three on Draft EIR page 2.12-13 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "During the winter of 2016-2017, an atmospheric river deposited precipitation substantial enough to exceed the historical averages of several reservoirs through the state (i.e., Trinity, Shasta, Oroville, Melones, Don Pedro, McClure, Castaic, and San Luis) (DWR 2017). This level of precipitation lessened the severity of the recent drought (2012-2016) and the SWRCB amended the previous May 2016 regulation in February 2017. The amended regulation allows certain suppliers the opportunity to submit or resubmit their water supply reliability assessments by March 15, 2017 and it does not require mandatory conservation unless water suppliers determine there would be a shortfall. In April 2017, Governor Brown ended the drought State of Emergency in most of California in Executive Order B-40-17, which lifted the drought emergency in all California counties except Fresno, Kings, Tulare, and Tuolumne counties. Executive Order B-40-17 also rescinds two emergency proclamations from January and April 2014 and four drought-related Executive Orders issued in 2014 and 2015. Further, on April 26, 2017, SWRCB rescinded the water supply stress test requirements and remaining mandatory conservation standards for urban water suppliers."

39-18 The commenter suggests clarifications to language from the Draft EIR regarding the Water Conservation Act of 2009. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.2. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text in paragraph three on Draft EIR page 2.12-23 in Section 2.12.2 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "These sections of the Water Code, enacted as SB X7-7—The Water Conservation Act of 2009, set water conservation targets and efficiency improvements for urban and agricultural water suppliers, Sections 10608.16 and Sections 10608.48, respectively. The legislation establishes a State-wide target to reduce urban per capita water use by 20 percent by 2020. Urban retail water suppliers are required, individually or on a regional basis, to develop an urban water use target by December 31, 2010, to meet their target by 2020, and to meet an interim target (half of their 2020 target) by 2015. Urban water suppliers cannot impose conservation requirements on process water (water used in production of a product) and are required to employ two critical efficient water management practices—water measurement and pricing. Urban retail water suppliers must include in a water management plan, to be completed by July 2011, the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use. Notably, new water use efficiency targets that go beyond those established under this Act will be developed as part of a long-term conservation framework for urban water agencies per Executive Order B-37-16, described below."

The following discussion pertaining to Executive Order B-37-16 has been added to Draft EIR page 2.12-23 following the discussion under the heading, "The Water Conservation Act of 2009":

> "Executive Order B-37-16
>
> On May 2016, Governor Brown issued Executive Order B-37-16, which aims to bolster the state's climate and drought resilience. Built on the temporary statewide emergency water restriction, Executive Order B-37-17 directs five state agencies to establish a

long-term water conservation framework that will enhance the resiliency of California communities as a whole against climate change and drought. The Executive Order aims to eliminate water waste, use water more wisely, strengthen local drought resilience, and improve agricultural water use efficiency and drought planning."

39-19 The commenter suggests clarifications to language from the Draft EIR regarding the Model Water Efficient Landscape Ordinance (MWELO). Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.2. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text in paragraph four on Draft EIR page 2.12-25 in Section 2.12.2 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

"The California Model Water Efficient Landscape Ordinance (MWELO) sets restrictions on outdoor landscaping. ~~Because the City of Lincoln is a~~ The Bay Area contains several "local agencies ~~agency~~" under the MWELO, which ~~it must~~ require project applicants to prepare plans consistent with the requirements of the MWELO for review and approval by the City. The MWELO was most recently updated by DWR ~~the Department of Water Resources~~ and approved by the California Water Commission on July 15, 2015. All provisions became effective on February 1, 2016. The revisions, which apply to new construction with a landscape area greater than 500 square feet, reduced the allowable coverage of high-water-use plants to 25 percent of the landscaped area. The MWELO also requires use of a dedicated landscape meter on landscape areas for residential landscape areas greater than 5,000 square feet or non-residential landscape areas greater than 1,000 square feet, and requires weather-based irrigation controllers or soil-moisture based controllers or other self-adjusting irrigation controllers for irrigation scheduling in all irrigation systems. Local agencies may adopt local ordinances under the criteria that the ordinance is at least as effective in conserving water as MWELO."

39-20 The commenter suggests changes to language from the Draft EIR regarding the description of Executive Order B-29-15. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.2. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text on Draft EIR page 2.12-25 in Section 2.12.2 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

~~Governor's~~ Executive Order B-29-15 ~~issued on April 1, 2015~~

Key provisions of Executive Order B-29-15 included ordering the SWRCB ~~State Water Resources Control Board~~ to impose restrictions to achieve a 25-percent reduction in potable urban water usage through February 28, 2016; directing DWR to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes, and directing the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. The key provisions and goals of Executive Order B-29-15 have been expanded through the issuance of Executive Order B-37-16, which sets forth numerous directives to target long-term water use efficiency, as described above."

39-21 The commenter suggests changes to language from the Draft EIR the future challenges of water supply. The text of the Draft EIR will be revised. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.3. This change does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text in paragraph four beginning on Draft EIR page 2.12-27 in Section 2.12.3 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "Locally, as shown in **Tables 2.12-2** and **2.12-3**, land development through 2040 served by the Contra Costa Water District, Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, or Zone 7 Water Agency would have adequate water supplies in both regular and single dry years. However, at a regional level, changes in land use projected development from the proposed Plan may result in insufficient water supplies requiring the acquisition of additional water sources and the imposition of conservation requirements. Further, as discussed in Section 2.12.1, "Environmental Setting," California, including the Plan area, may face future water supply challenges associated with climate change-related periods of drought. Additionally, federal and state regulatory actions and permits may affect future water supply in way and amounts that are currently unknown. Municipal and agricultural water demand may be superseded for the preservation of aquatic ecosystems and species. Therefore, t~~T~~he increase in population-, household-, and jobs-related demand on water supply coupled with potentially reoccurring drought conditions and future federal and state regulatory actions may result in insufficient water supply to serve the Plan area. For these reasons, these impacts are considered potentially significant (PS)."

39-22 The commenter suggests corrections to language from the Draft EIR. The text of the Draft EIR will be revised to reflect the corrections requested by commenter. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.3. This correction does not alter the conclusions of the Draft EIR with respect to the significance of the Plan on water supply.

The text in Draft EIR Table 2.12-7 on page 2.12-28 in Section 2.12.3 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

Table 2.12-7 Projected Service Area Population of Major Bay Area Water Agencies

Agency	Projected 2040 Population[1]
Alameda County Water District	416,000
Contra Costa Water District	654,000
East Bay Municipal Utility District	1,751,000
Marin Municipal Water District	211,000
City of Napa Water Department	94,000
San Francisco Public Utilities Commission~~3~~2	3,330,000
Santa Clara Valley Water District	2,424,000
Solano County Water Agency	548,000
Sonoma County Water Agency[3]	531,000
Zone 7 Water Agency	286,000
TOTAL	9,883,000

Notes:

[1] Except where noted, projections are from 2013 ABAG population projections.

[2] Sum of population figures from Table 3-3 and Table 3-4 of the SFPUC UWMP.

[3] Sonoma County Water Agency is a wholesale water provider to MMWD. However, the agencies' service populations are listed separately. California Department of Finance 2015; projected 2040 population.

Sources: ACWD 2016, CCWD 2016, EBMUD 2016, MMWD 2016, City of Napa 2011, SFPUC 2016, SCVWD 2016, SCWA 2011, SMCWA 2016, Zone 7 2016

39-23 The commenter suggests revisions to language to Draft EIR Mitigation Measure 2.12(a) to clarify that state and local laws addressing these considerations already exist, but for locations or scenarios where state and local laws are not applicable, the considerations in the bullet list should be made. The mitigation measure states that implementing agencies and/or project sponsors shall implement the measures, where feasible and necessary based on project-specific and site-specific considerations. In Draft EIR Section 2.0, "Approach to the Analysis," explains that, where regulatory requirements or permitting requirements exist, it is assumed that compliance with these regulations would occur. Mitigation measures included in the Draft EIR are limited to measures that would not be clearly implemented under a mandatory permit process or under regulatory requirements that have clear performance standards with prescriptive actions to accomplish them. Because the Draft EIR is already responsive to the comment regarding Impact 2.12-1, no revisions to the mitigation measures are necessary.

39-24 The commenter requests the unit of measurement shown in Draft EIR Table 3.1-7, which provides the total land use growth footprint area, land use growth footprint area within TPAs, and overall increase in urban land. The data provided is shown in acres.

39-25 The commenter refers to text corrections noted earlier in the comment letter. Please see response to comment 39-11 for the appropriate text revisions to the Draft EIR.

39-26 The commenter expresses opposition to assumptions in the alternatives analysis that a larger land use footprint would result in a less efficient water supply system because it implies that existing landscaping irrigation systems are less efficient than water systems in new construction. This comparative analysis assumes that a greater land use footprint would result in less dense development because all of the alternatives contain the same employment and housing projections. Thus, all housing and employment projections being equal, a greater area of development footprint would be less dense and require more water for irrigation of landscaping. While the commenter points out several scenarios in which the opposite could be true, this discussion is based upon the reasonable generalized assumption that less dense development would generally contain greater areas of landscaping compared to more dense development, overall growth (between alternatives) being equal.

39-27 The commenter notes two errors in the text, which reference the area of irrigated land and the relative amount of water for irrigation needed compared to the proposed Plan. These errors do not affect the conclusions regarding the relative severity of impacts of the alternatives compared to the proposed Plan. Thus, the text in the third and fifth paragraph on Draft EIR page 3.1-82 has been modified as follows (deleted text is shown as ~~strikeout~~, added text is underlined):

> ### Alternative 2, Main Streets
> The Main Streets Alternative would result in the same increase to population levels as the proposed Plan. However, the land use growth footprint is smaller under the Main Streets Alternative than under the proposed Plan, which would result in a more efficient water supply system (e.g., ~~greater~~ less areas of irrigated landscaping). While the transportation project list would differ between the Main Streets Alternative and the proposed Plan, consideration of how water demand may differ cannot be determined without more detailed information on individual project design. Thus, this impact would be significant and unavoidable for the reasons described under Impact 2.12-1, and **less** than the proposed Plan.
>
> Development outside of urbanized areas could require the construction of new stormwater drainage systems. In addition, implementation of transportation projects could increase permeable surfaces into impervious surfaces through the expansion of existing roadways and construction of new traffic lanes. The land use growth footprint

and transportation project footprint is smaller under the Main Streets Alternative than the proposed Plan (16,600 acres versus 23,000_. Thus, this impact would be significant and unavoidable for the reasons described under Impact 2.12-3, and **less** than the proposed Plan.

Alternative 3, Big Cities

The Big Cities Alternative would result in the same increase to population levels as the proposed Plan. However, the land use growth footprint is smaller under the Big Cities Alternative than under the proposed Plan, which would result in a more efficient water supply system (e.g., ~~greater~~ less areas of irrigated landscaping). While the transportation project list would differ between the Big Cities Alternative and the proposed Plan, consideration of how water demand may differ cannot be determined without more detailed information on individual project design. Thus, this impact would be significant and unavoidable for the reasons described under Impact 2.12-1, and **less** than the proposed Plan.

The text of the Draft EIR will be revised to reflect the preceding addition. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 3.1.5, "Comparative Impact Analysis of Alternatives." Please also see response to comment 39-26 for a discussion of how water supply is affected by the growth area footprint under the alternatives.

39-28 The commenter recommends that the discussion of cumulative impacts to water supply acknowledge that regulatory action could affect supplies and demands. The commenter is correct. This correction does not alter the conclusions of the Draft EIR with respect to the cumulative impacts on water supply. The text in the fifth paragraph on Draft EIR page 3.2-16 has been modified as follows (new text is underlined):

Water Supply and Infrastructure

Water supply and associated infrastructure have both local and regional aspects. The rivers that provide virtually all the surface water supplies in the Bay Area originate outside the region, and travel through the region and beyond, providing water supply to jurisdictions inside and outside of the Bay Area along the way.

An increase in demand and water consumption in one region has the potential to affect supplies throughout California, because the surface water supply systems are interconnected. Development of future water supply and associated infrastructure regionally and beyond depends on several factors, such as surface water availability, groundwater recharge, land use density, ~~and~~ land use type, regulatory changes, and modifications to water transfer agreements and wholesale contracts. Future urban growth (population, housing, and employees) anticipated with implementation of the Plan would result in an increase in water supply needs and demand. Future growth elsewhere in the cumulative impact analysis area could also lead to potential future water shortages and depletion of existing water supplies. As a result, the proposed Plan is cumulatively considerable with respect to water supply and water infrastructure, and this impact would be potentially significant (S).

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 40

Subject: Comments on the EIR for PBA
Date: Thursday, June 1, 2017 at 12:20:43 AM Pacific Daylight Time
From: Tina Peak
To: EIR Comments

MTC Public Information
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San Francisco, CA 94105
Fax: 415.536.9800
info@PlanBayArea.org
eircomments@mtc.ca.gov

RE: Plan Bay Area 2040 Draft EIR Comments

To Whom It May Concern:

Thank you for the opportunity to provide comments on the Plan Bay Area 2040 Draft Environmental Impact Report (EIR).

It is clear that you have gone to a lot of effort in an attempt to address the projected influx of people into the bay area. You have however assumed that population and employment growth are inevitable. They are a choice that can be controlled or changed.

I would suggest that it is the role of government to protect the lands and the people that they represent by not allowing the underlying environment that supports its citizens to be irreparably damaged and by not allowing conditions that make quality of life impossible. To that end you need to add a **zero growth alternative** to your EIR that would attempt to limit zoning for development and attempt to stem the burgeoning population in the Bay Area. This alternative should realistically look at water quality and quantity, open space, air quality, pollution levels, transportation alternatives and then work to enhance the livability of the current Bay Area while limiting growth. 40-1

Projected population growth scenarios in your EIR are not supportable with our current water supplies. We are just now getting a small reprieve from a long period of drought and we should plan for more drought - not more people. Further with climate change projected to cause rising sea levels there should be a major attempt made to stop development in low lying areas around the bay and add more open space and buffer wetlands to areas that will soon be under water. 40-2

The Bay Area continues to have some of the worst smog conditions in the United States, adding more people and the cars that we know they will drive, will make this worse. Transportation is already at a standstill in many areas. We should fix the problems we have now with our current population before adding more people with more places to go. 40-3

Your EIR still projects more job growth than housing. While you claim that there is a housing shortage, even your own proposals do little to address this problem, continuing to call for more job growth than housing. A better approach is to limit development so that housing pressures will decrease. 40-4

I hope that you will seriously consider addressing the out of control population growth that is occurring in this area. Offering an alternative in the EIR that drastically limits development will help to decrease population pressure and show current Bay Area residents that you prioritize their quality of life and our environment. 40-5

Sincerely,
Tina Peak

Response 40	Tina Peak June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

40-1 The commenter suggests that MTC/ABAG assumes that population and employment growth are inevitable and requests that the Draft EIR include a zero-growth alternative. The projected level of growth in the regional forecast is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area. Federal and State regulations require MTC as the Bay Area's metropolitan planning organization to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (Draft EIR, page 1.2-4). The alternatives to the proposed Plan are designed to accommodate the same households and jobs projections. The alternatives, described in Draft EIR Section 3.1, "Alternatives to the Proposed Plan," are defined by unique forecasted development patterns and transportation investment strategies, and represent regional strategies to accommodate the region's projected growth in a sustainable manner. The jobs projection accommodated in the proposed Plan and alternatives is a result of the projected regional changes in economic activity. Regional housing projections were increased to provide sufficient housing to accommodate the projected growth in jobs. Draft EIR Table 1.2-1 discloses that MTC/ABAG were required, per a settlement agreement with the Building Industry Association (BIA), to identify and accommodate a Regional Housing Control Total (RHCT) for the region. Thus, an alternative that reduces job or population projections relative to the proposed Plan would not be consistent with Federal and State regulations, nor MTC/ABAG's settlement agreement with BIA (Draft EIR Table 1.2-1 on page 1.2-7), and is therefore not appropriate for consideration. Please see Master Response 1, Population and Employment Forecasts, and Master Response 6, Range of Alternatives, for additional details related to this issue.

40-2 The commenter suggests that projected growth in the Draft EIR is not supportable with current water supplies. The proposed Plan will not, in itself, create household or job growth; the growth accommodated in the proposed Plan is projected to occur regardless of the adoption of the proposed Plan's adoption. Please see Master Response 1, Population and Employment Forecasts for a discussion of this issue. Please see also Master Response 3, Water Supply and Drought for a discussion of how water supply impacts are mitigated in the Draft EIR.

40-3 The commenter addresses sea level rise. Potential effects to future transportation projects and land use development due to sea level rise are addressed under Impacts 2.5-5 and 2.5-6, respectively in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases."

40-4 The commenter recommends fixing existing transportation issues before increasing population levels. Regarding increases in population levels, please see response to comment 40-1. Regarding fixing current problems, the proposed Plan's transportation investment strategy emphasizes a long-standing "Fix It First" funding strategy and directs the vast majority of future funding to maintain the assets and infrastructure of the existing transportation system.

40-5 The commenter questions why the regional forecast for the proposed Plan projects more growth in employment than in housing. The regional forecast projects that there will be more workers per household in 2040 than in 2010, in other words, it is projected there will be more dual income households in 2040 than in 2010. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

40-6 The commenter requests that the Draft EIR includes an alternative that limits development. See response to comment 40-1.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 41

Transportation Solutions Defense and Education Fund

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

June 1, 2017
By E-Mail to
eircomments
@mtc.ca.gov

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

Re: 2017 Draft RTP DEIR 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 (RTP, or proposed Plan) and accompanying Draft Environmental Impact Report (DEIR) we have commented on. All page references are to the DEIR. (SCH# 2016052041.)

The Transportation Policy Question

Our RTP comments have been consistent since 1994: MTC's facilitation of sprawl and solo drivers is a failed strategy for a metropolitan region. MTC has consistently ignored our advice, the consequence of which is demonstrated in the analysis of Impact 2.1-3, which shows a 150% increase in PM peak period LOS F congestion in San Francisco:

> These roadway traffic service levels reflect the impact of total VMT growth exceeding the growth of roadway capacity on a county level. (p. 2.1-31.)

41-1

This conclusion sets up what TRANSDEF sees as the foremost transportation policy question facing decision-makers: In a region that keeps growing in population but not in roadway capacity (because of physical, environmental, and fiscal constraints), **should limited system expansion funds continue to be used to support solo drivers?** (i.e., with Express lanes and other capacity projects.) The quoted analysis of Impact 2.1-3, based on a straightforward relationship between volume and capacity, indicates that the increasing traffic volumes from a growing population will inevitably result in gridlock. The DEIR, however, fails to recognize the policy implications of this finding.

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TRANSDEF believes that catering to solo drivers is so hopeless that all expansion funding needs to be channeled into supporting non-auto modes. TRANSDEF has long asserted that a network based on individual transport cannot feasibly accommodate a metro region's commute--especially one that keeps growing. The sheer number of person-trips clustered into the peak-period commute demands a level of capacity that only a mass transportation approach can provide. The City of Cupertino's animated film "Silicon Valley's Transportation Future" demonstrates this point brilliantly.

A change in strategy to supporting the regional commute with convenient transit would require different transportation investments than the ones included in the proposed Plan. Strong disincentives would be needed for land use practices that create dwellings and jobs accessible only by automobile (indicated herein by the term "sprawl"): the new vehicle trips resulting from sprawl further exacerbate the problem.

The purpose of an EIR is to provide the data and conclusions needed for informed decision-making. With the DEIR showing the commute getting seriously worse, it is critical that Commissioners know that options other than the proposed Plan are possible, and how their outcomes might differ. In fact, the analysis of alternatives is required by CEQA.

41-1 cont

However, the DEIR had no analysis of transportation policy-based options, such as the one immediately above. Not only is this a violation of CEQA, it is poor policymaking. The DEIR failed to learn anything useful from its own findings. It was merely an exercise in generating paper and checking legal requirements' boxes.

Impact 2.1-3 should have resulted in a reevaluation of MTC's strategy, and a thorough consideration of alternative approaches. Not only did that reevaluation not happen, an alternative proposed by TRANSDEF to serve as a seed crystal for that reevaluation was firmly rejected. The DEIR's refusal to study the Alternative must be reversed, for a variety of legal and policy reasons that will be discussed herein. While it is late in the process, a thoughtful Response to Comments and recirculation could fix the DEIR.

The Plan Fails to Influence Mode Choice

From TRANSDEF's climate-focused perspective, the central problem with the draft RTP is MTC's decision to take a hands-off approach with the region's jurisdictions. This is effectively a refusal to carry out its SB 375 mandate to influence local land use decisions and transportation tax measures. (See Mitigation section, below). The resulting plan, based on Business-as-Usual local and county plans, shows **a VMT increase of 21%** (Table 2.1-14.). This indicates that the region is continuing to sprawl. This increased VMT is what is causing the increased congestion discussed in the previous section. **Delay in 2040 is projected to increase by 44%**. (Table 2.1-14.)

41-2

TRANSDEF's 2017 Clean Air Plan comments focused on GHG emissions from transportation. It contained graphs establishing that VMT/capita in the region has been static since the late 1980's. With total regional transit ridership declining in absolute

numbers since 1982--and declining even more strongly in per capita numbers--these statistics indicate two outcomes from decades of MTC's regional plans:

- The failure to achieve functionally effective transit-oriented development, and
- The failure to support the construction of transit that captures new residents.

By way of contrast, Portland has managed a significant reduction in VMT/capita, and maintained that reduction compared to national averages. Obviously, Portland has succeeded in shifting mode shares.

In support of sprawl, MTC proposes to invest a large share of its RTP resources in GHG-increasing highway expansion projects and in transit megaprojects that produce far less of an increase in transit ridership than many smaller projects would, for the same total cost. Future residents are driving alone because of MTC's dual failures to curtail sprawl and to plan and fund adequate transit.

41-2 cont

Table 2.1-15 projects mode shares to remain static between 2015 and 2040--the changes are less than the model's margin of error. The absence of a shift to a lower Drive Alone mode share is inescapable evidence of the proposed Plan's failure to influence travel mode choice, arguably the most important factor in evaluating the success of an RTP's approach to congestion and mobility. Because mode share doesn't change, the Table projects **a frightening 21% increase in Drive Alone trips**, which will greatly compound the existing problem of congestion. Because of this failure to shift mode shares, Table 2.5-7 projects that GHG emissions per capita remain nearly static between the years 2020 and 2040. That is a failure to implement climate policy.

While SB 743 deemphasizes the significance of congestion as an impact, the Plan directs resources into futile and wasteful strategies that contribute to and/or result in greatly increased VMT and GHG and criteria pollutant emissions. In addition, the DEIR refuses to study alternatives comprised of strategies specifically intended to reduce VMT and GHG emissions. These constitute serious failures to comply with CEQA.

Incorrect GHG Impact Analyses

TRANSDEF's critique of the 2013 RTP EIR served as the predicate for the GHG analysis causes of action in the Sierra Club/CBE challenge. We therefore recommend that MTC respond carefully to these comments. TRANSDEF asserts that the key GHG impact analysis, Impact 2.5-3, fails to comply with the legislative intent of SB 375, as expressed in these legislative findings:

41-3

> ...greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve **significant additional** greenhouse gas reductions from changed land use patterns and

> improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32. (Chapter 728, Statutes of 2008, Section 1(c) and (i), emphasis added.)

It is clear from that legislative language that the State recognizes the need for regional-level emissions reductions from changes to transportation and land use patterns, separate and apart from, and in addition to, state-level emissions reduction measures. The EIR's failure to maintain a distinction between these two types of emissions reduction measures, when considering MTC's duties under SB 375, results in incorrect impact analyses:

41-3 cont

1. Compliance with the letter and spirit of SB 375 is a CEQA issue, because it directly affects whether the State can achieve its emissions reduction targets for 2030 and 2050. (Impact 2.5-3.) By adopting SB 375, the State has determined that "reducing emissions from cars and light duty trucks" (p. 2.5-17) is necessary to meet its targets.

2. The analysis of Impact 2.5-2 ["a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions"] is misleading and irrelevant in evaluating the proposed Plan:

> Because implementation of the proposed Plan would result in a net reduction in GHG emissions in 2040 when compared to existing conditions, this impact is less than significant (LS) and no mitigation measures are required. (p. 2.5-41.)

First, the conclusion for Impact 2.5-2 is incorrect: implementation of state-level emissions reductions measures is occurring entirely apart from "implementation of the proposed Plan." The 10,567,000 MTCO2e of reductions from Pavley regulations (Table 2.5-10, p. 2.5-41) are not a result of the "implementation of the proposed Plan." They are neither part of the Project Description nor part of the existing conditions baseline.

41-4

The analysis done for Impact 2.5-2 is a projection of emissions level in 2040. Because the projection includes state-level emissions reductions and the overall emissions from land uses, which are only peripherally related to the proposed Plan, this analysis is useless in determining the specific impacts of the proposed Plan. The projection, while not incorrect, is essentially irrelevant in understanding the impact of the proposed Plan itself on GHG emissions. The impacts of the proposed Plan are masked by the irrelevancies identified above.

3. For the reasons discussed above, a separate SB 375 impact analysis of total regional GHG emissions, in addition to Impact 2.5-2, is needed to evaluate the efficacy of the proposed Plan in "reducing emissions from cars and light duty trucks." (p. 2.5-17.) This is necessary because the first Table 2.5-10 (p. 2.5-40) discloses **a 10% increase in regional GHG emissions from these transportation sources**, directly contrary to the intent of SB 375. That is the proper figure for Plan GHG impacts, not the claimed

41-5

13% reduction. (Note that this calculation includes claimed reductions for the MTC Climate Initiatives Program, on which we comment below, due to our skepticism about the validity of these "measures.")

To fulfill its SB 375 mandate, the EIR must analyze whether "Implementation of the proposed Plan could result in a net increase in direct and indirect GHG emissions from cars and light duty trucks in 2040 when compared to existing conditions."

To properly calculate the regional GHG emissions for an SB 375 analysis, the state-level emissions reductions must be excluded. The land use emissions effect that is of interest from the SB 375 perspective is not the difference between existing conditions and the proposed Plan scenario, but rather the difference between a Business as Usual scenario and the proposed Plan scenario. This additional impact analysis should indicate a Potentially Significant Impact. (Feasible Mitigations are discussed below.)

41-5 cont

4. While the analysis of Impact 2.5-3 ["Implementation of the proposed Plan could substantially conflict with the goal of SB 32 to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030"] properly identified a Potentially Significant Impact, MTC engaged in a deceptive exercise to evade its responsibility under CEQA. We carefully analyze its assertions:

> MTC/ABAG has developed a land use and transportation strategy that meets SB 375 goals and places the Bay Area on a downward trajectory in GHG emissions, which sets it on a path toward meeting longer-term GHG reduction goals. (p. 2.5-43)

As discussed above, regional GHG emissions would **increase** with the implementation of the RTP, thereby conflicting with the goal of SB 32 to reduce GHG emissions and **impeding** the attainment of a downward trajectory.

41-6

> **There are no additional land use strategies available to feasibly bridge the gap between the proposed Plan GHG emissions and 2030 (and beyond) targets**. (p. 2.5-43, emphasis added.)

This statement is true only in the narrow sense that MTC's refusal to use its available powers to influence the land use and transportation plans of its constituent jurisdictions has left it without strategies. The claimed lack of strategies is entirely self-inflicted. MTC chose to not intervene when it assembled the RTP from the transportation plans of counties, despite knowing that each plan showed very large increases in VMT. (Table 2.1-20.) That choice doomed the RTP to a failure to reduce GHGs. Rather than act in accordance with its SB 375 mandate, MTC chose to claim helplessness instead. TRANSDEF asserts that that gap can be partly or entirely bridged by mitigations. (See discussion in the Feasible Mitigation section, below.)

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> This is not unique to MTC/ABAG; all MPOs in California are faced with this same challenge. In the absence of State and local jurisdictional action (e.g., new State regulations, city and county GHG reduction plans targeted to 2030 and beyond) it is not possible to demonstrate compliance with the SB 32 GHG reduction targets. (p. 2.5-43.)

Apparently all MPOs have been equally resistant to using their RTP powers as incentives and disincentives for action by local jurisdictions. Their lack of political will does not excuse them from their legal responsibilities, however.

> Thus, while the proposed Plan would not impede the possibility of attaining the longer-term (2030 and 2050) targets, even more aggressive GHG reduction actions, such as local implementation of GHG reduction plans, would be needed to conform to these longer-term targets. (p. 2.5-43.)

As demonstrated above, the proposed Plan **would definitely impede** the possibility of attaining the longer-term targets. The only thing lacking in making the RTP an "even more aggressive GHG reduction action" is the political will to be a climate leader--or a court order.

41-6 cont

> Moreover, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measure [Mitigation Measure 2.5-3], and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. (p. 2.5-44.)

We too have no reason to believe Mitigation Measure 2.5-3 will result in actual GHG emissions reductions. However, we strongly disagree as to MTC's claimed helpless-ness. MTC **can require** compliance with its Countywide Transportation Plan Guidelines as a mandatory condition for submitting projects into the RTP. That would be far more likely to achieve measurable outcomes than the vague aspirational language of Mitigation Measure 2.5-3. MTC must determine whether, with the implementation of the mitigations proposed in the Feasible Mitigations section below, Impact 2.5-3 would continue to be a significant and unavoidable impact.

Also note that Mitigation Measure 2.5-3 seeks reductions outside the scope of SB 375--which are irrelevant in an RTP--rather than solely from vehicular emissions:

> These reductions can be achieved through a combination of programs, including ZNE in new construction, retrofits of existing buildings, incentivizing and development of renewable energy sources that serve both new and existing land uses… (p. 2.5-44.)

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5. It seems exceedingly unlikely that a proposed Plan that fails to reduce GHGs at all (see above) would not "substantially conflict with local plans or policies adopted to reduce emissions of GHGs. TRANSDEF challenges this conclusion for Impact 2.5-4:

> Therefore, the proposed Plan is not expected to substantially conflict with local climate action or GHG reduction plans, and the impact is considered to be less than significant (LS). No mitigation is required. (p. 2.5-45.)

41-7

6. The significance criterion for Impact 2.1-4 ["Implementation of the proposed Plan could result in a significant increase in per capita VMT compared to existing conditions. A significant increase in per capita VMT is defined as greater than 5 percent."] is unsupported by substantial <u>contemporary</u> evidence.

> Criteria 1 through 5 encompass measures that address appropriate standards for roads or highways, as well as other modes. A review of city and county thresholds of significance was conducted to assess whether or not the established 5 percent threshold aligns with current practice. This review indicates that multiple jurisdictions (i.e., Berkeley and West Sacramento as well as jurisdictions in other states) utilize a threshold of a 5 percent increase in volume-to-capacity for facilities (roadways and intersections) operating at unacceptable LOS (i.e., LOS F) as the basis for identifying significant impacts. (p. 2.1-19.)

41-8

Transportation policy and transportation planning have changed dramatically in recent years. SB 743 gives great emphasis to VMT as a central planning criterion. It is inappropriate to use significance criteria from an earlier time, when VMT was not so central. Given that regional VMT is projected to increase by 21% (Table 2.1-20) with numerous indirect impacts (e.g., Impact 2.1-3), there is no justification for the adoption of a significance criterion other than zero. For this reason, the "5% increase" threshold is not a valid contemporary significance criterion for any of the transportation impacts and must be changed to zero.

<u>General Comments on the Climate Initiatives Program</u>

When considered from a per capita standpoint, 35% of the claimed emissions reductions between 2005 and 2020 come from Climate Initiatives, while between 2005 and 2035, **a mind-boggling 61.8% of the claimed emissions reductions come from Climate Initiatives**. (Calculations using data from Table 2.5-7.)

41-9

TRANSDEF is very concerned about the legitimacy of these claimed emissions reductions. **Without these emissions reductions, the proposed Plan fails to meet the SB 375 target for 2035**, Impact 2.5-1, achieving only a 5.9% reduction below 2005 per capita emissions levels.

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Concern about the legitimacy of these claimed emissions reductions stems in part from MTC's failure to fund the climate initiatives adopted in the 2013 RTP. We are not aware of the approval of any significant funding over the past four years for these programs. We were unable to locate any post-RTP-adoption funding for these programs in the TIP. With that highly prejudicial history, MTC must provide documentation of its track record in implementing these initiatives, before its off-model emissions reductions calculations can be considered substantial evidence in 2017.

ARB's 2014 *Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the ABAG and MTC SB 375 Sustainable Communities Strategy* stated for several of the measures, "Data from implementation of this regional program is expected to provide better information for future analyses." (p. 69.) There is no indication that MTC ever provided any such data. Without ARB's concurrence, a second round of off-model adjustments is not based on substantial evidence. 41-9 cont

Table 2.5-7 indicates that between 2005 and 2020, modeled total GHG emissions increase by 1,700 tons/day, while Climate Initiatives reduce emissions by 3,600 tons/day. Between 2005 and 2040, emissions increase by 16,700 tons/day, while Climate Initiatives reduce emissions by 7,700 tons/day. In other words, auto-dependent sprawl growth is causing an increase in GHG emissions, and **the <u>only</u> GHG emissions reductions in the proposed Plan come from Climate Initiatives** (the Pavley regulations are not relevant to a discussion of regional emissions).

The EIR Project Description and Table 2.5-6 should reference Appendix A of the Travel Modeling Report as the location of the Project Descriptions and explanation of off-model calculations for Climate Initiatives.

<u>Individual Climate Initiative Comments</u>
Commuter Benefits Ordinances--TRANSDEF proposes that MTC and BAAQMD seek legislative authorization to expand the program to all employers with ten or more employees.

Vehicle Buyback and PHEV Incentives--The emissions reduction methodology is flawed. The measure is intended to incentivize the purchase of new PHEV vehicles instead of new internal combustion engine (ICE) vehicles. Because the traded-in vehicles are not being scrapped, they will remain on the road as used vehicles. Therefore, their emissions are not germane to the calculation. Because the alternative, a new ICE vehicle, will have a much higher fuel economy than the trade-in, due to Pavley-like regulations, the cost-effectiveness of the measure will change substantially when recalculated, possibly causing it to be withdrawn. 41-10

Clean Vehicles Feebate Program--While the text admits that "The feebate program would require legislation to provide regional agencies with the authority to implement it" (Travel Modeling Report, p. 55) the passage of legislation is not included in the Assumptions and Methodology section. For consistency, the need for action by the Legislature should be noted in the statement of overriding considerations.

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Smart Driving--In an environment of low gas prices and greatly reduced highway speed enforcement, a Smart Driving measure is a farce. From personal observations, highway speeds in uncongested periods are now at least 10 mph higher, on the average, than what they had been at the time of the last RTP. Based on similar observations in various parts of the region, TRANSDEF has serious doubts as to the validity of uncongested travel model speed distributions, and the resulting GHG emissions projections in all EIR GHG analyses.

Because uncongested travel speeds are now higher than the approximately 50 mph optimal speed for minimizing GHG emissions, per capita GHG emissions are now significantly higher and will be unaffected by this measure. Smooth accelerations cannot offset substantially higher speed driving. On that basis, we find the emissions reductions for this measure (Table 17, mislabelled as Car Sharing, Travel Modeling Report, p. 55) to be severely overstated. Without a vigorous speed enforcement component, this measure is not credible, no matter how much money is spent on pilot programs. 41-10 cont

Trip Caps--While TRANSDEF lauds this measure, it is ineffective in its current form. As the measure is described, a jurisdiction's enactment of trip caps is entirely voluntary. The emissions reductions calculated for this measure therefore cannot be counted against regional emissions. To be counted, an enforceable commitment is necessary. MTC could require jurisdictions to enact trip caps as a condition of their eligibility for OBAG funding, for example. There needs to be a “stick” to motivate jurisdictions, as well as a “carrot.”

Feasible Mitigations

A 2014 vote by the Commission, Resolution 2120 Revised, adopted the draft County-wide Transportation Plan Guidelines. However, a last-minute amendment made the Guidelines voluntary. TRANSDEF asserts that the primary problem with the RTP, its excessive VMT growth, is the direct outcome of MTC’s adopting Guidelines that could be ignored--and they were. Table 2.1-20 forecasts changes in VMT/capita for counties between 2015 and 2040 of between -7% and +4%, averaging -2% regionwide.

Because changes in VMT/capita are roughly equivalent to changes in GHG/capita, these numbers indicate a lack of compliance with the Guideline "Reduce per-capita carbon dioxide emissions from cars and light-duty trucks by 7 percent by 2020 and by 15 percent by 2035." (CTP Guidelines, p. 6.) We are unaware of any formal evaluation of the compliance of county submissions with the Guidelines. 41-11

Making compliance with those Guidelines mandatory for the inclusion of a county's projects in the RTP would bring policy coherence to the planning of all the jurisdictions of the region. Significant regional goals can be achieved if all the jurisdictions are moving in the same direction. Nonetheless, the specter of mandatory compliance with Guidelines raises questions of local autonomy and consistency with the following section of the Government Code:

> The county transportation plans shall be the primary basis for the commission's regional transportation plan, and shall be considered in the preparation of the regional transportation improvement plan. (§ 66531(f).)

The legislative findings of SB 375 stated that "it will be necessary to achieve significant additional greenhouse gas reductions from **changed land use patterns and improved transportation**" (citation above, emphasis added.) Clearly, the land use patterns to be changed are the existing land use plans, while the transportation to be improved is the transportation in the underlying county transportation plans. SB 375 therefore instructs MPOs that they are <u>not</u> to take these plans as the primary basis for the RTP. Because SB 375 was enacted after this Government Code section was adopted, SB 375 impliedly repeals this law and any other that conflicts with it:

41-11 cont

> When two or more statutes [enacted by the same legislature] concern the same subject matter and are in irreconcilable conflict .... the doctrine of implied repeal provides that the most recently enacted statute expresses the will of the Legislature, and thus to the extent of the conflict impliedly repeals the earlier enactment." (*In re Thierry S.* (1977) 19 Cal.3d 727, 744 [139 Cal.Rptr. 708, 566 P.2d 610].)

Because ABAG and MTC were given the mandate to plan regional land use and transportation to achieve GHG targets, it is logical that they were empowered by SB 375 to include measures in the RTP to motivate jurisdictions with land use powers to implement actual changes in land use planning. Withholding discretionary regional transportation funds and not including county project submissions in the RTP are such measures.

TRANSDEF proposes the following as feasible mitigations for the potentially significant impacts identified above, and significant and unavoidable Impact 2.1-3:

41-12

- Make compliance with MTC's Countywide Transportation Plan Guidelines mandatory for submission of a county's project list into the RTP. Making the Guidelines mandatory is a land use strategy that would feasibly bridge a substantial portion of the gap MTC complained about in the quote above. This would require making the following language amendments to Resolution, 2120, Revised September, 2014:

  > ~~The CTP Guidelines are advisory and preparation of CTPs by the counties is voluntary in statute~~. (p. 3)
  >
  > ~~MTC recommends that the~~ <u>The</u> CTP performance framework ~~should~~ <u>shall</u>: (p. 6.)

~~"Plan Bay Area" performance targets do not constitute requirements or goals that apply to decisions under the jurisdiction of local governments.~~ (p. 16.)

~~, if feasible to do so~~ (p. 16.)

41-12 cont

- Require the adoption of Mitigation Measure 2.1-3(b) as a condition of project funding. While "MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures" (p. 2.1-33), the impacts of projects adopted without these mitigation measures can be avoided by this mitigation measure, because they will not be able to proceed without MTC funding. 41-13
- Create more restrictive standards for a jurisdiction's eligibility for OBAG funds, based on San Francisco's Transportation Demand Management Program and on the principles advocated by environmentalists in their sales tax proposal to the Sonoma County Transportation Authority (attached). That proposal demonstrates a method of conditioning road maintenance funding to a shifting of all future development capacity into urbanized areas, especially PDAs. 41-14
- Implement measures that take gradual effect to make solo driving no longer the easiest mode choice, or the default mode choice. A combination of convenient transit, unpleasant congestion and inconvenience, in addition to some form of pricing, will help stimulate a regional mode shift away from solo driving. 41-15
- Have the Commission formally reject the long-standing Committed Projects Policy. This policy is an impediment to MTC's ability to carry out its mandated duties under SB 375. As MTC's repository of unbuilt projects developed long before the advent of climate policy, the committed projects list is primarily composed of VMT-increasing projects. As a result of this policy, these projects do not get individually reevaluated for their impacts, and especially not for their GHG impacts. Essentially, they get a free pass into the RTP. Remove those projects on the Committed Projects list that are not yet under construction contract from the 2040 baseline. Individually evaluate each project on the former list for its GHG impacts. 41-16
- Shift funding away from projects that increase VMT. This typically includes all highway expansion projects. Regional Express Lanes fall into this category because the projects' only purpose is to provide additional capacity for solo driving. This will result in induced demand and therefore, increased VMT. See *Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions*. MTC's study, *The Effect of MTC Express Lanes on Interregional Travel* study (Cambridge Systematics, 2017) shows a 2% increase in intraregional VMT over No Project (*Id.*, p. A-2), even though those calculations are unlikely to adequately account for the impacts of induced demand. 41-17
- Shift funding away from transit megaprojects that do not cost-effectively reduce VMT, because projected ridership gains are small compared to the cost. These megaprojects produce far less of an increase in transit ridership than many 41-18

smaller projects would, for the same total cost. They therefore shortchange the region of environmental benefits. The most expensive projects of this type are:

- BART to Silicon Valley – Phase 2
- Caltrain Modernization – Phase 1
- Clipper

41-18 cont

- RTP Table 4.5 shows that four of the top ten RTP investments are for projects that meet these two criteria for cancellation. If these projects were all deleted from the RTP, there would be plenty of resources to impact residents' mode choice decisions, both by providing cost-effective convenient transit service, and by keeping fares low. Investing their $15.6 billion price tag in alternative projects could do wonders for building a convenient comprehensive regional transit network and providing it with transit operating funds to enable operators to keep fares low.

41-19

- Cancelling the following projects and reprogramming their funding will avoid the impact of increased VMT and GHG emissions, even though they are not as costly as the aforementioned projects:
  - SR-4 Bypass (if not under construction)
  - SR-4 Widening (if not under construction)
  - Irvington BART Infill Station
  - Alameda Point-San Francisco Ferry
  - Antioch-Martinez-Hercules-San Francisco Ferry
  - Berkeley-San Francisco Ferry
  - SR-4 Auxiliary Lanes
  - I-680/SR-4 Interchange Improvements
  - I-80/680/SR-12 Interchange Improvements
  - Lawrence Expressway Upgrades
  - SR-262 Widening
  - SR-84 Widening + I-680/SR-84 Interchange Improvements
  - US-101 Marin-Sonoma Narrows HOV Lanes – Phase 2
  - US 101 & I-280 HOV Lanes in San Francisco
  - East-West Connector
  - Jepson Parkway

41-20

- The following legislative proposals are intended as mitigation for the significant and unavoidable impacts of increased VMT and GHG emissions, as they would be highly effective if enacted by the Legislature. Each should be included in the RTP and EIR. As with other innovative ideas that should be included in the RTP,

41-21

the statement of overriding considerations should indicate that legislative action is necessary to their implementation.

- Seek legislative authorization to extend mandatory parking cash-out to all employer-provided parking, not just leased parking.
- Seek legislative rescission of Health & Safety Code Section 40717.9, enacted as SB 437, to return the power to air districts to implement effective strategies to reduce employee commute trips. The single most effective VMT reduction measure in California has been the Employee Trip Reduction Ordinance. Unfortunately, the Legislature rescinded the authority of air pollution control districts to impose such ordinances, due to business pushback. The Legislature should be asked to revisit this issue in light of its adoption of state climate policies, including especially SB 375.
- Seek legislation to require MTC approval of proposed transportation sales taxes with its Countywide Transportation Plan Guidelines before they can be placed on the ballot. This mitigation would ensure that when transportation sales tax expenditure plans are drafted, they will be supportive of regional goals, rather than working against them. The policy direction of sales taxes is crucially important. In 2013, a majority (53%) of RTP funding came from this source. An RTP cannot be SB 375-compliant if county sales taxes have different priorities.
- Seek legislation to clarify the CEQA responsibilities of agencies placing transportation sales taxes on the ballot. Appellate rulings such as *City of South Pasadena et al. v. LACMTA* (2010) B22118, have allowed the avoidance of alternatives analyses and the disclosure of the impacts of their proposed measures. VTA, for example, never disclosed the GHG emissions increase that will result from implementation of its 2016 sales tax measure.

41-21 cont

TRANSDEF RTP Alternative

The DEIR amply demonstrated that the State's climate goals cannot be achieved by continuing the planning practices of the past. The assertion that "There are no additional land use strategies available to feasibly bridge the gap between the proposed Plan GHG emissions and 2030 (and beyond) targets" (p. 2.5-43) is a cry for help. The answers lie in innovative and markedly different alternatives that need to be tested to determine how best to meet State targets. The DEIR did not do that.

TRANSDEF's Scoping Comments called for the study of an EIR Alternative that sought to reduce VMT and GHG growth through shifting funding away from projects that either directly increase VMT, or fail to cost-effectively reduce VMT. The concept is simple, but the strong resistance it received from MTC indicates a striking lack of interest in meeting State emissions reduction targets if doing so requires change to the established order.

41-22

TRANSDEF previously authored the TRANSDEF Smart Growth Alternative for the 2005 RTP FEIR. The FEIR modeling showed that the volunteer alternative was able to reduce the growth in VMT by 10% compared to the adopted plan. How much better would the

results be if the same principles were utilized by MTC's transportation professionals? TRANSDEF's scoping comments proposed that an updated Smart Growth Alternative be studied in the EIR. That proposal was rejected:

> Due to its consistency with and reliance on the Big Cities land use pattern, this alternative is expected to perform very similarly to the Big Cities Alternative across the CEQA topic areas. As a result, this proposed alternative does not contribute to a reasonable range of alternatives and was rejected from further analysis. (p. 3.1-16.)

The consistency of the proposal with the Big Cities land use pattern was an intentional gesture to make studying the alternative less burdensome for MTC. Using that as a justification for rejecting the proposal is therefore especially rich in its ingratitude. The finding that "this alternative is expected to perform very similarly to the Big Cities Alternative across the CEQA topic areas" is a purely faith-based conclusion.

As stated in our Scoping Letter: "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." The assertion that "this alternative is expected to perform very similarly to the Big Cities Alternative" can only be seen as a restatement of MTC's belief, as there had been no study done. As such, it does not constitute substantial evidence. 41-22 cont

The assertion is directly contradicted by MTC's findings of VMT reductions in its own FEIR analysis of the 2005 TRANSDEF Smart Growth Alternative, which constitutes substantial evidence of the Alternative's efficacy of better performance. The assertion is also entirely illogical, given the obvious intent of Express Lanes and highway projects to increase Drive Alone travel, and therefore increase VMT and GHG emissions.

By proposing a substantial shift of funding away from highway capacity expansion projects and transit megaprojects, the TRANSDEF Alternative would provide independent verification of MTC's abilities at financial management and planning. As such, it would be tremendously valuable in either confirming the efficacy of MTC's approach, or the need to change that approach.

The EEJ Alternative, while having some similarities to the TRANSDEF Alternative, did not go as far in shifting project funding (Table 3.1-11). Its heavy focus on transit achieved only a 5% increase in boardings, too little to significantly change mode shares and affect regional mobility. (Table 3.1-13.) We suspect that is because much of its funding was diverted into transit megaprojects or suboptimal projects. Because of this failure to perform significantly differently than the proposed Plan, the proposed TRANSDEF Alternative does contribute to a reasonable range of alternatives. (Table 3.1-26 claims a 230% reduction in GHGs compared to the proposed Plan. While this 41-23

would be highly commendable and worthy of discussion if correct, this analysis appears to be a serious error.)

> In addition, the findings concluded that the TRANSDEF Smart Growth Alternative was less feasible than the *Transportation 2030 Plan* because it included funding reallocations that would require voter approval or rejection of prior voter mandates, and because it included pricing strategies that had not been tested legislatively or legally, or in some cases were expressly limited in application by state law. (p. 3.1-16.)

41-23 cont

Interestingly, the assumed densities for the EEJ Alternative were higher than existing land use plans, and a VMT tax was assumed (p. 3.1-8), placing the Alternative's feasibility in question. The fact that this alternative was studied, while TRANSDEF's feasibility was criticized, suggests selective enforcement of feasibility standards.

The majority of RTP funding is coming from sales taxes, which were not drafted to be consistent with the current regional vision. To achieve the significant GHG emissions reductions required to meet the State's climate targets, jurisdictions will need to enlist the support of their residents, in part through approving changes to past funding measures that were designed before climate impacts became a policy concern. The DEIR's implication that past funding measures cannot be interfered with is in fact a tacit admission that MTC has given up on actualizing a regional vision.

The DEIR's assertion that "There are no additional land use strategies available..." should have opened the door to a further exploration of alternatives. Instead, its recitation of the FEIR's characterization of TRANSDEF's call to reshape past funding measures as "less feasible" amounts to an insistence on remaining with familiar and convenient alternatives. Having exhausted its own ideas, the DEIR is uninterested in the innovative ideas of others.

41-24

TRANSDEF reminds MTC that studying a profoundly different set of transportation projects is essential to CEQA's purpose of informing the public and decision-makers of the full range of policy choices available, especially when the lead agency admits to having no strategies left. The alternatives analysis is very much part of the process of testing the legitimacy of an agency's preferred plan.

TRANSDEF's scoping comments proposed the Cost-Effectiveness Sub-Alternative, and identified the projects into which the RTP's expansion funds should be redirected. In addition, we note that the region has not invested in transit specifically designed to compete with the automobile. Because funding shortages have forced a choice, service has mostly been designed to provide coverage for the transit dependent. Even BART, the highest quality transit service available in the region, offers only all-stops locals. New services should be designed to capture the commuter market by providing non-stop service to major urban centers and employment centers.

The Pricing Sub-Alternative is severable from the rest of the proposal, if it is found infeasible. However, MTC submitted TR11, Value Pricing Strategies, as part of its Transportation Control Measures for the 2017 Clean Air Plan, and its Issues/ Impediments section did not find pricing infeasible. As with other innovative ideas that should be included in the RTP, the statement of overriding considerations should indicate that state and federal legislative action may be necessary. 41-24 cont

RTP Guidelines Checklist

The absence of a Checklist makes it especially difficult for the public to navigate through all the documents produced for the RTP. We understand the inclusion of a Checklist to be a requirement:

> MPOs should include the page numbers indicating where the Checklist items are addressed in the region's RTP. This requirement of identifying page numbers will assist the general public, federal, state and local agencies to locate the information contained in the RTP. (2017 RTP Guidelines, p. 42.)

41-25

Conclusion

Not only does the proposed Plan function poorly in the future, in relation to any forward-thinking set of measures, its DEIR actively hides MTC's failure to undertake its SB 375 responsibilities to reduce GHG emissions from cars and light trucks. TRANSDEF calls on MTC to study the TRANSDEF Alternative, fix the impact analyses as described above, implement feasible mitigations, and recirculate the DEIR. We renew our offer to assist MTC in formulating an innovative RTP that makes the Bay Area more livable. 41-26

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Attachment: Environmentalists' VMT Reduction proposal to SCTA

SCTLC

TRANSDEF

May 5, 2017

David Rabbitt, Chair
Sonoma County Transportation Authority
490 Mendocino Blvd. # 206
Santa Rosa, CA 95814

Re: Measure M Extension/Renewal to Encourage Compact Growth

Dear Mr. Rabbitt:

The Sonoma County Transportation and Land Use Coalition, Sonoma County Conservation Action, TRANSDEF and Greenbelt Alliance have worked with local officials for many years to improve funding for public transportation and to encourage compact growth within our cities. We urge SCTA to make its proposal for the extension of Measure M consistent with the Sonoma County Transportation Plan's emphasis on the connections between transportation and land use, because of the adverse traffic and GHG impacts of new development.

A jurisdiction's eligibility for funds from a new sales tax should be conditioned on its adoption of planning that directs future growth into urbanized areas. The transit, car sharing, casual carpooling, biking and walking available in those area are viable alternatives to drive-alone daily travel. Any extension of the Measure M sales tax needs to greatly reduce the growth in traffic due to new development. The ballot measure would contain provisions to accomplish the following:

- Set countywide standards for allowable growth in future Vehicle Miles Travelled (VMT).

41-27

- Provide road maintenance tax money only to jurisdictions that meet the VMT growth standard. This would incentivize a shift in the planning for future growth, moving it away from greenfields and into already urbanized areas, especially Priority Development Areas--walkable communities that enable reduced solo driving.

- Encourage development of Priority Development Areas through a designated funding program.

- Provide enough transit operating funds to enable the operation of a robust transit network linking the County's Priority Development Areas.

- Fund an office to coordinate the Transfer of Development Rights from greenfield areas to Priority Development Areas.

Sonoma County's Priority Development Areas (PDAs), already worked out with MTC/ABAG in Plan Bay Area, represent an important step forward in Growth Management. It is important to invest adequately in the development of the PDAs to help them attract most of Sonoma County's expected new residents in the coming 20 years. Because Transit-Oriented Development represents a change in the thinking of many developers, incentives may be needed to stimulate the creation of more such communities.

Among their benefits, PDAs tend to relieve development pressures on valuable open space. The SCTA should focus on the development and upkeep of the rail and bus transit needed to make PDAs work. Santa Rosa already has a vision for frequent bus service on major arterials.

It is particularly important to encourage the strongest form of PDA, where housing and economic activity for a wide middle-income spectrum of the population are grouped within easy and attractive walking/biking distance of high-frequency bus stops and neighborhood retail. SMART has already departed from reliance on the large parking lots around transit stations that add to pollution.

Planning for future growth around high-quality transit will avoid further burdening existing roadways. The sales tax needs to incorporate a Growth Management Plan that includes explicit disincentives for development that further increases VMT. The county should work to exceed its greenhouse gas reduction goals; major gains could come from programs that speed conversion to battery electric vehicles.

Congestion is the result of too many cars driven by solo drivers. Reliance on intelligent highways and self-driven vehicles would simply encourage more solo driving, making congestion worse, not better. A more effective answer is smartphone-based real-time ride-matching, in which travel time savings in HOV lanes incentivize drivers to share their cars with a passenger.

With the arrival of SMART, Sonoma County should direct funding toward making itself an integral part of a vibrant metropolitan region, where excellent public transit is the preferred way to travel. We understand that expanding roadway capacity to meet demand does not increase mobility in the long-term, because that capacity soon fills up. It worsens the climate impacts of transportation, which is contrary to state policy. We can follow the forward-looking thinking of the Los Angeles City Council in adopting Mobility Plan 2035, to encourage alternatives to driving alone.[1]

41-27 cont

[1] The Plan recognizes that primary emphasis must be placed on maximizing the efficiency of existing and proposed transportation infrastructure through advanced transportation technology, through reduction of vehicle trips, and through focusing growth in proximity to public transit.
https://planning.lacity.org/documents/policy/mobilityplnmemo.pdf

If you have questions or wish to discuss our suggestions further, please contact Steve Birdlebough at 707-576-6632 or sbaffirm@gmail.com. Thank you for your attention to these matters.

Sincerely,

Willard Richards, Chair,
SCTLC

Michael Allen, Chair
SCCA

Teri Shore, North Bay Regional Director
Greenbelt Alliance

David Schonbrunn, President
TRANSDEF

Response 41	David Schonbrunn, Transportation Solutions Defense and Education Fund June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

41-1 The commenter expresses concern regarding the use of limited system expansion funds to support solo drivers, and supports different transportation investments that examine policy-based options, such as disincentives for land use practices that create dwellings and jobs accessible by automobile. The commenter states that the Draft EIR is flawed by reevaluating MTC's strategy as part of Impact 2.1-3.

Regarding the first point, the proposed Plan's transportation investment strategy forecasts a total of $303 billion of investment through 2040. The majority of the investment strategy ($218 billion, or 72 percent of the total) is directed toward operations and maintenance of the existing system. This includes projects that replace transit assets, pave local streets and state highways, and operate the transit system. Additionally, $50 billion (16 percent of the total) is directed toward modernization of the existing system. This includes projects that improve the existing system without significantly increasing the geographical extent of the infrastructure. Only $31 billion (or 10 percent of the total) is directed toward expansion of the system. This includes the expansion of fixed guideway rail service or adding lanes to roadways. Of this $31 billion, only $9.9 billion (or 3 percent of the total) is directed to expansion of the express lanes system or roadway expansion. While only a small percentage of the proposed Plan's overall transportation investment strategy, strategic roadway expansion remains an important priority to help move toward the proposed Plan's performance targets, which include: increasing the share of jobs accessible within 30 minutes by auto or within 45 minutes by transit in congested conditions; reducing per capita delay on the Regional Freight Network by 20 percent; and reducing per capita CO_2 emissions from cars and light-duty truck by 15 percent by 2035 relative to 2005 levels. Furthermore, strategic roadway expansion is not an investment intended solely to support solo drivers, but to increase the mobility of all of the region's highway users, including carpools, freight, and public transportation. Please see the proposed Plan's draft supplemental report, *Investment Strategy Report* for additional information on the proposed Plan's investment strategy.

The commenter also suggests that the Draft EIR did not evaluate alternatives prioritizing a different set of transportation policies and investment strategies relative to the proposed Plan. The record does not support this suggestion. The Draft EIR's alternatives analysis evaluates the potential impacts of a series of coordinated land use and transportation assumptions described in detail in Draft EIR Section 3.1.3, "Alternatives Analyzed to the Proposed Plan." Both the proposed Plan and its alternatives assume land use and transportation strategies to deter single occupant vehicle trips as the commenter suggests. The proposed Plan assumes a number of regional land use strategies, including policies that penalize potential future land use development in areas with historically high vehicle miles traveled (VMT), reduced parking minimums, and a general increase in development potential of priority development areas (PDAs). These policies are discussed in Draft EIR Section 1.2, "Project Description" and Draft EIR Section 3.1, "Alternatives to the Proposed Plan," as well as the *Land Use Modeling Report*, *Travel Modeling Report*, and *Scenario Planning Report* of the proposed Plan's draft supplemental report library. Three of the four alternatives — No Project, Big Cities, and Environment, Equity, and Jobs (EEJ) — include transportation strategies focusing on a reduced level of highway expansion investment relative to the proposed Plan. The Big Cities and EEJ alternatives go beyond this reduction and do not include any major highway widenings or expansions of express lane projects. Instead, the Big Cities and EEJ alternatives include increased levels of transit investment and service relative to the proposed Plan. The EEJ

alternative also assumes a two cent per mile VMT tax on higher income travelers that may result in a deterrence to driving. The Draft EIR presents a reasonable range of alternatives to the proposed Plan, per California Environmental Quality Act (CEQA) Guidelines section 15126.6(f), which states that the range of alternatives in an EIR is governed by a "rule of reason" that requires the EIR to analyze only those alternatives necessary to permit a reasoned choice. See Master Response 6, Range of Alternatives, for a discussion on these issues.

41-2 The commenter expresses concern that MTC/ABAG refused to influence local land use. This concern is unfounded. The focused growth strategy of the proposed Plan is a departure from and contrary to business-as-usual or sprawl-inducing development. The strategy takes a hands-on approach and modifies existing or identifies new land use strategies to influence the region's forecasted development and increase the development potential of the region's framework of PDAs. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

In addition, MTC implements several programs and policies to incentivize local jurisdictions to influence mode choice by locating new development near transit. For example, MTC's One Bay Area Grant program — or OBAG — is a funding approach that aligns the Commission's investments with support for focused growth to influence local land use. Established in 2012, OBAG taps federal funds to maintain MTC's commitments to regional transportation priorities while also advancing the Bay Area's land-use and housing goals.

In addition, MTC's Transit-Oriented Development Policy (Resolution 3434) requires that station areas along rail extensions be planned for transit-oriented development and meet a minimum corridor housing threshold. MTC's approval of discretionary funding for the extension of new rail service is contingent upon adherence with this policy by local jurisdictions where new rail stations are proposed. In recent years, MTC has evolved the Station Area Planning program to become the Priority Development Area (PDA) Planning Grant and Technical Assistance program resulting in the development of 51 neighborhood plans and requisite zoning to accommodate more than 70,000 housing units and 110,000 jobs in transit-served, infill neighborhoods. The plans encompass Affordable Housing policies to provide for new homes for very low, low and moderate-income households including long-standing neighborhood residents. The Neighborhood/Specific Plans are typically accompanied by their own Programmatic EIR providing for more certainty and a more time efficient approval process for development projects that are Plan consistent.

The commenter also expresses concern about investment in highway expansion projects and transit "mega-projects" and failure to curtail sprawl. As discussed in response to comment 41-1, the proposed Plan's transportation investment strategy directs only 3 percent of the forecasted funds toward the expansion of the express lanes system or roadway expansion. The proposed Plan directs $42 billion towards transit modernization and expansion projects, all of which would increase service, make existing service more reliable, and purchase a substantial number of new vehicles that would be able to accommodate increases in ridership. While transit ridership usage may not be keeping pace with population growth, the regional rail systems like BART and Caltrain are serving record numbers of riders (MTC's Vital Signs performance monitoring portal, http://vitalsigns.mtc.ca.gov). Across the region's numerous transit systems, bus ridership has shown the largest decline in ridership. These data reflect the strong relationship between transportation system effectiveness and larger demographic and economic trends. Please see Master Response 6, Range of Alternatives, for a discussion of this issue.

The proposed Plan and alternatives increases in VMT and greenhouse gas (GHG) emissions are largely correlated to the region's growing economic activity, which is substantiated in Draft EIR Table 3.1-13. While daily VMT is forecasted to increase over the baseline across all alternatives, daily VMT per capita is expected to decline over the baseline across all

alternatives. Neither the proposed Plan nor its alternatives are growth inducing, rather they are regional strategies to accommodate the region's projected growth. Therefore, it is appropriate to compare the proposed Plan's performance to these 'build' alternatives. In terms of daily VMT, the proposed Plan would result in a two percent reduction in daily VMT relative to the No-Project alternative, and a 71 percent reduction in total daily vehicle hours of delay relative to the No Project alternative.

Draft EIR Section 1.2, "Project Description" identifies mode share as one of the proposed Plan's performance targets. The target is to increase non-auto mode share by 10 percent. The proposed Plan's coordinated land use and transportation strategies result in a three-percentage point increase (compared with a 2005 baseline). The proposed Plan moves in the right direction on this target, but fails to achieve it. However, it should also be noted that the proposed Plan performs better on this measure than the No Project alternative, which achieves a two-percentage point increase. Additionally, the Big Cities and EEJ alternatives, both of which increase transit investments and services and exclude highway expansion investments achieve only a four-percentage point increase in the non-auto mode share measure.

41-3 The commenter states that the analysis of Draft EIR Impact 2.5-3 fails to comply with the legislative intent of Senate Bill (SB) 375 because it does not maintain a distinction between emissions reductions from changes to the transportation and land use pattern contemplated in the proposed Plan and other state-level emissions reduction measures. In fact, the analysis of the proposed Plan's ability to achieve the targets mandated under SB 375 is included in Draft EIR Impact 2.5-1, which isolates the proposed Plan's contribution to per capita GHG emissions reductions, and does not include reductions attributable to state-level emissions reductions measures to determine that the proposed Plan will meet the targets of a 7 percent reduction in emissions from 2005 levels by 2020 and a 15 percent reduction in emissions from 2005 levels by 2035 (see Draft EIR pages 2.5-36 – 2.5-37). Impact 2.5-3 cited by the commenter addresses a different issue; the proposed Plan's potential to conflict with statewide goals established under SB 32 to reduce GHG emissions to 40 percent below 1990 levels by 2030. This goal is directed to the California Air Resources Board (ARB) and is separate and distinct from the mandate of SB 375. Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of this issue.

41-4 The commenter states that the analysis of Draft EIR Impact 2.5-2 is irrelevant because it includes implementation of state-level emissions reduction measures in its assessment of whether implementation of the Plan will result in a net increase in direct and indirect GHG emissions in 2040 compared to existing conditions.

Unlike the SB 375 mandated target analyzed in Draft EIR Impact 2.5-1, the analysis under Impact 2.5-2 considers total emissions (not just per capita emissions, as was required for Impact 2.5-1 under SB 375) from all sectors (not just cars and light-duty trucks, as was required for Impact 2.5-1 under SB 375). The analysis discloses what the emissions would be without consideration of statewide measures required by the California Light-Duty Vehicle Greenhouse Gas Standards adopted under AB 1493 (Pavley) (Draft EIR page 2.5-40, Table 2.5-10), and also discloses what the emissions would be with implementation of Pavley (Draft EIR, page 2.5-41, Table 2.5-10). The significance determination is based on the total emissions from the land use sector and transportation sector with reductions attributable to Pavley because the impact criterion considers whether there will be a net increase in overall direct and indirect emissions. This criterion was not mandated by SB 375, but was included by MTC to disclose additional information about potential impacts of the proposed Plan. Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to an impact. If supported by substantial evidence, that threshold is adequate, regardless of whether a petitioner proposes an alternative threshold. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-

336 [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold]; (*California Oak Foundation v. Regents of University of Cal.* (2010) 188 Cal.App.4th 227, 282 [rejecting argument that a lead agency used the incorrect significance threshold]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding the County's biological significance threshold as supported by substantial evidence].) Here, MTC operated within its discretion when it determined the GHG significance thresholds to be identified in the EIR. (See also *N. Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. of Dirs.* (2013) 216 Cal.App.4th 614 [upholding a GHG threshold based upon whether the project would interfere with the lead agency's goal of reducing GHG emissions to 15 percent below 1990 levels by 2020].)

Further, the commenter suggests that GHG emissions reductions by any means other than land use and transportation strategies is invalid. This approach disregards a key tenet of CEQA: evaluation of the reasonably foreseeable impacts of a project (in this case, the proposed Plan). GHG emissions reductions are and will be achieved by a number of means, including implementation of the Plan and the host of measures that are and will be implemented in response to directives in the state Scoping Plan and in other regulations. Similar to the assumption discussed above to include reductions that would result from implementation of AB 1493, changes in the level of GHG emissions as a result of regulations are reasonably foreseeable. For instance, implementation of SB 350 (requiring 50 percent of electricity from renewable resources), Cap-and-Trade, vehicle mileage standards, and other actions will all play a significant role in GHG emissions reductions and need to be recognized. Please see also Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of this issue.

41-5 The commenter states that a separate SB 375 impact analysis of total regional GHG emissions, in addition to Draft EIR Impact 2.5-2, is needed to evaluate the efficacy of the proposed Plan in reducing emissions from cars and light duty trucks. The 10 percent increase referenced in the comment is the net change in emissions from all vehicle sources (cars, all trucks, buses, and other vehicles) without assuming additional reductions associated with implementation of AB 1493 (Pavley) (see also response to comment 41-5). The commenter goes on to state that the Draft EIR must analyze whether implementation of the proposed Plan could result in a net increase in direct and indirect emissions from cars and light duty trucks in 2040 compared to existing conditions. This is not accurate. First, the 10 percent increase is a reflection of emissions from all vehicle sources (as indicated above), which is broader than the emissions from cars and light-duty trucks that must be analyzed under SB 375. Further, SB 375 requires consideration of *per capita* (not net) emissions from cars and light duty trucks. This analysis is presented under Impact 2.5-1 (Draft EIR, pages 2.5-36 – 2.5-37). Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of this issue. Please see also response to comment 41-9 regarding the Climate Initiatives Program.

41-6 The commenter states that the analysis of Draft EIR Impact 2.5-3 is premised on an inappropriate method and that MTC/ABAG can and should require compliance with the Countywide Transportation Plan (CTP) Guidelines as a mandatory condition for submittal of projects into the regional transportation plan (RTP). Regarding the first point on methodology, the commenter suggests that all GHG emissions reductions that would be needed to achieve SB 32 goals should be derived through implementation of the proposed Plan and other sustainable communities strategies (SCSs) prepared by metropolitan planning organizations (MPOs) throughout the state. This is an inaccurate representation of the role of an SCS in GHG emissions reductions and the legislative requirements of SB 375. Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of this issue.

As explained in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" if adopted by local jurisdictions, Mitigation Measure 2.5-3 would reduce Impact 2.5-3 to a less-than-

significant level (see fourth paragraph, Draft EIR, page 2.5-44). Mitigation Measure 2.5-3 requires counties and cities in the Bay Area to adopt qualified GHG reduction plans (e.g., Climate Action Plans [CAPs]), the measures of which would be required to meet the goals needed to attain the 2030 GHG reduction target. If adopted by local jurisdictions, Mitigation Measure 2.5-3 would reduce Impact 2.5-3 to a less-than-significant level (see fourth paragraph, Draft EIR, page 2.5-44). The impact would be significant and unavoidable for the reasons provided in the fifth and sixth paragraphs on Draft EIR page 2.5-44 (reproduced as follows):

> However, there is no assurance that this level of mitigation would be accomplished throughout the Bay Area. Additional regulatory action that results in substantial GHG reductions throughout all sectors of the State economy and based on State-adopted regulations would likely be needed to attain such goals, and they are beyond the feasible reach of MTC/ABAG and local jurisdictions. The 2017 Scoping Plan Update being prepared by ARB is the first step toward regulatory action that could help attain 2030 goals.
>
> Moreover, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Even with full implementation of the mitigation measure, forecasted emissions would not be reduced to target levels under SB 32. Therefore, this impact would be **significant and unavoidable (SU)**.

The commenter states that Draft EIR Mitigation Measure 2.5-3 seeks reductions outside of the scope of SB 375, such as zero net energy (ZNE) requirements for new construction, retrofits of existing buildings, and incentivizing development of renewable energy sources. The commenter incorrectly identifies Impact 2.5-3 as a requirement under SB 375. Mitigation Measure 2.5-3 would reduce impacts associated with conflicts with the goal of SB 32: to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. Consistency with SB 375 requirements are discussed under Draft EIR Impact 2.5-1. For responses to comments related to the Plan's impedance of attaining the longer-term target, please see response to comment 41-5. For responses to comments related to recommended new mitigation measures, see responses to comments 41-11 through 41-2. No changes to the analysis or mitigation measures are warranted and no changes to the Draft EIR are required.

Regarding the second point, the commenter recommends that MTC/ABAG require compliance with its CTP Guidelines as a mandatory condition for submitting projects into the RTP as a mitigation to reduce the severity of Impact 2.5-3. CTPs may be prepared on a voluntary basis, per California Government Code (CGC) Section 66531. Although a lawmaker could sponsor a bill to require counties to comply with CTP Guidelines, this cannot be assured through a mitigation measure.

The MTC Commission adopted the *Guidelines for Countywide Transportation Plans* ("Guidelines") September 2014 after the adoption of *Plan Bay Area*. The Guidelines identify that the State legislature authorized Bay Area counties to develop CTPs on a voluntary basis. In addition, the law directs MTC to prepare guidelines for counties to follow should they choose to prepare a CTP. The adopted Guidelines provide a common planning framework to ensure the prepared CTPs will be a primary basis for developing the RTP. When developing its RTP, MTC works with congestion management agencies (CMAs) to identify potential transportation investments for inclusion in the fiscally constrained RTP. Although not required, CMAs identify potential investments from their CTPs, thus forming the primary basis of the transportation investments in the RTP. Capacity (roadway and transit) increasing projects with high price tags are assessed for their merits and cost effectiveness, including an analysis of GHG emissions. The evaluation informs MTC Commissioners of which projects aid the region in achieving its mandated and adopted goals. Projects that receive low marks in their evaluation are

recommended to undergo a "compelling case" process where project sponsors either drop the project from consideration or demonstrate methodological shortcomings or other considerations for its inclusion in the RTP. As a result of the compelling case process, billions of dollars of low-performing projects were removed from the proposed Plan and cost effectiveness was increased. In this way MTC ensures projects from CTPs are consistent with the region's mandated and adopted goals and performance targets. This process is further discussed in the *Performance Assessment Report* and *Investment Strategy Report* of the proposed Plan's draft supplemental report library. In addition, it is infeasible for MTC to simply include all projects identified in CTPs due to limited financial resources and the high cost of many projects. The RTP is a fiscally constrained document, meaning it must demonstrate adequate funding for all included projects. See the proposed Plan's *Financial Assumptions Report* and *Investment Strategy Report* draft supplemental reports for additional information.

41-7 The commenter expresses an opinion about the conclusion for Draft EIR Impact 2.5-4, based on comment 41-6. See response to comment 41-6. No changes to the analysis or conclusion regarding Impact 2.5-4 are warranted, and no changes to the EIR are required.

41-8 The commenter offers the opinion that the significance criterion for Draft EIR Impact 2.1-4 is unsupported and the VMT threshold should be changed to zero percent. According to the CEQA Guidelines, the lead agency, in this case MTC/ABAG, is the public agency that has the principal responsibility for determining the EIR significance criterion. See response to comment 41-4. As noted on Draft EIR page 2.1-19, the 5 percent threshold is supported by the practice of allowing a minimal percentage of traffic growth on congested facilities in other local jurisdictions. A zero threshold could have unintended consequences of discouraging land use changes in areas with high traffic congestion where the potential for use of alternative modes would be the highest. Further, as explained in response to comment 39-2, guidelines intended to implement SB 743 remain in draft form. However, as further explained in response 39-2, as it relates to these draft guidelines, prepared by the Governor's Office of Planning and Research:

> Insofar as establishing a VMT "target," page 25 of the draft guidance regarding the RTP/SCS states: "An RTP/SCS achieving per capita VMT reductions sufficient to achieve SB 375 target GHG emissions reduction may constitute a less than significant transportation impact." This applies to the RTP/SCS as a whole, with subsequent projects generally subject to the screening process and the 15 percent below per capita VMT threshold. As described on page 2.5-37 of the Draft EIR, the proposed plan would meet SB 375 targets attributable to vehicular emissions.

This conclusion further substantiates the validity of the threshold of significance related to VMT used in the Draft EIR.

41-9 The commenter expresses concern that 35 percent of the per capita GHG reductions between 2005 and 2020 are the result of implementing the Climate Initiatives, while the reductions between 2005 and 2035 will be increased to 61 percent of the per capita reduction. The commenter also expresses concern with the legitimacy of the projected emissions reductions of the Climate Initiatives, particularly since they are necessary for the proposed Plan to achieve the region's GHG reduction targets under SB 375. MTC acknowledges that the Climate Initiatives are an important, cost-effective, component of the proposed Plan's strategy to achieve the regional GHG targets.

The commenter states that concern with the effectiveness of the Climate Initiatives stems from the commenter's belief that MTC has not funded the Climate Initiatives specified in *Plan Bay Area*. The commenter's belief is incorrect. Since 2013, MTC has invested in a number of innovative Climate Initiatives to reduce per capita GHG emissions and contribute to achieving state-mandated reduction targets. The commenter also cites to a statement in the California

Air Resources Board's (ARB) 2014 *Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the ABAG and MTC SB 375 Sustainable Communities Strategy* that data from implementation of the climate initiatives included in *Plan Bay Area* would provide information for future analyses. The commenter goes on to state that without an indication that MTC provided this data, the off-model adjustments for the Climate Initiatives Program in the proposed Plan lacks substantial evidence. The comment is incorrect. As explained in Master Response 8, this is substantial evidence supporting the assumptions included in the EIR with respect to reductions attributable to the Climate Initiative Policies. Please see Master Response 8, Climate Initiatives Program, for a discussion of this issue.

The commenter also cites to Table 2.5-7 in the Draft EIR to support a conclusion that the only GHG emissions reductions in the proposed Plan come from the Climate Initiatives. To the contrary, while Table 2.5-7 shows that overall emissions would increase between 2005 and 2040, emissions per capita (the relevant measure of emissions impacts under SB 375) would be reduced from 18.2 pounds of CO_2 in 2005 to 15.2 pounds CO_2 in 2040. The increase in overall emissions noted by the commenter is a function of population increase, rather than "auto-dependent sprawl growth." In fact, the proposed Plan is aimed at decreasing sprawl by relying on a compact development footprint focusing growth in existing communities along the existing transportation network. This strategy is intended to achieve key regional goals, including reductions in GHG emissions.

Finally, the commenter states that the Project Description and Draft EIR Table 2.5-6 should reference Appendix A of the *Travel Modeling Report* as the location where the off-model calculations for Climate Initiatives are explained. The text of Draft EIR Table 2.5-6 page 2.5-36 is revised to read as follows (new text is underlined):

Table 2.5-6 Plan Bay Area 2040 Climate Policy Initiatives and Reductions

Strategy	2020		2035		2040	
	Daily Reductions (tons CO_2)	Annual Reductions (tons CO_2)[1]	Daily Reductions (tons CO_2)	Annual Reductions (tons CO_2)[1]	Daily Reductions (tons CO_2)	Annual Reductions (tons CO_2)[1]
Commuter Benefits Ordinance	-300	-90,000	-330	-99,000	-340	-102,000
Trip Caps	-120	-36,000	-690	-207,000	-860	-258,000
Regional Electric Vehicle Charger Network	-250	-75,000	-1,190	-357,000	-1,290	-387,000
Feebate Program	0	0	-680	-204,000	-450	-135,000
Vehicle Buyback Program	0	0	-360	-108,000	-230	-69,000
Targeted Transportation Alternatives	-950	-285,000	-1,600	-480,000	-1,580	-474,000
Car Sharing	-1,710	-513,000	-1,930	-579,000	-1,900	-570,000
Smart Driving	0	0	-680	-204,000	-670	-201,000
Vanpool Incentives	-60	-18,000	-170	-51,000	-170	-51,000
Employer Shuttles	-160	-48,000	-160	-48,000	-160	-48,000
Bike Infrastructure	-20	-6,000	-50	-15,000	-50	-15,000
Bike Share	-20	-6,000	-20	-6,000	-20	-6,000
Total	**-3,600**	**-1,080,000**	**-7,860**	**-2,358,000**	**-7,720**	**-2,316,000**

Table 2.5-6 Plan Bay Area 2040 Climate Policy Initiatives and Reductions

Note: Figures may not sum because of independent rounding. Estimates calculated using EMFAC2014, adjusted to EMFAC2007 equivalents based on ARB guidance.

Climate Initiatives reductions calculations are located in Appendix A, Off-Model Emission Reduction Estimates, of the proposed Plan's draft supplemental report library, *Travel Modeling Report*

[1] Emissions are annualized by multiplying by 300 to take account for the fact that there is less traffic on weekends. A ratio of 1.00:1.02 was applied to all EMFAC2014 generated CO_2 estimates for conversion to CO2E.

Source: MTC 2017

41-10 The commenter provides specific comments on several individual climate initiatives. Please see Master Response 8, Climate Initiatives Program, for a discussion of the initiatives.

41-11 The commenter expresses the opinion that the primary problem with the proposed Plan is its excessive VMT growth and suggests the Commission require compliance with the CTP Guidelines. Please see response to comment 41-6 for additional information regarding the CTP Guidelines. As noted in previous responses, the proposed Plan and its alternatives are not growth-inducing plans, rather they provide strategies to accommodate the region's forecasted growth in a manner that, among other things, reduces potential GHG emissions. The growth in VMT is directly correlated to the growth projected in the regional forecast. As a result, the Draft EIR discloses total and per capita measures related to daily VMT growth. Table 3.1-13 discloses that the proposed Plan and all alternatives reduce per capita daily VMT growth from baseline conditions (year 2015). The alternatives' ability to reduce per capita daily VMT growth vary by +/- 2 percent relative to the proposed Plan.

SB 375 emission reduction targets are established for the region, and not for any one county. The Draft EIR analyzes the impacts of travel patterns in the aggregate and discloses the impacts in Section 2.2, "Air Quality," and Section 2.5, "Climate Change and Greenhouse Gases." MTC does not conduct an independent review or evaluation of CTPs compliance with the CTP Guidelines. However, see response to comment 41-6 for additional information regarding how projects from CTPs are considered for inclusion in the RTP.

The commenter cites the legislative findings of SB 375, stating that "it will be necessary to achieve significant additional [GHG] reductions from changed land use patterns and improved transportation" to achieve the State's emission reduction goals. The commenter interprets this statement to mean that SB 375 instructs MPOs that they are not to take CTPs as the primary basis for the RTP, and that by enacting SB 375, the legislature impliedly repealed Government Code section 66530, subdivision (f), which requires that CTPs be the primary basis for the RTP. The commenter incorrectly assumes that implementation of the intent language in SB 375, and Government Code section 66530, subdivision (f) are irreconcilable.

The commenter ignores language in Government Code section 65080, subdivision (a), as amended by SB 375, which states that the RTP "shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies." Thus, while some changes from CTPs may be contemplated, SB 375 does not mandate ignoring those plans altogether as the commenter suggests.

41-12 The commenter offers suggestions for mitigation and requests that MTC "[m]ake compliance with MTC's *Countywide Transportation Plan Guidelines* mandatory for submission of a county's project list into the RTP." See responses to comments 41-6 and 41-11 for additional information regarding how projects from CTPs are considered for inclusion in the RTP. The CTP Guidelines are regularly updated to reflect regional planning initiatives and priorities.

41-13 The commenter requests that MTC condition transportation funding provided to local implementing agencies, such as OBAG funds, on the incorporation of various transportation demand management (TDM) strategies, as enumerated in Draft EIR Mitigation Measure 2.1-3-3(b). MTC's PDA Planning Program, funded under OBAG, provides grants to cities and counties to help them develop local land use plans and policies for areas surrounding future rail stations and ferry terminals. These plans are required to address a series of elements that improve multimodal connectivity and accessibility, which may include strategies like parking management programs and the provision of incentives to use alternative modes. Additionally, OBAG directs funds (70% urban counties/ 50% North Bay counties) to PDAs to further support efforts for focused growth. OBAG has also funded elements including a Naturally-Occurring Affordable Housing (NOAH) pilot revolving loan fund, and a pilot program to incentivize the production of affordable housing – 80K by 2020 Challenge Grant. Please see Master Response 7, MTC/ABAG Role and Authority.

41-14 The commenter requests that MTC create more restrictive standards for a jurisdiction's eligibility for OBAG funds. Please see response to comment 41-13.

41-15 The commenter requests that the mitigation measures for Draft EIR Impact 2.1-3 include measures that gradually shift travel behavior away from solo driving, such as increased transit service and pricing strategies. Mitigation Measures 2.1-3-2(a) and (b) accomplish this. Both measures describe a set of corridor planning, implementation and TDM strategies that can be implemented with a focus on severely congested corridors and facilities. The proposed Plan includes $50 billion of investment to modernize the system, including investments to support additional or more reliable transit service. The proposed Plan also includes two congestion pricing projects in San Francisco and investments in the Regional Express Lanes Network which can leverage revenues generated from pricing to improve system efficiency while providing alternatives to driving. Additional mitigation is not necessary.

41-16 The commenter express concern related to the committed projects and funds policy used by MTC for the proposed Plan. This issue is not related to the Draft EIR or the analysis of environmental impacts. The MTC Commission contemplates and adopts by resolution a committed policy prior to the development of each RTP/SCS. The committed policy affirms the Commission's commitment to projects proposed for inclusion in the proposed Plan that are fully funded, and are too far along in the project development process to consider withdrawing support. The committed projects policy exempts from further evaluation projects that have a certified EIR and are fully funded, or are proposed to be 100 percent locally funded. In general, these are not "unbuilt projects" as the commenter implies but projects that are under construction or about to begin construction. All other major capacity-increasing projects are subject to a project performance assessment which includes a detailed evaluation of their GHG emission impacts. Draft EIR Table 3.1-11, as revised in Section 3.0, "Revisions to the Draft EIR" of this Final EIR, identifies the major committed projects (i.e., exempt from a project performance assessment) assumed across the alternatives, the text below lists those projects and their implementation status:

- BART to Silicon Valley – Phase 1 | under construction
- eBART – Phase 1 | under construction
- Richmond-San Francisco Ferry | waterside construction is anticipated to begin in 2017 and landside construction is anticipated to begin in early 2018.
- SMART – Initial Operating Segment | under construction
- East Bay BRT | under construction

- Central Subway | under construction
- Van Ness BRT | under construction
- SR-4 Bypass | under construction
- SR-4 Widening | under construction
- I-680 Express Lanes | under construction

41-17 The commenter suggests funding be shifted away from projects such as highway expansion and Regional Express Lanes projects, expressing the opinion that they increase VMT. As described in Master Response 6, Range of Alternatives, increasing the cost of driving, particularly to single occupant vehicles, is noted as a strategy to lessen their share of regional travel. This strategy is fundamental to the SCS. The proposed Plan includes a number of specific pricing projects (e.g. express lanes, San Francisco cordon pricing) to increase costs to drivers while leveraging revenues to invest into transportation system investments. See also responses to comments 41-1 and 41-2.

41-18 The commenter expresses concern about the cost-effectiveness of transit "mega projects" included in the proposed Plan. One of the primary methods for prioritizing long-term regional investments considered for inclusion in the proposed Plan is to evaluate the largest, capacity-increasing projects (mega projects) that transportation sponsors submitted during the proposed Plan's Call for Projects in 2015. MTC assessed projects individually to determine their support of the proposed Plan's performance targets and to determine their cost-effectiveness. All major uncommitted capacity increasing projects were subject to a benefit-cost and performance targets assessment to determine their cost-effectiveness and their ability to meet the region's adopted goals and performance targets. While cost-effectiveness was not the sole driver of project selection, projects cited in the commenter's letter (BART to San Jose and Caltrain Modernization) performed relatively well on that assessment. Detailed data on VMT reduction benefits of these projects was publicly released through the proposed Plan's draft supplemental report library, *Draft Plan Performance Assessment Report* and through the online performance dashboard for proposed Plan (http://data.mtc.ca.gov/performance).

41-19 The commenter expresses concern about several major projects in the proposed Plan. It is not possible to reprogram the funds from these projects to other projects. Many of the funds are already committed to the projects listed in the table cited and are not regional discretionary dollars. Please also see responses to comments 41-16, 41-17, and 41-18 above.

41-20 The commenter suggests changes to projects and reallocation of project funding. The impacts of reallocating future funding from many of the projects cited in the commenter's list towards additional transit operations was evaluated as part of Draft EIR Section 3.1, "Alternatives to the Proposed Plan" in the analysis of the Big Cities and EEJ alternatives. Additional information on the VMT and GHG forecasts for each of these projects can be found in the proposed Plan's draft supplemental report library, *Plan Performance Assessment Report*, as well as the online performance portal (http://data.mtc.ca.gov/performance).

41-21 The commenter suggests legislative proposals as potential mitigation for impacts related to increased VMT and GHG emissions. The identified statewide legislative proposals do not constitute CEQA mitigation for the proposed Plan pursuant to the definitions of the CEQA Guidelines (CEQA Guidelines Section 15370). Developing and advocating for a statewide legislative platform falls outside the scope of this Draft EIR and relying upon passage is speculative. However, these ideas will be considered by the decision-makers during deliberations on the proposed Plan. The commenter is encouraged to share these ideas with appropriate state agencies.

41-22 The Draft EIR provides several explanations as to why the commenter's suggested alternative was not analyzed in further detail, including feasibility. As stated on Draft EIR page 3.1-17:

> **Feasibility**
> TRANSDEF previously proposed a version of the modified Big Cities Alternative (then called the TRANSDEF Smart Growth Alternative) that was analyzed in the 2005 EIR for MTC's *Transportation 2030 Plan*. In its Findings adopting the *Transportation 2030 Plan* and certifying the 2005 EIR, MTC rejected the TRANSDEF Smart Growth Alternative based on its inability to meet the goals and objectives of the plan because it did not provide the full transportation benefits of the plan, as well as its failure to reduce environmental impacts in the areas of transportation, geology, and land use. In addition, the findings concluded that the TRANSDEF Smart Growth Alternative was less feasible than the *Transportation 2030 Plan* because it included funding reallocations that would require voter approval or rejection of prior voter mandates, and because it included pricing strategies that had not been tested legislatively or legally, or in some cases were expressly limited in application by state law. These considerations still apply to the TRANSDEF Modified Big Cities Alternative proposed during the NOP comment period for the proposed Plan, and it was therefore not identified for further study in the EIR.

Further, CEQA requires that EIRs evaluate a "range of reasonable alternatives…to the proposed project…that could feasibly attain most of the basic objectives of the project and could avoid or substantially lessen one or more significant effects." (CEQA Guidelines Section 15126.6(c))

> The Draft EIR evaluates the No Project Alternative and three distinctively different alternatives to the Plan. The alternative proposed by the commenter is similar to one of the alternatives (Big Cities). The primary argument by the commenter, that this alternative would reduce GHG emissions associated with VMT, ignores the conclusion that the project meets the GHG emissions targets provided by the ARB, and the Plan therefore achieves this primary objective. The fact that *greater* VMT reduction may be achieved with this alternative is worthy, but Mitigation Measure 2.5-3 also provides for substantial GHG emissions reductions. Please see, also, Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of the relationship between the Plan and SB 32 GHG emissions reduction goals. Most importantly, MTC previously determined that the funding component of this alternative would not be feasible, as expressed in the excerpt from the Draft EIR, copied above. For these reasons, this alternative was not and need not be further evaluated.

Please also see Master Response 6, Range of Alternatives, for a discussion of this issue.

41-23 The commenter addresses the EEJ Alternative, and states that the TRANSDEF Alternative contributes to a reasonable range of alternatives. The commenter notes that data in Draft EIR Table 3.1-26 regarding the EEJ Alternative appears to be in error.

Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the full text change to Draft EIR Table 3.1-26. In response to this comment, the text in Draft EIR Table 3.1-26 on page 3.1-50 is revised as follows (new text is <u>underlined</u> and deleted text is shown in strikeout):

> ## CLIMATE CHANGE
>
> Climate Change is addressed in Section 2.2, which includes an analysis of criteria air pollutant emissions and toxic air contaminants (TACs). The relative magnitude of differences in the climate change impacts between alternatives is generally related to modeling outputs that examine CO_2e emissions related to natural gas and electricity

use. Table 3.1-26 provides net mobile and land use source GHG emissions anticipated for each alternative. The comparison of non-quantified impacts are discussed qualitatively, below.

Table 3.1-26 Net Mobile- and Land Use-Source GHG Emissions Anticipated by Alternative ($MTCO_2e$/year)

Source	Proposed Plan	No Project	Main Streets	Big Cities	EEJ
Mobile	-8,113,000	-5,069,000	-8,487,000	-7,832,000	-8,414,000 ~~-23,427,000~~
Land Use	1,464,400	1,966,100	1,272,100	1,265,400	1,478,900 ~~1,478,900~~
Total	-6,648,600	-3,102,900	-7,214,900	-6,566,600	-6,935,100 ~~-21,948,100~~
Difference in Net Emissions from Proposed Plan	0	3,545,700	-566,400	81,900	-286,500 ~~-15,299,500~~
% Difference from Proposed Plan	0%	53%	-9%	1%	-4% ~~230%~~

Source: MTC 2017

This text revision corrects an error in the reporting included in the table only and does not change the conclusions of the alternatives analysis. Please see response to comment 41-24 regarding consideration of the commenter's suggested alternative in the EIR.

Regarding the "selective enforcement of feasibility standards" expressed by the commenter with respect to selection of alternatives, MTC/ABAG strongly disagrees. Draft EIR page 3.1-16 and 3.1-17 fully explains the rationale for rejecting consideration of the "TRANSDEF" alternative. Whereas the addition of one tax—the VMT tax—may not have been sufficient to eliminate the EEJ alternative from consideration due to potential feasibility, the combination of reallocating committed funding that would require voter approval or rejection of prior voter mandates, the unknown legality of certain pricing strategies, and the fact that these strategies were previously considered and rejected by MTC/ABAG was sufficient reason to not consider this alternative due to infeasibility. Additionally, please see Master Response 6, Range of Alternatives.

41-24 The commenter states that to achieve the emission reductions required to meet the State's climate targets, jurisdictions would need to enlist the support of their residents, in part through reconsideration of past sales tax measures. Reliance on a measure such as this falls outside of the definition of mitigation provided in Section 15370 of the CEQA Guidelines and also is highly speculative. The commenter is referred to Draft EIR Mitigation Measure 2.5-3. Also relevant is the fact that the State, through its Scoping Plan and other efforts, will provide regulatory controls that reduce GHG emissions. These are important factors in the statewide effort to meet SB 32 GHG emissions targets; see Draft EIR page 2.5-44, Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis.

The commenter states that the Draft EIR should have analyzed alternate land use strategies and different sets of transportation projects. Section 3.1.3, "Alternatives Analyzed in the EIR," provides a description of four alternatives to the proposed project, all of which contain land use and transportation investment strategies that differ from the proposed Plan. A robust comparison of these alternatives contains narrative discussion and tables that describe differences related to various issues, including acreages of land use growth footprint by alternative (Draft EIR Table 3.1-7), relative funding of transportation projects under each

Alternative (Draft EIR Table 3.1-8), and a breakdown of major transportation projects (Draft EIR Table 3.1-11). Additionally, please see Master Response 6, Range of Alternatives, for a discussion of this issue.

The commenter reiterates TRANSDEF's recommended alternative, referring to it as a Cost-Effectiveness Sub-Alternative. The alternative recommended by TRANSDEF is addressed as the Modified Big Cities Alternative (TRANSDEF), on Draft EIR pages 3.1-16 through 3.1-7. This alternative was determined to be infeasible for the following reasons (last paragraph, Draft EIR page 3.1-16 continuing to page 3.1-17):

> TRANSDEF previously proposed a version of the modified Big Cities Alternative (then called the TRANSDEF Smart Growth Alternative) that was analyzed in the 2005 EIR for MTC's *Transportation 2030 Plan*. In its Findings adopting the *Transportation 2030 Plan* and certifying the 2005 EIR, MTC rejected the TRANSDEF Smart Growth Alternative based on its inability to meet the goals and objectives of the plan because it did not provide the full transportation benefits of the plan, as well as its failure to reduce environmental impacts in the areas of transportation, geology, and land use. In addition, the findings concluded that the TRANSDEF Smart Growth Alternative was less feasible than the *Transportation 2030 Plan* because it included funding reallocations that would require voter approval or rejection of prior voter mandates, and because it included pricing strategies that had not been tested legislatively or legally, or in some cases were expressly limited in application by state law. These considerations still apply to the TRANSDEF Modified Big Cities Alternative proposed during the NOP comment period for the proposed Plan, and it was therefore not identified for further study in the EIR.

41-25 The commenter requests the inclusion of the Caltrans' RTP Checklist. The 2010 *California Regional Transportation Plan Guidelines* are prepared by the California Transportation Commission to establish a minimum standard for RTP development. The Checklist is discussed in Section 2.9 of the 2010 Guidelines and a copy of the Checklist is provided as Appendix C. Section 2.9 of the 2010 Guidelines states that the, "checklist should be completed by the MPO/RTPA and submitted to the CTC and Caltrans along with the draft and final RTP." An initial Checklist was submitted to Caltrans for the proposed Plan. Once adopted, the initial Checklist will be updated to reflect changes made to the proposed Plan and will be re-submitted to Caltrans along with a copy of the adopted Plan. The RTP checklist will be available online at 2040.planbayarea.org.

41-26 The commenter summarizes opinions on the proposed Plan and the Draft EIR, and requests modification of and recirculation of the Draft EIR. MTC/ABAG do not agree with the commenter's stated conclusion. Please see responses to comments 41-2 through 41-25. Please also see the discussion in Section 3, "Revisions to the Draft EIR" of this Final EIR, related to recirculation. The proposed Plan is a strategy or blueprint for how the region can accommodate forecasted growth in a more sustainable manner. Draft EIR Sections 2.1 through 2.14 disclose the potential impacts of the proposed Plan relative to baseline conditions (2015), and Draft EIR Section 3.1, "Alternatives to the Proposed Plan" compares and discloses impacts relative to the proposed Plan using the same growth assumptions. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. Draft EIR Section 3.1, "Alternatives to the Proposed Plan" discloses that the proposed Plan and alternatives will have similar impacts due to their primary objective to accommodate the forecasted household and job growth. In addition, Draft EIR Table 2.5-7 demonstrates that MTC fully meets the requirements of SB 375 to reduce per capita GHG emissions from cars and light trucks.

41-27 The commenter has attached a copy of a May 5, 2017, comment letter submitted to the Sonoma County Transportation Authority on their Measure M sales tax measure. The letter does not address the proposed Plan and does not raise issues related to the Draft EIR or the analysis of environmental impacts for which further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the Plan.

Tuolumne River Trust

Letter 42

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RE: Plan Bay Area 2040 Draft EIR Comments

To Whom It May Concern:

Thank you for the opportunity to provide comments on the Plan Bay Area 2040 Draft Environmental Impact Report (EIR).

Since our founding in 1981, the Tuolumne River Trust has been the voice for the Tuolumne River. We work throughout the watershed, with offices in Sonora, Modesto and San Francisco. The Tuolumne is the primary source of water for the San Francisco Public Utilities Commission (SFPUC), which serves 2.6 million customers in San Francisco, San Mateo, Santa Clara and Alameda Counties.

While we appreciate the effort of Plan Bay Area to implement SB 375 through measures such as focusing growth in Priority Development Areas, improving public transportation and encouraging housing close to jobs and transit, we have serious concerns about the adequacy of the EIR's analysis of water supply and potential environmental impacts on California's waterways.

Plan Bay Area Fails to Adequately Address Potential Impacts on Water Resources

We are concerned that the population and employment growth projections included in Plan Bay Area would create serious environmental impacts on the Tuolumne, Mokelmne and other rivers, as well as the Sacramento-San Joaquin Bay-Delta. We believe the EIR fails to adequately address these potential impacts. 42-1

The Plan forecasts the SFPUC's customer base will increase by 28%, from 2.6 million to 3.3 million people by 2040. Population in the Santa Clara Water District service area is projected to increase by 26%, and population in the East Bay Municipal Utilities District service area by 25%. This level of growth would exceed the carrying capacity of our waterways, and is simply not sustainable.

The Delta Reform Act of 2009 established a State policy that achieving water supply reliability and restoring the Delta's ecosystem must be applied coequally.

On average, less than 50% of the freshwater flow from the Central Valley reaches the Bay, and in some years less than 35%. Reduced inflows have shifted the size and location of the ecologically-important salinity mixing zone, affecting everything from plankton to marine mammals. Furthermore, reduced freshwater inflow has changed the chemistry of the Delta, enabling cyanobacteria to thrive. These blue-green algae produce neurotoxins that can make people sick and kill plankton and wildlife.

The dramatic decline in Central Valley salmon, steelhead and other aquatic species over the past few decades suggests that humans are already diverting too much water from our rivers and the Delta. A 2010 flow criteria report by the State Water Resources Control Board determined that 60% of the San Joaquin River's unimpaired flow would be necessary to protect fish, yet currently only about a third of that River's natural flow reaches the Delta on average. The Tuolumne is the largest tributary to the San Joaquin, and on average only 20% of its unimpaired flow reaches the San Joaquin River.

The Plan Bay Area EIR should analyze how the likely increase in water demand resulting from population and employment growth might impact our river and Delta ecosystems, especially potential impacts on fish and wildlife, water quality and recreation. The Plan should acknowledge the State's goal that equal weight be given to ecosystem protection as well as water supply.

42-1 cont

The EIR is inadequate in that it focuses on water supply impacts from a single dry year versus a multiple-year drought. Most water agencies have adopted drought plans aimed at managing three-to-five-year droughts, and the SFPUC's drought plan addresses an eight-and-a-half-year "design drought." While extended droughts create challenges for water agencies, they have a much bigger impact on fish and wildlife, including species protected by the Endangered Species Act. Water quality, protected by the Clean Water Act, also is heavily affected by droughts.

42-2

The primary mitigation measure included in the EIR suggests that water agencies and municipalities must conserve more water and/or identify new sources of water, such as reclaimed water and desalination. This is not an adequate mitigation. **The EIR must assess potential environmental impacts that might occur if conservation and alternative water supplies are unable to keep pace with demand, and identify mitigation measures to address these potential impacts.**

The Draft EIR acknowledges, "Projects taking advantage of CEQA Streamlining provisions of SB 375 (Public Resources sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact remains significant and unavoidable (SU) for purposes of this program-level review" (page 2.12-29). We believe the EIR must address these potential

42-3

2

significant and unavoidable impacts. 42-3 cont

Substantial Employment Growth Will Not Address the Jobs/Housing Imbalance

While a case could be made for adding new housing stock in the Bay Area to enable employees to live closer to their jobs and/or public transportation in order to reduce greenhouse gas emissions from automobiles, the projected growth in employment would likely offset any gains made to address the jobs/housing imbalance. Tables 4.2 (Household Growth by Bay Area Subregion) and 4.3 (Employment Growth by Bay Area Subregion) in the Draft Plan forecast a 31% increase in households, and a 37% increase in jobs. If these projections are accurate, the region will continue to face a severe housing shortage, while adding a lot more stress on our aquatic ecosystems.

The Draft Plan states, "There has been a particular mismatch between employment growth relative to growth in housing supply. Overall, the Bay Area added nearly two jobs for every housing unit built since 1990" (page 8). This imbalance has continued in recent years. The Draft Plan acknowledges that key features of the regional forecast include, "Growth of 1.3 million jobs between 2010 and 2040, with nearly half of those jobs — over 600,000 — already added between 2010 and 2015," and "An increase of approximately 820,000 households. Only 13 percent of this growth occurred between 2010 and 2015" (page 31). This trend of jobs outpacing housing does not bode well for meeting the goals of SB 375. 42-4

One of the key assumptions listed in Table 4.1 (Key Land Use Assumptions) of the Draft Plan is to "Preserve and incorporate office space caps in job-rich cities." However, Maps 4.2 (Household Growth by County) and 4.3 (Employment Growth by County) forecast a 17% growth in households and 23% growth in employment in San Francisco. The forecast for San Mateo County is 7% growth in households and 10% growth in employment. These figures are contrary to the stated key assumption.

We request that the Final EIR include an alternative that dramatically reduces the amount of projected employment growth in the Bay Area.

Water Supply Conditions Are Changing

There are several factors that are likely to impact water supply by 2040, including climate change and regulatory proceedings. The Final EIR should analyze potential environmental impacts of increased water demand under future conditions.

Climate Change is expected to affect the timing, and perhaps quantity, of precipitation. More precipitation is predicted to fall as rain earlier in the season, and less as snow. This would result in a reduced snowpack that would melt earlier in the season, reducing the amount of runoff in the late spring and summer when it has traditionally kept reservoirs fuller during the summer months. For more information on potential impacts of climate 42-5

change on water supply, please see the SFPUC report, "Sensitivity of Upper Tuolumne River Flow to Climate Change Scenarios" (2012).

Several regulatory proceedings will likely lead to requirements that more water be released from reservoirs into rivers for environmental purposes. The State Water Resources Control Board is currently updating the Bay Delta Water Quality Control Plan (see http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/). The Draft Substitute Environmental Document (SED) for Phase 1 of the Plan proposes increasing instream flows from tributaries to the San Joaquin River, including the Stanislaus, Tuolumne and Merced, to between 30% and 50%, starting at 40%, between the months of February and June. This would reduce the amount of water available to water agencies, and must be considered in the EIR.

In commenting on the Draft SED, the City of San Francisco stated, "If the State Water Board were to implement LSJR Alternatives 3 or 4, the SFPUC would not have the water supply needed to accommodate the pattern of growth called for in Plan Bay Area 2013, or the patterns of growth considered in the three scenarios evaluated as part of the process for developing the proposed Plan Bay Area 2040. Specifically, if the State Water Board implemented a 30, 40, or 50-percent unimpaired flow objective on the Tuolumne River, the SFPUC would not be able to reliably serve its existing customers in the RWS service territory during protracted drought periods, as explained above, let alone meet projected future demand for 2040, as forecasted in Plan Bay Area 2013 (and augmented by ABAG for purposes of developing the proposed Plan Bay Area 2040), during a single critically dry year." 42-5 cont

Furthermore, dams on the Tuolumne and Merced Rivers are currently undergoing relicensing by the Federal Energy Regulatory Commission (FERC). These dams received their original licenses prior to enactment of the Clean Water Act, Endangered Species Act, National Environmental Policy Act and other landmark environmental legislation. With those laws now in effect, it is likely FERC will require higher instream flows to address fish and wildlife and water quality issues. The Plan Bay Area EIR must consider the potential impacts of growth under these likely changes.

Some Figures Need Correcting

Table 2.12-2 of the Draft EIR (Projected Normal Year Supply and Demand) lists supply and demand for the "San Francisco PUC" as 87,000 acre-feet in 2020 and 101,000 acre feet in 2040. These figures appear to be just for the SFPUC's retail customers within the City of San Francisco. Two-thirds of the SFPUC service territory is served by wholesale customers in San Mateo, Santa Clara and Alameda Counties represented by the Bay Area Water Supply and Conservation Agency (BAWSCA). Therefore, the table should either change "San Francisco PUC" to "City of San Francisco" and add a new row for the BAWSCA member agencies, or keep "San Francisco PUC" and update the figures to include the entire service area. 42-6

The Draft EIR states, "The amount of Tuolumne River supplies delivered depends on annual water conditions. In normal years, approximately 80 to 85 percent of SFPUC water supply is provided by runoff from the upper Tuolumne River watershed (RMC 2006). This percentage may be reduced in dry years, based on the severity and timing of drought conditions" (page 2.12-4). The second statement is incorrect. Rather than decreasing, the percentage of SFPUC water supply derived from the Tuolumne River during droughts actually increases to up to 93% of total supply.

42-6 cont

Conclusion

Plan Bay Area 2040 offers a unique opportunity to create a roadmap for a more sustainable Bay Area. It is time to address the fact that the population of the Bay Area cannot continue to grow without exacerbating environmental impacts. The Tuolumne River Trust requests a much more robust analysis of how the Plan might impact water resources, a more extensive look at potential mitigation measures, and inclusion of an alternative that dramatically reduces projected employment growth.

42-7

Thank you for the opportunity to comment.

Sincerely,

Peter Drekmeier

Peter Drekmeier
Policy Director

Response 42	Peter Drekmeler, Tuolumne River Trust June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

42-1 The commenter expresses concern about the potential environmental impacts of water withdrawals on California's waterways. Specifically, the commenter suggests that the Draft EIR analyze how an increase in water demand resulting from population and employment growth could affect fish and other wildlife, water quality, and recreation. Please see response to comment 18-4.

42-2 The commenter expresses the opinion that the Draft EIR is inadequate because it focuses on water supply impacts from a single versus multi-year drought. Please see Master Response 3, Water Supply and Drought, for a discussion of this issue.

42-3 The commenter refers to Draft EIR mitigation measures 2.12-1(a) through 2.12-1(c) in Draft EIR Section 2.12, "Public Utilities" which are provided to address the effects on water supply identified in Impact 2.12-1 (Implementation of the proposed Plan could result in insufficient water supplies available to serve development implemented as part of the proposed Plan from existing entitlements and resources). The commenter suggests that the Draft EIR should address the environmental impacts that might occur if the proposed mitigation is ineffective, as well as additional mitigation measures that could address potential impacts that would result. However, the commenter does not provide a clear argument to support the assertion that the proposed mitigation measures are infeasible; nor does it provide additional mitigation measures for consideration. Additional mitigation measures are not required because, as explained on Draft EIR Page 2.12-29, the measures included in the Draft EIR would reduce impacts associated with water supply, to the extent that an individual project adopts and implements them. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues.

As indicated in the comment, MTC/ABAG cannot require local implementing agencies to adopt the identified mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. As noted on Draft EIR Page ES-3, the Draft EIR is considered a program EIR, as defined by California Environmental Quality Act (CEQA) Guidelines Section 15168. Program EIRs are first-tier documents; that is, they are used to consider approval of an overall plan or other program. When subsequent projects are proposed consistent with the approved plan, they are evaluated to determine if the program EIR adequately addressed the impacts and mitigation measures associated with the subsequent project, and whether additional CEQA compliance is necessary. If a later activity would have effects that were not examined in the program EIR, a project-specific CEQA document must be prepared. The project-level CEQA documents may incorporate by reference general discussions from the broader EIR and focus on the impacts of the individual projects that implement the plan, program, or policy. Projects proposed subsequent to this program EIR would be required to either demonstrate that they have adopted the mitigation measures presented in this draft EIR and have effectively reduced potential impacts or undergo additional CEQA review. Please also see Master Response 5, Programmatic EIR.

The analysis in the Draft EIR complies with MTC/ABAG's obligation to disclose potential impacts and identify feasible mitigation measures. This is not only appropriate at this level of planning, it is acknowledged in CEQA as a process associated with preparation of program EIR's, and subsequent project review. There is no requirement under CEQA to conduct further analysis of impacts identified as significant and unavoidable.

42-4 The commenter requests that the EIR include an alternative that reduces the amount of projected employment growth in the Bay Area. See response to comment 32-7.

42-5 The commenter states that climate change is likely to impact water supply by 2040, and states that the EIR should analyze potential environmental impacts of increased water demand under future conditions. As described in the comment, a number of actions are underway with respect to water in the Delta and the rivers that flow into the Delta. This could ultimately affect water supply availability in the Bay Area and all of California. Draft EIR Mitigation Measure 2.12-1(a) recognizes this and focuses on conservation measures, use of reclaimed water, etc. It also requires that project sponsors work with districts and purveyors to ensure water supply; if water supply cannot be provided, a project would not be able to proceed. Please see Master Response 5, Programmatic EIR, for a further discussion of the nature and limitations of this EIR, Master Response 3, Water Supply and Drought, for a discussion of this issue, and response to comment 18-4.

42-6 The commenter asserts that Draft EIR Table 2.12-2 inaccurately lists supply and demand for the San Francisco Public Utilities Commission (SFPUC) in that the figures included in the table only reflect SFPUC's retail customers within the City of San Francisco and omits two-thirds of the SFPUC service area which is served by the Bay Area Water Supply and Conservation Agency (BAWSCA). The commenter recommends updating the table to be more accurate. The text of the Draft EIR will be revised. Please also see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1. These changes do not result in any change to the conclusions of the analysis provided in Draft EIR Section 2.12.

The text to Draft EIR Table 2.12-2 on page 2.12-10 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

Table 2.12-2 Projected Normal Year Supply and Demand (AF/YEAR)

	Current Supply (2020)	Current Demand (2020)	Future Supply (2040)	Future Demand (2040)
Alameda County WD	78,000	63,400	78,000	70,300
Contra Costa WD	329,200	264,000	362,800	303,900
East Bay Municipal Utility District	243,000	243,000	258,000	258,000
Marin Municipal WD	151,000	42,000	153,000	42,000
City of Napa[1]	52,000	14,000	52,000	15,000
San Francisco PUC[2]	280,000 ~~87,000~~	280,000 ~~87,000~~	295,000 ~~101,000~~	295,000 ~~101,000~~
Santa Clara Valley WD	390,000	376,000	442,000	435,000
Solano County WA[1]	255,000	255,000	255,000	255,000
Sonoma County WA	66,000	66,000	76,000	76,000
Zone 7 WA[1]	79,000	72,000	100,000	93,000

Note:

[1] Future supply and demand projections are for the year 2030.

[2] Projected supply and demand includes retail customers and wholesale customers.

Sources: ACWD 2016, CCWD 2016, EBMUD 2016, MMWD 2016, City of Napa 2011, SFPUC 2016, SCVWD 2016, SCWA 2011, SMCWA 2016, Zone 7 2016

The commenter recommends text revisions to Draft EIR Page 2.12-4 to reflect a more accurate percentage of the total water supplied to SFPUC by the Tuolumne River Watershed during dry years. The text of the Draft EIR will be revised.

The text to Draft EIR page 2.12-4 in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "The Tuolumne River watershed on the western slope of the central Sierra Nevada, which provides water to the RWS, is comprised of three regional water supply and conveyance systems—the Hetch Hetchy System, the Alameda System, and the Peninsula System. The amount of Tuolumne River supplies delivered depends on annual water conditions. In normal years, approximately 80 to 85 percent of SFPUC water supply is provided by runoff from the upper Tuolumne River watershed (RMC 2006). This percentage may increase up to 93 percent ~~be reduced~~ in dry years, based on the severity and timing of drought conditions."

This change does not result in any change to the conclusions of the analysis provided in Draft EIR Section 2.12.

42-7 The commenter requests a more robust analysis of how the proposed Plan might impact water resources, including more extensive mitigation measures. The commenter does not include any specific suggested measures. Please see Master Response 3, Water Supply and Drought for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of the proposed Plan impacts. The commenter further requests that the Draft EIR include an alternative that dramatically reduces projected employment growth. See Master Response 6, Range of Alternatives for a discussion of this issue.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 43

Subject: Comments on Plan Bay Area EIR
Date: Thursday, June 1, 2017 at 12:50:20 PM Pacific Daylight Time
From: John Magdole
To: EIR Comments

The proposed land use pattern does not conform to the growth trends that have been underway over the past decade, and what the local agencies are planning. The EIR needs to evaluate likely development resulting from the proposed land use pattern, which may or may not turn out to be what is designated in the SCS, otherwise impact analysis is not meaningful. Please provide information on past predictive performance of UrbanSIM (we have had the benefit of that being used for the last SCS) and what methods MTC has used to ensure robustness of the model. 43-1

Information on the alternatives is very sparse; no maps at all are included. At a minimum, please provide maps showing what is called the "Land Use Growth Footprint" for the alternatives that corresponds to Tables 3.1-22 through 3.1-24 (like Figure 1.2-3 for the Project), along with maps showing included transportation improvements. 43-2

The Draft EIR shows a fundamental misunderstanding of what constitutes the No Project. On page 3.1-4 the Draft EIR correctly notes CEQA Guidelines, § 15126.6(e), stating, "The purpose of the No Project Alternative is to allow a comparison of the environmental impacts of approving the proposed project with the effects of not approving it."

However, the EIR then goes on to state that "The No Project Alternative illustrates trends assumed under adopted local general plans and zoning without an adopted regional SCS plan, and assuming no new transportation projects ..." The logical leap behind this is unclear. The Bay Area already has an adopted Regional SCS (Plan Bay Area 2013-2040); there is no proposal to rescind or de-adopt that plan. If that plan were to be rescinded, it would most likely be another separate project under CEQA. If the Proposed Project is not adopted, that plan would remain in place. 43-3

The EIR goes on to say the existing SCS was considered but rejected as an alternative because the Bay Area is required to have a new SCS every four years (the existing SCS can be re-adopted, so that argument does not hold) and it does not incorporate 100% of the projected growth (since the horizon of both the existing and the proposed Project is the same, it is unclear why that would be the case, and if that is indeed the case, please provide supporting information). Furthermore, how would not having a SCS (which is how the local general plans and zoning are presented) as the No Project comport with the same argument (that the Bay Area is required to have an SCS)? The whole logic appears to be very circular, essentially implying that there cannot be a No Project! Therefore, please provide analysis using the correct No Project (continuation of existing SCS). 43-4

The Draft EIR further states in Section 3.1.3 that No Project assumes "... no new transportation projects beyond those currently under construction or those that have both full funding and environmental clearance." Please explain the rationale behind this assumption. Such an assumption automatically ensures that the No Project will result in worse performance given that the forecasted transportation revenue "envelope" is over $300 billion, and is used for transportation improvements in the other alternatives. MTC maintains a separate process for air quality conformity, which would continue to serve that function, ensuring that federal funds would keep flowing. Thus, an assumption that no new transportation funding will be available for the No Project is deceptive and designed to misrepresent the consequences of the No Project to the decision-makers and the public. Please incorporate the same level of transportation investments for the No Project as the other alternatives. 43-5

If MTC is interested in evaluating the impacts of the existing general plans and zoning – which is laudable – it should do that with the same level of transportation investments and improvements as the Project, otherwise the impacts of the existing adopted local plans, especially in relation to transportation and air quality, are being misrepresented. The fundamental question is if MTC adopts the local general plans/zoning as the preferred land use scenario for the SCS, how would this compare against having a different land use pattern that the regional agency is advancing? Since the EIR states that local general plans accommodate the projected regional growth, there is no reason as to why these could not form the land use for the SCS and be supported with the same level of regional transportation investment and funding as the Project and other alternatives. Decision-makers and the public needs to know how this land use pattern would perform with the addition of same level of transit-seat miles, roadways, etc. as the Project. 43-6

The EIR states (page 3.1-5), "In comparison to the proposed Plan, the No Project Alternative would result in higher household growth in Peninsula and South Bay counties, and higher job growth in South Bay counties." The Peninsula and the South Bay are areas with some of the greatest housing shortages in the Bay Area, resulting in long commutes to job destinations. These are areas well served by transit (including Caltrain, that is being electrified), and closest to where job growth in the Bay Area is occurring and will continue to occur, with massive expansion by companies like Apple, Google, and Facebook among others. What is the rationale for having a Project that accommodates less growth than what the cities are already planning in these jurisdictions?

43-7

Additionally, given the extreme housing shortage in the Peninsula and fierce local resistance to growth, these cities will likely get over the next 20 years all the housing they already have in their general plans, and perhaps even more given increases under consideration in communities such as Mountain View around the Google campus, and in San José, and Santa Clara that have seen massive job growth over the past decade. Thus, by showing less growth in the Peninsula and the South Bay, and conversely more elsewhere in the region, the EIR presents a false narrative of what the future land use in the Bay Area is likely to be, resulting in erroneous impact assessment, and mismatch between transportation investments and likely growth.

Response 43	John Magdole June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

43-1 The commenter questions why the proposed Plan does not conform to recent growth trends and states the Draft EIR needs to evaluate "likely" development. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. The commenter, in effect, asks for consideration of the "No Project" alternative. The California Environmental Quality Act (CEQA) requires the inclusion of a No Project Alternative when analyzing alternatives to the proposed Plan. The No Project Alternative, described and analyzed in Draft EIR Section 3.1, "Alternatives to the Proposed Plan," represents the alternative resembling past and recent growth trends. Please see Master Response 1, Population and Employment Forecasts, for a discussion on the proposed Plan's departure from recent growth trends.

43-2 The commenter states that the information provided on the alternatives is sparse and requests maps of land use growth footprints and transportation improvements. As discussed in CEQA Guidelines Section 15126.6(d), an "…EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix may be used to summarize the comparison. …"

The Draft EIR describes four alternatives to the proposed Plan (see descriptions in Draft EIR Section 3.1.3, "Alternatives Analyzed in this EIR"). The section contains a description of the land use modeling assumptions and the transportation investments. The section also provides a thorough discussion comparing the alternatives to each other and the proposed Plan in various ways, including: forecasted employment population and households (Draft EIR Table 3.1-1); land use growth footprint acreage in total, transit priority area (TPA), and non-urban land (Draft EIR Table 3.1-7); transportation system capacity (Draft EIR Table 3.1-9); and a list of the major transportation projects (Draft EIR Table 3.1-11). The data presented in Draft EIR Section 3.1.3 support the comparative impact analysis of the alternatives, which addresses each impact discussed for the proposed Plan in Draft EIR sections 2.1 through 2.14 (see DEIR Section 3.1.5, "Comparative Impact Analysis of Alternatives"). The Draft EIR provides a sufficient level of detail to provide a meaningful evaluation, analysis, and comparison of the alternatives with the proposed Plan. Thus, the CEQA requirements associated with the evaluation of plan alternatives has been met. No changes to the document are required.

43-3 The commenter disagrees with the description of the No Project Alternative, and suggests that it should be continuation of *Plan Bay Area*. The proposed Plan is a limited and focused update to the previously adopted *Plan Bay Area.* As described in Draft EIR Section 1.2.3, "Project Background," MTC must update its regional transportation plan (RTP) (proposed Plan) every four years, as well as use the most recent assumptions for population, employment, and economic activity. The "Planning Assumptions" described on Draft EIR page 1.2-12 identify that the "Bay Area economy has grown substantially over the four years since adoption of *Plan Bay Area* in 2013, attracting thousands of new people and jobs. As a result, ABAG adopted a revised regional growth forecast in February 2016." The proposed Plan reflects a similar forecasted development pattern and transportation investment strategy as *Plan Bay Area,* in terms of where growth is projected to be located and what types of transportation investments

will support it, but reflects the latest population, employment, and economic activity assumptions.

In addition, the No Project Alternative, as described in the Draft EIR, allows decision makers to compare the impacts of approving the proposed Plan with the impacts of not approving the proposed Plan. The No Project Alternative illustrates trends assumed under adopted local general plans/zoning without the region's focused growth strategy identified in the proposed Plan, and assumes no new transportation projects beyond those currently under construction or those that have both full funding and environmental clearance.

A variation of the No Project Alternative that assumes that implementation of *Plan Bay Area* would continue to occur is discussed in the Draft EIR under "Alternatives Considered but not Recommended for Analysis." As discussed on Draft EIR page 3.1-17, *Plan Bay Area* (2013 RTP/SCS) is not consistent with the requirements of SB 375 because an RTP must be updated every four years, and it would not reduce or avoid significant environmental impacts relative to the proposed Plan. As a result, this alternative was determined to be infeasible and was not identified for further study in the Draft EIR. Thus, while continuation of *Plan Bay Area* is not considered to be the No Project Alternative, it was addressed in the Draft EIR. The No Project Alternative is appropriately described in the Draft EIR, and no changes to the document are necessary.

43-4 The commenter correctly describes why the *Plan Bay Area* cannot continue, as the RTP/SCS must be updated every four years. The actual growth and growth projections have changed since *Plan Bay Area's* adoption in 2013. In addition, as explained on Draft EIR Page 1.2-13, ABAG has a revised the Regional Housing Control Total, in compliance with a settlement agreement between MTC/ABAG and the Building Industry Association of San Francisco (BIA). Please see response to comment 43-3 for a discussion of the No Project Alternative and Master Response 1, Population and Employment Forecasts, for additional details related to population and employment projections. Also see Master Response 6, Range of Alternatives, for a discussion of this issue.

43-5 The commenter disagrees with the description of the transportation projects under the No Project Alternative, which consists of transportation projects that are either currently under construction or fully funded with environmental clearances. All regionally significant and capacity increasing transportation projects must be included in the region's Transportation Improvement Program (TIP) prior to their implementation. Individual transportation projects must be consistent with the region's RTP to be included in the TIP. New projects or funding cannot be added to the region's TIP and therefore implemented, until an RTP is adopted. Therefore, this is the correct description of the No Project Alternative because an RTP must be adopted, and must have an air quality conformity determination made, in order to provide additional funding to individual projects or to identify new projects for construction. Thus, the same level of transportation investments cannot be assumed for the No Project Alternative as the proposed Plan and other plan alternatives.

The commenter states that the description of the transportation projects list under the No Project Alternative would result in worse performance than the proposed Plan. The No Project Alternative allows decision makers to compare the environmental impacts of approving the Plan with the impacts of not approving the Plan. The intent is not to establish the best performing alternative, but rather to disclose the environmental impacts of feasible alternatives so that decision-makers and the public can better understand the proposed Plan and its associated environmental impacts.

43-6 The commenter states that the No Project Alternative should include the same level of transportation investments and improvements as the proposed Plan. See response to comment 43-5. The commenter also states that the local general plans accommodate the

projected regional growth. Please see Master Response 1, Population and Employment Forecasts, for details on growth projections related to the proposed Plan.

43-7 The commenter suggests that the proposed Plan ought to promote housing construction in the job-rich Peninsula and South Bay. The proposed Plan would do this, as indicated in Draft EIR Table 3.1-2. The sentence on Draft EIR page 3.1-5 comparing the two alternatives is incorrect. Please see Section 3.0, "Revisions to the Draft EIR" of this Final EIR for the text change to Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The text in the second paragraph on Draft EIR page 3.1-5 is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> In comparison to the proposed Plan, the No Project Alternative would result in higher household growth in ~~Peninsula~~ East Bay and ~~South~~ North Bay counties, and higher job growth in South Bay counties.

This change does not result in any change to the analysis or conclusions provided in Draft EIR Section 3.1. The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

BAWSCA
Bay Area Water Supply & Conservation Agency

Letter 44

June 1, 2017

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

Re: BAWSCA Comments on ABAG Plan Bay Area 2040 Draft Environmental Impact Report (State Clearinghouse Number SCH# 2016052041)

Dear Sir or Madam:

This letter presents comments by the Bay Area Water Supply and Conservation Agency (BAWSCA) on the Association of Bay Area Government (ABAG) Plan Bay Area 2040 Draft Environmental Impact Report (DEIR). BAWSCA represents the 26 water suppliers that purchase water from the San Francisco Regional Water System on a wholesale basis and deliver that water to 1.7 million people, businesses, and community organizations in San Mateo, Santa Clara, and Alameda Counties. BAWSCA appreciates the opportunity to review the DEIR and to provide our comments.

In the fall of 2016, BAWSCA reviewed the ABAG Plan Bay Area 2040 Draft Preferred Scenario (DPS). In the ensuing correspondence between BAWSCA and ABAG, ABAG committed to responding to BAWSCA's concerns as part of the DEIR that at the time was in development.

The Plan Bay Area 2040 DEIR was released for public review and comment on April 17, 2017. Unfortunately, while the DEIR does include a public utilities section that addressed some of BAWSCA's concerns associated with the proposed growth called for in the DPS, it does not adequately identify and stress the difficulty water agencies (including BAWSCA member agencies) will have in providing an adequate and reliable water supply to support the growth and associated population distribution called for by ABAG, particularly during times of drought.

BAWSCA's comments are provided in the attached Table 1. Our comments are mostly limited to section 2.12 of the DEIR (the section prepared to assess the potential for Plan Bay Area to impact public utilities, facilities, and services within the nine counties of the Bay Area).

Overall, BAWSCA views that Plan Bay Area 2040 may result in insufficient water supplies for BAWSCA member agencies. Some of BAWSCA's more serious concerns are as follows:

- By limiting the DEIR discussion to the ten largest Bay Area water agencies, BAWSCA member agencies, decision-makers, and the public are provided with insufficient information to fully consider potential water agency-specific impact(s).
- There are proposed regulations at the state level, specifically an update to the Bay-Delta Water Quality Control Plan, that must be considered, as well as impacts of those proposed regulations analyzed in the DEIR. If those regulations move forward as the

44-1

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state intends, they will reduce the quantity of water supply available to many Bay Area agencies, particularly during times of drought.

- Mitigation to address predicted growth should include the development of new water supplies. Such a measure is complex, difficult to implement, and typically takes many years to develop, particularly at a regional scale.

44-1 cont

If, following your review of BAWSCA's comments, you have questions or require clarification, please feel free to contact Mr. Tom Francis, BAWSCA Water Resources Manager, at tfrancis@bawsca.org, or (650) 349-3000.

Sincerely,

Nicole Sandkulla
CEO/General Manager

NS/TF/le

Attachment: Table 1 – BAWSCA Comments on ABAG Plan Bay Area 2040 Draft EIR

cc: Miriam Chion, ABAG Water Management Representatives
A. Schutte, Hanson Bridgett

13532510.1

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
1	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-3, Water Supply Agencies	"Water Supply for each county is provided by its respective water supply department or agency. Some counties contain several water suppliers"	BAWSCA member agencies lie in Alameda County, Santa Clara County, and San Mateo County. BAWSCA is comprised of 26 member agencies that provide water service. There are numerous water supply agencies in those Counties. Counties are not involved in providing water supply services.	44-2
2	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-3, Water Supply Agencies	General Comment	ABAG has chosen to list the eight (8) major water agencies in the Bay Area. Limiting the DEIR analysis discussion to 8 agencies is insufficient. We ask that BAWSCA and our member agencies be called out and detailed in the DEIR. Doing so would better clarify that the wholesale customers of the SFPUC are charged with providing water services and meeting the water supply needs of their respective service areas.	44-3
3	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-4, San Francisco Public Utilities Commission	"…provides water to 2.6 million people within San Francisco, San Mateo, Santa Clara, Alameda, and Tuolumne counties."	It would be helpful to further break down the retail and wholesale customers of the SFPUC, and to identify those wholesale customers that are BAWSCA member agencies. As noted in Comment #2, we ask that ABAG include a specific discussion of BAWSCA member agencies in this section.	44-4
4	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-4, San Francisco Public Utilities Commission	"The primary water source for San Mateo County is SFPUC's …."	Like BAWSCA comments 2 & 3, there is confusion created by not directly referencing BAWSCA and our member agencies in this document. The text should be revised to address this deficiency. The discussion should highlight the fact that certain BAWSCA members have components of their supply other than what they derive from the SFPUC, etc. Implying that the SFPUC is solely responsible for providing water supply services outside of the San Francisco County service area is incorrect.	44-5
5	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting	General Comment	SCVWD provides water to 6 BAWSCA member agencies. A reference/ rewrite should be considered.	44-6

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
	Page 2.12-4, Santa Clara Valley Water District			44-6 cont
6	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-6, Regional Water Setting	Figure 2.12-2, Bay Area Water Use by Supply Source	The Pie Chart presented in figure 2.12-2 indicates various percentages of the 'total bay area supply' that various water sources, such as flow from the Tuolumne River and the Mokelumne River, provide. BAWSCA questions the information shown (for example, we were not aware that the quantities as sourced from the Mokelumne are equal to that sourced from the Tuolumne). It would be helpful to know the exact reference cited and further to have actual quantities of water listed (vs. simply providing percentages). Further, a supply pie chart for dry years would be helpful. Supplies shift during dry years, when other sources are called upon.	44-7
7	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-6, Local Water	General Comment	There is significant discussion in this sub-section relative to groundwater and overdraft considerations. While BAWSCA agrees that overdraft is a concern statewide and particularly within California's central valley, and perhaps is a concern within the groundwater basins underlying portion of the Bay Area such as Santa Clara County, BAWSCA suggests that ABAG provide more detail regarding which agencies rely on groundwater and further which agencies view that overdraft is a potential risk (assuming that perhaps over-pumping of the basin(s) they overlie is a concern in the future if demand increases).	44-8

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
8	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-9, Water Transfers	"…Bay Area water agencies have a number of transfer agreements to improve water supply in the region".	BAWSCA finds this statement to be an exaggeration. There are not, in our understanding, 'numerous' long-term transfer agreements in place that will provide Bay Area water agencies with additional supplies. Long term transfers appear to be in the works at a small subset of Bay Area agencies (for example, BAWSCA is aware that EBMUD is attempting to secure one with Placer County Water Agency). There may be other agreement mechanisms in place that BAWSCA is not aware of (perhaps between Bay Area Water Agencies and with Yuba County Water Agency and/or other Sacramento entities?). We question this statement and suggest that more specificity is called for here.	44-9
9	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-9, Water Supply Infrastructure, Hetch Hetchy Aqueduct	General Comment	The description as provided by ABAG should be reviewed by SFPUC and modified to provide a greater level of detail. As it currently reads, it over-simplifies the San Francisco Regional Water System and its associated network of tunnels, pipelines, pump stations, reservoirs, treatment plants, turnouts, etc.	44-10
10	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-10, Water Supply Infrastructure, Regional Demographics and Water Demand	"…In general, demand management strategies will allow Bay Area water agencies to continue to meet projected demand through 2030 in average years"	There are significant challenges that water agencies face, such as added water supply challenges associated with increased unimpaired flows on Sacramento / San Joaquin tributaries in the State Water Resources Control Board's proposed update of the Bay-Delta Water Quality Control Plan. The assumption that water supply demands can be meet with the added populations as projected by ABAG coupled with a reduction in water supply associated with the possible SWRCB action(s) may result in the ABAG statement being too optimistic. Additional water supply modeling and evaluation would be needed to substantiate this statement given future water supply uncertainties.	44-11

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
10	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-10, Water Supply Infrastructure, Regional Demographics and Water Demand, Table 2.12-2	General Comment	BAWSCA member agencies are not shown / listed in table 2.12-2 (only the large water agencies are illustrated). BAWSCA asks that the table be expanded to include additional BAWSCA member agency specific information.	44-12
11	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-12, Water Demand, Table 2.12-3	General Comment	Table 2.12-3 provides information relative to projected water shortages (by the Bay Area large water agencies) during a 1-year drought. The table does not provide a breakdown for BAWSCA member agencies, nor is there a similar table to indicate the ability of these agencies to address multiple year droughts. Further, the region faces various challenges ahead (such as the aforenoted regulatory challenges associated with proposed SWRCB unimpaired flow mandates) that could result in more frequent and pronounced impacts.	44-13
14	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting Page 2.12-13, Drought	General Comment	Water agencies spend considerable time and effort planning for multi-year droughts. The text of the DEIR should pay more attention to that fact. BAWSCA sees a need for an expanded discussion on droughts and how multi-year droughts impact water agencies. The DEIR discussion regarding conservation mandates as made by Gov. Brown during this most recent drought, the discussion of the heavy precipitation experience this past winter, and the mention of climate change merits separate sections (vs. packing these discussions into the Drought section of the DEIR).	44-14
14	2.12 – Public Utilities; Section 2.12.1 – Environmental Setting	General Comment	Water agencies would likely need to look to alternative supplies to address the water needs of the growth in population that ABAG predicts. New sources (or alternative sources) likely have different water quality as compared with an agency's standard source, and	44-15

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
	Page 2.12-13, Water Treatment		may in turn require that modifications be made to water agency's treatment plants.	44-15 cont
15	2.12 – Public Utilities; Section 2.12.2 – Regulatory Setting Page 2.12-21 State Legislation	General Comment	As noted previously, there are pending regulations proposed by the SWRCB that if approved would result in less supply being made available from the Tuolumne River (i.e., the SWRCB's update of the Bay-Delta Water Quality Control Plan). These regulations would significantly impact SFPUC, ACWD, and all of BAWSCA. A discussion of the SWRCB efforts and the status of the Bay-Delta Plan amendments should be considered by ABAG for incorporation into the DEIR.	44-16
16	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-27 Impacts of Potential Land Use	"Some water suppliers should be able to meet demands of growth under the proposed Plan, such as the Alameda County Water District, City of Napa, and San Francisco PUC, although these would need to take measures to address water conservation during dry years".	As noted in previous BAWSCA comments, there are other issues impacting Bay Area water supply, such as the SWRCB's update to the Bay-Delta Water Quality Control Plan. It is quite possible that the statement as made is not accurate, and the impact or reduced Bay Area water supply with the expanded growth projected in Plan Bay Area 2040 should be fully considered.	44-17
16	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-27 Impacts of Potential Land Use	"The combined population projections of the water supply agencies for 2040 (9,883,000) exceeds the 2040 regional population projections for the proposed Plan (approximately 9,627,5000) … As a result, there may be adequate water supplies across the entire region to serve expected growth under the proposed Plan".	This statement is misleading. First, not all water suppliers have the ability (or willingness) to wheel (trade) water supplies with others. Second, as in BAWSCA's case, the projections presented do not clearly show where growth will occur at an agency-specific level. BAWSCA believes several assumptions are required to reach such a broad conclusion. ABAG or their consultant should provide the information and assumptions made supporting this conclusion. We further ask that information be presented for each BAWSCA member agency.	44-18

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
16	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-27, Impacts of Potential Land Use	"However, at a regional level, changes in land use projected development from the proposed Plan may result in insufficient water supplies requiring the acquisition of additional water sources and the imposition of conservation requirements."	The DEIR exaggerates the effectiveness of conservation as a mitigation for insufficient water supplies. BAWSCA member agencies did an exceptional job at conserving water during the recent drought, achieving an overall savings of 27 percent in Fiscal Year 2015-2016, as compared to 2013. However, demand hardening from past conservation efforts would lessen the effect of additional conservation, thereby increasing the overall impacts from the proposed water supply reductions.	44-19
17	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-27, Mitigation Measure 2.12-1(a)	"Implement water conservation measures which result in reduced demand for potable water."	As stated in Comment #16, the DEIR exaggerates the effectiveness of conservation as a mitigation for insufficient water supplies. BAWSCA member agencies did an exceptional job at conserving water during the recent drought, achieving an overall savings of 27 percent in Fiscal Year 2015-2016, as compared to 2013. However, demand hardening from past conservation efforts would lessen the effect of additional conservation, thereby increasing the overall impacts from the proposed water supply reductions.	44-20
18	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-28, Table 2.12-7	General Comment	Similar to comments made elsewhere by BAWSCA, Table 2.12-7 presents Projected Service Area Population of Major Bay Area Water Agencies. It does not provide a breakdown for BAWSCA or its member agencies. By not providing a breakdown, it presents a significant challenge for BAWSCA and its member agencies to estimate the proposed growth by individual City / Water Service provider. We ask that that level of detail be provided and that Table 2.12-7 be expanded to cover BAWSCA.	44-21
19	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-29 Mitigation Measures	General Comment	ABAG proposes that implementing agencies include mitigation measures (a subset of which were listed) that would allow the impact of Plan Bay Area 2040 on Utilities (including water utilities) to be reduced from Potentially Significant to Less than Significant with Mitigation. BAWSCA believes that the mitigation measures as listed in the document should be expanded upon to include the	44-22

Table 1 (Continued)

BAWSCA Comment Number	Location in Document	General Comment and/or a statement made by ABAG in the text of the PEIR that BAWSCA objects to	BAWSCA Comment	
			development of drought supply projects. Those projects take considerable time, money and are challenging from a public acceptance perspective. Further, those types of projects also have their own set of potentially significant impacts that must be evaluated.	44-22 cont
20	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-29 Mitigation Measures. Significance after mitigation	General Comment	See BAWSCA comment #17. Most water supply projects spend years in the planning and development process. Many are subject to legal challenge. It is unclear if, at the program level, the significance after mitigation could be lowered to the "less than significant with mitigations" since the development of a new water supply project is such a complicated and complex mitigation in and of itself.	44-23
21	2.12 – Public Utilities; Section 2.12.3 – Impact Analysis Page 2.12-35 Impact 2.12-4	General Comment	ABAG notes that the implementation of the proposed Plan could require new or expanded water and wastewater treatment facilities. As noted previously by BAWSCA, if supplemental supplies are used by water providers, and if those supplies are dissimilar in water quality from that currently treated, water treatment plant modifications would be required. Such a discussion should be incorporated into this section of the DEIR.	44-24
22	3.2.4 - Cumulative Impacts, Page 3.2-8	General Comment	The cumulative impacts analysis should consider the future proposed modification by the SWRCB of the Bay-Delta Plan and cumulative effects of the projected reduction to water supply with the projected growth and impacts in the Plan Bay Area 2040.	44-25

Response 44	Nicole Sandkulla, Bay Area Water Supply & Conservation Agency (BAWSCA) June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

44-1 The commenter summarizes concerns related to water supplies. See responses to comments 44-2 through 44-25.

44-2 The commenter suggests corrections to language from the Draft EIR. The text on Draft EIR page 2.12-3, between paragraphs 2 and 3, in Section 2.12.1 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> **Bay Area Water Supply & Conservation Agency**
> The Bay Area Water Supply & Conservation Agency (BAWSCA) was created on May 7, 2003 and represents 26 water suppliers that purchase water from the San Francisco Regional Water System on a wholesale basis and deliver water to 1.7 million people, businesses, and community organizations in San Mateo, Santa Clara, and Alameda counties. BAWSCA's goals are to ensure a reliable water supply, high-quality water, and a fair price for its customers. BAWSCA has the authority to coordinate water conservation, supply, and recycling activities for its agencies; acquire water and make it available to other agencies on a wholesale basis; finance project including improvements to the regional water system; and build facilities jointly with other local public agencies or on its own to carry out the agency's purposes. It should be noted that the other water agencies discussed herein contain members of BAWSCA.

This correction does not alter the conclusions of the Draft EIR with respect to the significance of the proposed Plan on water supply.

44-3 The commenter refers to the Draft EIR's inclusion of eight major water agencies in the region and recommends adding a discussion of the Bay Area Water Supply and Conservation Agency (BAWSCA) and its member agencies. See Response to comment 44-2 above for the text addition to Draft EIR Section 2.12, "Public Utilities and Facilities" on page 2.12-3. The text addition does not change the analysis or conclusions of the EIR.

44-4 The commenter recommends breaking down the San Francisco Public Utilities Commission's (SFPUC) customer base of 2.6 million people throughout San Francisco, San Mateo, Santa Clara, Alameda, and Tuolumne counties to identify which retail and wholesale customers are BAWSCA member agencies. The analysis of public utilities in the Draft EIR provides a comprehensive overview of the region's water suppliers and other utilities. Due to the programmatic nature of the Draft EIR, impacts to water supply resources are qualitatively discussed. As discussed under the heading, Methods of Analysis, on Draft EIR page 2.12-26, although the analysis considers the current and regional demand and supply of water based on analyses available in current urban water management plans (UWMP) for major water providers, the analysis does not break down impacts to individual retail and wholesale customers. As such, a breakdown of SFPUC's customer base of 2.6 million customers would not affect the discussion under Draft EIR Impact 2.12-1 or the conclusion of a potentially significant impact. The Draft EIR provides mitigation measures to be implemented at the project level to reduce water demand and improve water efficiency. Notably, the Draft EIR provides a programmatic evaluation of impacts to public utilities and facilities and implementation of mitigation on a project level would be the responsibility of the lead or responsible agency overseeing such projects. The Draft EIR discloses this and concludes a

significant and unavoidable impact. Please see Master Response 5, Programmatic EIR, for a further discussion of this issue.

The commenter also recommends that the Draft EIR include a discussion of BAWSCA. See Response to comment 44-2.

44-5 The commenter expresses concern that the Draft EIR does not directly reference BAWSCA and its member agencies. See Response to comment 44-2.

44-6 The commenter expresses concern that the Draft EIR discussion for the Santa Clara Valley Water District (SCVWD) does not directly reference BAWSCA and its six member agencies that receive water from SCVWD. See response to comment 44-2.

44-7 The commenter expresses uncertainty regarding the information presented in Draft EIR Figure 2.12-2, specifically the quantities sourced from the Mokelumne and Tuolumne Rivers. The commenter requests an exact reference. Draft EIR Figure 2.12-2 of Section 2.12 was developed based on data presented on page 2-45 (Figure 2-18) in the 2013 *San Francisco Bay Area Integrated Regional Water Management Plan* (IRWMP) prepared by Kennedy/Jenks Consultants. The full citation is: Alameda County Water District, Association of Bay Area Governments, Bay Area Water Supply and Conservation Agency, California Coastal Conservancy, California Department of Water Resources, Contra Costa County Flood Control and Water Conservation District, Contra Costa Water District, East Bay Municipal Utility District, Marin County Department of Public Works, Marin Municipal Water District, Napa County Resource and Conservation District, North Bay Watershed Association, San Francisco Estuary Partnership, San Francisco Public Utilities Commission, Santa Clara Valley Water District, Solano County Water Agency, Sonoma County Water Agency, Stop Waste.org, Zone 7 Water Agency. 2013 (September). *San Francisco Bay Area Integrated Regional Water Management Plan*. Prepared by Kennedy/Jenks Consultants, Environmental Science Associates, Kerns & West, and Zentraal. The commenter requests that the discussion provide the actual quantities of water as well as a supply chart for dry years. The 2013 Bay Area IRWMP contains information related to location and amount of water from various water supply agencies and is hereby incorporated by reference. Please also see response to comment 44-4 and Master Response 3, Water Supply and Drought, for a discussion of this issue.

44-8 The commenter suggests corrections to language from the Draft EIR regarding local water supplies. The text in paragraph two on Draft EIR page 2.12-7 in Section 2.12.1 has been revised as follows (new text is <u>underlined</u> and deleted text is shown in ~~strikeout~~):

> "Together, surface water and ground water currently supply approximately 31 percent of Bay Area water (Kennedy/Jenks Consultants 2013). Surface water from local rivers and streams (including the Delta) is an important source for all Bay Area water agencies, but particularly so in the North Bay counties, where access to imported water is more limited because of infrastructure limitations. The Bay Area has 28 primary groundwater basins, which underlie approximately 30 percent of the region (see **Figure 2.12-3**). The basins that are most intensively used for water supply are the Santa Clara, Napa-Sonoma Valley, Petaluma Valley, Niles Cone, and Livermore Valley basins (DWR 2013). <u>Ground water is also an important local supply source for ACWD, BAWSCA member agencies, SCVWD, SFPUC, and Sonoma CWA.</u>"

This revision does not alter the conclusions of the Draft EIR with respect to the significance of the proposed Plan on water supply.

44-9 The commenter expresses concern that the reference to water transfers in the discussion under the heading, Water Transfers, in paragraph 1 on Draft EIR page 2.12-9 is an exaggeration. The commenter requests that the discussion include more specific information regarding existing or known water transfers occurring in the Bay Area Region. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.12.1.

The text in paragraph one on Draft EIR page 2.12-9 in Section 2.12.1 is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> "Water transfers allow suppliers with excess water supplies to sell their water to those agencies in need. In addition, agriculture-to-urban transfers can allow agricultural districts with marginal lands to be fallowed (taken out of production). Water transfers also provide reduced vulnerability to water shortages resulting from drought, catastrophic events, and system security breaches. ~~Bay Area water agencies have a number of transfer agreements to improve water supply in the region.~~ Several Bay Area Regional water agencies, including ACWD, CCWD, EBMUD, SCVWD, SFPUC, Solano CWA, and Zone 7, have participated in various types of water transfers to supplement their existing water supplies. Historic and existing water transfer arrangements occurring in the region include, but are not limited to, the following (Kennedy/Jenks 2013):
>
> - **CCWD Long-Term and Short-Term Water Transfers.** CCWD has long-term agreements that enable it to purchase up to 12,000 acre feet per year (AFY) from East Contra Costa Irrigation District (ECCID) during droughts.
>
> - **SFPUC Water Transfers.** The SFPUC participated in the DWR Drought Bank to help meet demands during the 1987-1992 drought, and has also purchased water from the Kern County Water Bank. SFPUC is also investigating the possibility of a dry-year water transfer in the Tuolumne River basin with Modesto Irrigation District/Turlock Irrigation District for 2 million gallons per day (mpg).
>
> - **SCVWD Short-Term Water Transfers.** SCVWD participates in water transfers and exchanges on a routine basis. For example, in 2003 when CVP and SWP allocations initially were low, SCVWD purchased 28,000 AF through six separate transactions."

This revision does not alter the analysis or the conclusions of the Draft EIR with respect to the significance of the proposed Plan on water supply.

44-10 The commenter suggests that the discussion of SFPUC's Hetch Hetchy Aqueduct on Draft EIR page 2.12-9 is too general and over-simplifies the San Francisco Regional Water System and its associated network of tunnels, pipelines, pump stations, reservoirs, treatment plants, turnouts, etc. The analysis included in Draft EIR Section 2.12, "Public Utilities and Facilities" does not rely on or require this information; however, for informational purposes, the text of the Draft EIR will be revised to reflect the commenter's suggestion.

The text in bullet point three on Draft EIR page 2.12-9 in Section 2.12.1 is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> - **Hetch Hetchy Aqueduct.** The ~~156~~ 167-mile Hetch Hetchy Aqueduct roughly parallels the Tuolumne River, conveying San Francisco Public Utilities Commission supplies from the Hetch Hetchy Reservoir across the San Joaquin River and San Francisco Bay~~,~~. Upon reaching the Bay Area near the city of Fremont, the Hetch Hetchy Aqueduct splits into the four Bay Division Pipelines. Pipelines 1 and 2 cross the San Francisco Bay to the south of the Dumbarton Bridge, while pipelines 3 and 4 run to the south of the Bay. Water from Hetch Hetchy is stored in local facilities

including Calaveras Reservoir, ~~up the peninsula and into Upper~~ Crystal Springs Reservoir, and San Antonio Reservoir ~~located north of Redwood City~~. Hetch Hetchy provides water to 2.4 million residential, commercial, and industrial customers in San Francisco and the Greater Bay Area.

This revision does not alter the analysis or the conclusions of the Draft EIR with respect to the significance of the proposed Plan on water supply.

44-11 The commenter expresses concern regarding future water supply demand and indicates that the Draft EIR's statement that "demand management strategies will allow Bay Area water agencies to continue to meet project demand through 2030 in average years" is too optimistic. The aforementioned statement is followed on Draft EIR Page 2.12-10 with an explanation that "between 1986 and 2008, demand management and conservation programs helped keep the overall increase of water use in the Bay Area stable, despite an increasing population." The use of demand management strategies in the Bay Area has been successful in accommodating population increases while maintaining adequate water supply. Further, the following paragraph on Draft EIR page 2.12-10, which refers to data in Table 2.12-2, discusses the water supply projections for each water agency in the Bay Area based on data provided in their UWMPs. As shown in that discussion and summarized in Draft EIR Table 2.12-2, these water agencies anticipate that they will be able to meet future demand in 2040, with the exception of the Solano County Water Agency, which only provides projections to the year 2030. These projections, combined with future demand management strategies demonstrate that the Draft EIR's language regarding meeting future water demand by 2030 is not overly optimistic. Please also see Master Response 3, Water Supply and Drought, for a discussion of these issues.

44-12 The commenter asks that Draft EIR Table 2.12-2 be expanded to include additional BAWSCA member agencies specific information. This Draft EIR addresses water supply impacts at a programmatic level considering potential needs over a 24-year period. Precise analyses at the district or city level—considering the 101 cities in the Bay Area—is neither practical nor necessary at this large-scale analysis level, given the many uncertainties ahead. Mitigation Measure 2.12-1(e) addresses the need for subsequent analysis of water supply on a project-by-project basis. Regarding a more detailed level of analysis for water supply, please see response to comment 44-4. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

44-13 The commenter states that Draft EIR Table 2.12-3 does not provide information related to water shortages during a multiple year drought. Please see Master Response 3, Water Supply and Drought, for a discussion of this issue. The commenter also states that the region faces challenges related to proposed unimpaired flow mandates that could result in more frequent and pronounced impacts. Please see response to comment 18-4 for a discussion of regional water resources. Also see response to comment 42-5. Please see also Master Response 3, Water Supply and Drought, for a discussion of this issue.

44-14 The commenter states that multi-year drought should be considered in the EIR, and that the EIR should include more discussion of how conservation mandates, heavy precipitation this winter, and climate change will affect supplies. Please see Master Response 3, Water Supply and Drought, for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

44-15 The commenter notes that water agencies will likely need to look to alternative supplies to address water needs of the population growth and new sources will have different water quality that may require modification to treatment plants. Please see Master Response 3, Water Supply and Drought, for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan

impacts. The potential need for modifications to treatment plants is also addressed in Impact 2.12-4, and includes mitigation.

44-16 The commenter states that pending State Water Resources Control Board (SWRCB) regulations that would reduce supply on the Tuolumne River should be discussed. Please see response to comments 18-4 and 42-5 for a discussion of regional water resources. Please see Master Response 3, Water Supply and Drought, for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

44-17 The commenter notes other issues impacting water supply that should be addressed, including SWRCB's update to the Bay Delta water quality control plan, which may mean that suppliers are not able to meet demand. Please see Master Response 3, Water Supply and Drought and responses to comments 18-4 and 42-5 for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

44-18 The commenter states that the statement that combined population projections for water agencies exceeds Plan projections and therefore should be adequate to supply the population is misleading because water agencies may not be able to trade water supplies and the projections do not show where growth will occur at an agency-specific level. Please see Master Response 3, Water Supply and Drought for a discussion of this issue.

44-19 The commenter expresses concern that the analysis performed in the Draft EIR exaggerates the effectiveness of conservation as a mitigation for insufficient water supplies. As discussed in Draft EIR Impact 2.12-1 in Chapter 2.12, "Public Utilities and Facilities," the language and analysis of the Draft EIR does not indicate that water conservation would reduce land use and transportation projects' impacts on water supply to a less than significant level. Draft EIR mitigation measures 2.12-1(a), 2.12-1(b), and 2.12-2(c) provide project- and site-specific mitigation to be implemented for land use and transportation projects constructed during implementation of the proposed Plan; however, as discussed in Impact 2.12-1, while the Draft EIR concludes that implementation of these mitigation measures would reduce impacts to a less-than-significant level, the Draft EIR recognizes their implementation is dependent on actions taken by other lead agencies with land use authority as specific land use and transportation projects are proposed. As such, the Draft EIR concludes that impacts to water supply associated with the proposed Plan would be significant and unavoidable.

44-20 The commenter refers to previous comments regarding the effectiveness of conservation as mitigation for insufficient water supplies. Please see response to comment 44-19.

44-21 The commenter suggests that Draft EIR Table 2.12-7 be supplemented to provide a breakdown of BAWSCA and its member agencies. Draft EIR Table 2.12-7 is intended to provide a regional, programmatic overview of service populations of major Bay Area water agencies. See Master Response 5, Programmatic EIR, for a discussion of these issues. ABAG/MTC appreciates BAWSCA's recommendation to include this additional information; however, this additional data would not alter the analysis performed or the significance conclusion in Draft EIR Section 2.12, "Public Utilities and Facilities."

44-22 The commenter expresses concern that the Mitigation Measures provided under Impact 2.12-1 would not be sufficient to reduce water supply impacts to a less-than-significant level. The commenter recommends that mitigation be supplemented to include "drought supply projects." The commenter does not specify the parameters or details of what constitutes a drought supply project; however, MTC/ABAG infers that the commenter is referring to projects such as expanded surface water and groundwater capacity, which could require considerable time and money. MTC/ABAG recognizes the uncertainties surrounding future water supplies

and the potential need for supply projects; however, such "drought supply projects" would be beyond the authority of MTC/ABAG and would undergo project-level environmental review pursuant to the California Environmental Quality Act. For a more detailed discussion of water supply and drought in the region, see Master Response 3, Water Supply and Drought. The Draft EIR mitigation measures 2.12-1(a), 2-12(b), and 2-12(c) offer project- and site-specific mitigation—including the need to assure an adequate supply before a project proceeds--to reduce water supply impacts to a less-than-significant level; however, the Draft EIR takes a conservative approach and acknowledges that MTC/ABAG cannot require local lead and responsible agencies to fully implement mitigation. As such, the Draft EIR concludes that impacts to water supply would be potentially significant. Please see Master Response 5, Programmatic EIR, for a discussion of these issues.

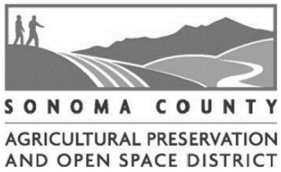
44-23 The commenter notes that water supply projects require years of planning and development and states that it is unclear, at the program level, how implementation of mitigation could be lowered to a less-than-significant level. This issue is discussed under Impact 2.12-1 under the heading, "Significance after Mitigation." The Draft EIR takes a conservative approach and acknowledges that MTC/ABAG cannot require local lead and responsible agencies to fully implement mitigation. As such, the Draft EIR concludes that impacts to water supply would be potentially significant. Please see Master Response 5, Programmatic EIR, for a discussion of these issues. See also response to comment 44-22.

44-24 The commenter expresses concern that if water suppliers must secure supplemental supplies to meet increased demand, there is a possibility that such supplies may be dissimilar in water quality as compared to what is currently treated, which would require water treatment plant modifications. The Draft EIR addresses this concern. Specifically, expanded use of advanced treatment technology is discussed in Impact 2.12-4 in Draft EIR Section 2.12, "Public Utilities and Facilities."

44-25 The commenter states that the cumulative impact analysis should consider future modification by SWRCB of the Bay Delta Plan and effects of projected reduction to water supply with the projected growth under the proposed Plan. Please see response to comment 18-4 for a discussion of regional water resources. Please see Master Response 3, Water Supply and Drought for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 45



June 1, 2017

Jake Mackenzie, Chair
Metropolitan Transportation Commission
Julie Pierce, President
Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Re: Draft Plan Bay Area 2040

Dear MTC Chair Mackenzie, ABAG President Pierce, and Commissioners:

Thank you for this opportunity to comment on the draft Plan Bay Area 2040 (Draft Plan) and the accompanying draft Environmental Impact Report (Draft EIR).

These comments build upon the comment letter submitted on October 13, 2016 to MTC and ABAG on the development of Plan Bay Area 2040 by a coalition of 17 conservation-focused public agencies and non-profit organizations (see Attachment A).

We applaud the steps that ABAG and MTC have taken through the development of Plan Bay Area 2040 to better integrate land-use and transportation planning to protect our region's treasured open spaces and address interconnected regional challenges of climate change, transportation, housing affordability, displacement, and shared economic prosperity to create a more environmentally sustainable, socially equitable, and economically prosperous region.

We are particularly pleased that the Draft Plan, if fully implemented, would meet Target 4, which calls for "directing all non-agricultural development within the urban footprint (existing urban development and UGBs)." This is a significant and laudable commitment to focus growth and avoid sprawl development. This approach brings a host of benefits, from safeguarding our drinking water supplies to reducing long, gruelling commutes on our region's congested roads and bridges to providing homes with better access to jobs and amenities for residents across the income spectrum.

We also applaud the inclusion of several noteworthy proposed actions in the Draft Plan's "Action Plan" chapter. In particular, we appreciate the commitment to seek to further align the region's transportation investments with local housing performance, which could be a key tool to help implement the Draft Plan's focused growth vision. The Action Plan also wisely calls for other regional actions to address housing affordability and displacement for residents across the income spectrum. Furthermore, the draft plan identifies the need to prepare for the impacts of climate change, as well as fires, floods, and other hazards, and calls for "expand(ing) the region's network of natural infrastructure," to "preserve and expand natural features that reduce flood risk, strengthen biodiversity, enhance air quality, and improve access to urban and rural public space." It also calls for establishing a Regional Advance Mitigation Program, which could significantly improve infrastructure project delivery and conservation outcomes.

However, we are concerned that the Draft Plan falls short in several important ways. To address these shortcomings, we urge you to incorporate the following recommendations:

1) Provide greater specificity to implement the plan's conservation vision and commitment to "expand natural infrastructure"

It will take bold regional leadership in the years ahead to protect, steward, and restore the Bay Area's world-renowned farms, ranches, forests, and watersheds. We appreciate that the Draft Plan identifies the importance of such actions. Unfortunately, the Draft provides few details about how MTC and ABAG plan to accomplish this vision. For example, the Action Plan's commitment to "expand natural infrastructure" only includes vague recommendations to "coordinate regional programs," "leverage existing initiatives," and "partner with special districts and cities." 45-1

In light of the significant threats to the health and viability of our region's natural and agricultural lands, new bold initiatives to safeguard these lands must be a central component of the Action Plan. The Action Plan should be expanded to include additional clear, meaningful time-bound actions to protect and steward critical lands, including the following:

2

- Work with partners to identify the regional funding gap for open space preservation and stewardship. Help to develop an integrated regional funding strategy, uniting the nine Bay Area counties, to secure new funding sources to close this gap. Support this effort by committing to include innovative conservation strategies in the disbursement of funds from RM3 and other regional transportation funding sources.
- Condition regional transportation funds on local protection of open space, building on the One Bay Area Grant (OBAG) framework. For example, condition eligibility for OBAG funds on local adherence to the open space protection target in Plan Bay Area 2040.
- Continue to expand funding for the successful Priority Conservation Area (PCA) grant program and move toward one regional PCA grant program with consistent rules and administration.
- Support completion of the Bay Area regional trail network and expand our system of urban trails, parks, and bikeways to serve the Bay Area's diverse populations.
- More deeply integrate water and land use decisionmaking to support water-wise development patterns and safeguard our region's watershed lands and water sources.

45-1 cont

Please see the attached joint comment letter from October 13, 2016 for additional recommendations of specific, concrete actions that should be incorporated into the Action Plan.

2) Restore essential agricultural mitigation measures that were removed from the Draft EIR

The Final Environmental Impact Report (FEIR) for Plan Bay Area 2013 outlined a number of critical mitigation measures to address the significant environmental impacts of the plan's projected development pattern and transportation investments. These included key actions at the regional and local scale to address impacts to agricultural lands and habitats for unique, threatened, and endangered species.

Unfortunately, the DEIR for the Draft Plan Bay Area 2040 removes many important feasible mitigation measures that were included in the Plan Bay Area 2013 FEIR to address impacts on the region's agricultural lands. The Plan Bay Area 2013 FEIR included sixteen mitigation measures related to impacts on agricultural lands. The Plan Bay Area 2040 DEIR removes twelve of those sixteen mitigation measures and eliminates portions of two others. For example, mitigation measures related to the termination of Williamson Act contracts, assessment of mitigation fees, minimum parcel sizes for commercial viability of agricultural lands, buffer zones, and measures to avoid introduction of invasive species have all been removed in the Plan Bay Area 2040 DEIR. (See Attachment B for a comprehensive comparison).

45-2

These changes make the Draft Plan Bay Area 2040 far less effective at mitigating the plan's significant environmental impacts compared to Plan Bay Area 2013. They also contradict recent advancements in conservation science, which have revealed heightened vulnerabilities of the Bay Area's natural and agricultural lands to human-induced stressors such as changing climatic conditions and sprawl development. Indeed, through the Sustainable Agricultural Lands Conservation Program, the State of California has affirmed the importance of protecting and stewarding farmlands at the urban edge as a key strategy to reduce greenhouse gas emissions.

MTC and ABAG should restore the removed mitigation measures and add regional enforcement mechanisms to ensure local and regional compliance with all mitigation measures related to impacts on the region's agricultural and natural lands.

In addition, while the DEIR quantifies the greenhouse gas (GHG) emissions from transportation, it fails to measure the GHG impacts that result from land disturbance caused by sprawl developments and transportation projects on natural and agricultural lands. The DEIR should be amended to quantify above-ground and below-ground carbon stocks throughout the Bay Area, identify how those stocks would be impacted by the Plan's proposed development pattern and transportation investments, and incorporate feasible mitigation measures to address these impacts. The assessment of GHG impacts from land disturbance is feasible using readily available data sources[1] and we would welcome the opportunity to work with MTC and ABAG to help the agencies employ best available scientific methodologies to carry out such an assessment. 45-3

3) Enhance the Draft Plan's roadmap for advancing sustainable, equitable housing solutions

We are concerned that the Draft Plan falls short of many of MTC and ABAG's targets for social equity—particularly in regard to housing affordability and displacement—and we appreciate that the Draft Plan proposes taking stronger regional action on housing to address these shortcomings. The region's housing affordability challenges are creating a tremendous financial and emotional toll on Bay Area families, especially low-income residents. As the Draft Plan acknowledges, housing unaffordability is also a problem for the future of our natural and agricultural lands. When people are no longer able to afford to live in communities near jobs and transit, they often move to less-expensive neighborhoods at the edges of the region and beyond. This can create new sprawl pressure in these edge communities, threatening the greenbelt lands that benefit us all and increasing VMT. 45-4

However, we are concerned that the language in the Draft Plan fails to consistently articulate that MTC and ABAG will focus on encouraging *infill* housing development across the region. Instead, the Draft Plan often speaks more broadly about improving "housing performance" without specifying that an essential component of that "performance" is ensuring the right development happens in the right places and doesn't happen where it doesn't belong.

The Draft Plan should be revised to clarify that the agencies' housing agenda will focus exclusively on infill housing. It should also more clearly articulate the many benefits of pursuing infill housing, including the benefits to our drinking water supplies and preservation of other natural resources.

In addition, the Action Plan should be refined to provide a clearer set of actions to promote housing affordability and reduce the risk of displacement within our existing cities and towns. For example, MTC and ABAG should commit to help develop a plan for new revenue for affordable housing production and preservation; integrate stronger rewards for sustainable, equitable development patterns in both new and existing regional transportation funding sources; and create a regional infill Infrastructure Bank to support infill housing for residents across the income spectrum. 45-5

[1] See Calthorpe Analytics' Plan Bay Area Conservation Analysis, which utilized the UrbanFootprint Conservation Module to analyze the conservation outcomes of several Plan Bay Area 2040 scenarios (October 2016)

Conclusion

Thank you for this opportunity to comment on the Draft Plan Bay Area 2040 and accompanying DEIR. We look forward to working with MTC and ABAG to refine these documents and stand ready to partner with you to bring the best elements of the new plan to life in the years ahead.

Sincerely,

Matt Vander Sluis and Brian Schmidt
Program Directors
Greenbelt Alliance

Serena Unger
Senior Policy Associate
American Farmland Trust

Deb Callahan
Executive Director
Bay Area Open Space Council

Elizabeth O'Donoghue
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State Coastal Conservancy

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Santa Clara Valley Open Space Authority

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October 13, 2016

45-6

Dave Cortese, Chair
Metropolitan Transportation Commission
Julie Pierce, President
Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Re: Draft Preferred Scenario for Plan Bay Area 2040

Dear MTC Chair Cortese, ABAG President Pierce, and Commissioners:

Thank you for this opportunity to comment on the draft Preferred Scenario for Plan Bay Area 2040.

The Bay Area is unique in its natural beauty, globally important landscapes and waters, vibrant farm and ranchlands, parks and open spaces. Bay Area residents and employers recognize the value of these natural and working lands and consider them essential contributors to the high quality of life, health, and economic prosperity of the region.

We applaud the steps that ABAG and MTC have taken to better integrate land-use and transportation planning to protect our region's treasured open spaces and address interconnected regional challenges of climate change, transportation, housing affordability, displacement, and shared economic prosperity to create a more environmentally sustainable, socially equitable, and economically prosperous region.

ABAG and MTC have made notable strides in advancing the protection and stewardship of our natural resources in recent years. Plan Bay Area 2013 affirmed a regional commitment to grow smartly and avoid development on our open spaces. The update to the Priority Conservation Area program and the recent $16 million contribution to the Priority Conservation Area grant program are exciting actions to support this vision. The ongoing development of a Regional Advanced Mitigation Program also has the potential to significantly improve conservation planning and execution across the Bay Area.

The development of the Preferred Scenario for Plan Bay Area 2040 provides the opportunity to build on these past accomplishments for a more healthy, prosperous, and sustainable future for all Bay Area residents.

We are pleased that the draft Preferred Scenario appears to meet Target 4, which calls for "directing all non-agricultural development within the urban footprint (existing urban development and UGBs[1])." This is a significant and laudable commitment to focus growth and avoid sprawl development.

However, we are concerned that the current draft falls short in several important ways. As you prepare the Final Preferred Scenario for Plan Bay Area 2040, we urge you to incorporate the following recommendations:

45-6 cont

1) Redirect growth away from "edge jurisdictions" with natural and agricultural lands

Compared to the original Plan Bay Area, the draft Preferred Scenario allocates far more housing growth to jurisdictions at the outer edges of our region.

Some of the most notable examples of this trend include the following:

- Brentwood's household allocation is nearly six times the amount envisioned in Plan Bay Area with 12,900 new households.
- Rio Vista's household allocation is more than 13 times higher than it was in Plan Bay Area, with 6,700 new households.
- Unincorporated Solano County's household allocation is more than 4.5 times higher than it was in Plan Bay Area with 7,800 new households.
- Gilroy's household allocation is nearly twice what it was in Plan Bay Area with 5,600 new households.

These communities are surrounded by important farms, ranches, and natural lands that provide a wealth of benefits, from storing carbon to protecting our local drinking water supplies to producing fresh fruits and vegetables. Directing such substantial amounts of growth to these areas puts unnecessary pressure on

[1] MTC and ABAG staff have explained that the "urban footprint" for Plan Bay Area 2040 is defined as land within Urban Growth Boundaries and Urban Limit Lines or within city limits where such a boundary does not exist.

our region's natural resources and undermines the plan's environmental, climate, equity, and economic goals. At the same time, there are communities in the core of the region that are well served by transit and jobs that would benefit from the integration of additional homes in infill locations in a compact, walkable pattern to better address the region's significant housing crisis, improve our regional jobs/housing imbalance, and reduce lengthy commutes on our congested roads.

We recommend that the final Preferred Scenario address this significant shortcoming by reallocating growth from outer edge communities to infill areas near transit and jobs and include additional policies and programs to encourage and support this more focused growth pattern. This will help protect important natural and agricultural lands and preserve the many benefits that they provide. It would also offer a host of other co-benefits, including shorter commutes and avoided Vehicle Miles Traveled (VMT); reduced infrastructure costs; increased rates of walking, biking, and transit; and greater access to opportunity for people across the income spectrum.

2) Improve the draft plan's social equity outcomes

We are concerned that the draft Preferred Scenario falls short of many of MTC and ABAG's adopted targets for social equity, particularly in regard to housing affordability and displacement.

The region's housing affordability challenges are creating a tremendous financial and emotional toll on Bay Area families, especially low-income residents. Housing unaffordability is also a problem for the future of our natural and agricultural lands. When people are no longer able to afford to live in communities near jobs and transit, they often move to less-expensive neighborhoods at the edges of the region and beyond. This can create new sprawl pressure in these edge communities, threatening the greenbelt lands that benefit us all and increasing VMT.

45-6 cont

The final Preferred Scenario should include stronger measures to achieve our region's interrelated goals regarding open space conservation, environmental health, housing affordability and displacement, equitable transportation, and middle-wage job growth to improve the lives of all Bay Area residents. In particular, it should include new tools and strategies to ensure that people across the income spectrum can afford a place to live within our existing cities and towns.

3) Prepare a regional roadmap to implement the plan's conservation vision

It will take bold regional leadership to protect, steward, and restore the Bay Area's natural and agricultural lands. Fortunately, the Bay Area's residents and businesses have long expressed a commitment to invest in and safeguard these lands and a network of public agencies, non-profit organizations, and community-based groups are well positioned to support this endeavor.

We look forward to working with MTC and ABAG to shape a detailed implementation roadmap for how the regional agencies and their partners can advance the Plan Bay Area 2040 goal of open space and agricultural preservation. This implementation roadmap should be included as part of the final Plan Bay Area 2040 and result in a detailed work plan for regional agency staff to carry out. The roadmap should include commitments to develop specific policies and programs, including the following:

Funding strategies to support the region's open space needs

- Identify the regional funding gap for open space preservation and stewardship. Develop an integrated regional funding strategy, uniting the nine Bay Area counties, to close this gap. In developing this strategy, a variety of tools should be explored, including regional and sub-regional funding measures, Regional Conservation Investment Strategies, Transfer of Development Rights programs, and others.
- Condition regional transportation funds on local protection of open space, building on the One Bay Area Grant (OBAG) framework. For example, condition eligibility for OBAG funds on local adherence to the open space protection target in Plan Bay Area.
- Continue to expand funding for the successful Priority Conservation Area (PCA) grant program and move toward one regional PCA grant program with consistent rules and administration.
- Adopt a Regional Advanced Mitigation Program (RAMP) to coordinate funding for open space protection related to expected impacts from transportation projects. If the model is successfully established for the transportation sector, consider expanding the model for other infrastructure sectors in the future.

Policy support for local conservation action

- Increase policy support to local jurisdictions to advance open space protection and stewardship.
- Examples of needed regional actions include distribution of best practices in local open space protection policies, facilitating a strong conservation role for LAFCOs, enhancing urban greening within Priority Development Areas, and aiding in the development of local environmental justice policies to foster equitable access to parks and open space in keeping with SB 1000 of 2016.

45-6 cont

Prioritization of our agricultural economy

- Ensure agricultural lands remain in active production by developing a regional farmland protection plan that identifies opportunities and potential funding, such as agricultural easement programs, for enhancing the economic viability of agriculture and permanently protecting agricultural lands to help secure our region's food supply.
- Include strong mitigation actions for farmland loss anticipated in the Plan Bay Area 2040 growth footprint. Enhance the mitigation ratios that were included in the EIR for Plan Bay Area 2013 to better reflect the value of agriculture lands.
- Integrate funding for regional agriculture programs in the Bay Area's forthcoming Comprehensive Economic Development Strategy (CEDS) and new Regional Economic Development District (REDD).

Support for our region's trails, recreational lands, and green infrastructure

- Support the completion of the Bay Area regional trail network and expand our system of urban trails, parks, and bikeways to serve the Bay Area's diverse population.
- Expand "Transit to Trails" programs to enhance access to open space and reduce vehicle miles traveled and greenhouse gas (GHG) emissions.
- Establish a Regional Bicycle and Pedestrian Metrics Program to aggregate data on walking and biking throughout the region, including segments of the regional trail system.

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- Encourage policies and funding for nature-based solutions and green infrastructure in urban areas to incorporate natural systems into the built environment, address challenges such as flood control and water supply protection, and provide environmental, health, and safety benefits to Bay Area residents.

Integration of conservation data into decisionmaking

- Compile and integrate conservation-related datasets across the region. Provide a mechanism to allow public agencies and stakeholders to easily access and incorporate this data at all stages of decisionmaking.
- Establish new regional policies to factor in natural resources, working lands, and parks in infrastructure plans, programs, and project decisions. Include a full assessment of conservation impacts, such as water and energy use, farmland and habitat preservation, and carbon sequestration in future regional planning scenario assessments.
- Measure and report the GHG emissions that will be released from disturbance of the land base in the Plan Bay Area 2040 growth footprint and incorporate that information into the plan's mitigation measures.
- Develop a robust regional plan for sea level rise and climate adaptation, with an emphasis on strategies that protect and enhance our natural resources as a strategy for resilience.

45-6 cont

Conclusion

Since the adoption of Plan Bay Area in 2013, the need to grow smartly and protect our natural and agricultural lands has become increasingly urgent, with an ever-growing body of data on the economic, environmental, health, and social equity benefits of choosing sustainable, equitable development patterns rather than sprawl.

We look forward to working with MTC and ABAG to refine the Draft Preferred Scenario for Plan Bay Area 2040 and ensure that the final plan positions our region for success.

Sincerely,

Matt Vander Sluis and Brian Schmidt
Program Directors
Greenbelt Alliance

Serena Unger
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American Farmland Trust

Deb Callahan
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Bay Area Open Space Council

Janet McBride
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The Nature Conservancy

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Executive Director
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6

Draft Plan Bay Area 2040 DEIR
Mitigation measures for the loss of agricultural lands

Below is a comparison of the agricultural mitigation measures in Plan Bay Area 2013 FEIR and the Draft Plan Bay Area 2040 DEIR. (Additions and deletions are noted in red.)

	Plan Bay Area 2013 EIR Mitigation for farmland loss	Draft Plan Bay Area 2040 DEIR Mitigation for farmland loss	
	2.3(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:	2.3-4 Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations that include, but are not limited to those identified below.	45-7
1	Requiring project relocation or corridor realignment, where feasible, to avoid agricultural land, especially Prime farmland	Same	
2	Acquiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of agricultural land or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity	Require acquisition of conservation easements on land at least equal in quality and size as ~~partial compensation~~ mitigation for the loss of agricultural land ~~or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity.~~	45-8
3	Maintain and expand agricultural land protections such as urban growth boundaries	Same	45-9
4	If a Williamson Act contract is terminated, a ratio greater than 1:1 of land equal in quality shall be set aside in a conservation easement, as recommended by the Department of Conservation	Removed	45-10
5	Instituting new protection of farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.)	Institute new protection of farmland in the project area or elsewhere ~~in the County~~ through the use of long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.)	45-11
6	Assessing mitigation fees that support the commercial viability of the remaining agricultural land in the project area, County, or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.	Removed	45-12

7	Minimizing isolation, severance and fragmentation of agricultural lands by constructing underpasses and overpasses to provide property access.	Removed	45-13
8	If a project involves acquiring land or easements, it shall be ensured that the remaining nonproject area is of a size sufficient to allow viable farming operations, and the project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management	Removed	45-14
9	Requiring agricultural enhancement investments such as supporting farmers education on organic and sustainable practices, assisting with organic soil amendments for improve production, and upgrading irrigation systems for water conservation	Removed	45-15
10	Reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction	Removed	45-16
11	Requiring project proponents to be responsible for restoring access to roadways or utility lines, irrigation features, or other infrastructure disturbed by construction to ensure that economically viable farming operations are not interrupted	Removed	45-17
12	Managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land	Removed	45-18
13	Requiring buffer zones, which can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations, (the width of buffer zones to be determined on a project-specific basis, taking into account prevailing winds, crop types, agricultural practices, ecological restoration, and infrastructure) between projects and adjacent agricultural land, which should be designed to protect the feasibility of ongoing agricultural operations	Removed	4519

	and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals		45-19 cont
14	Requiring berms, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland	Removed	45-20
15	Requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection	Removed	45-21
16	Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion	Removed	45-22
17		Added: Compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies.	45-23

Response 45	Greenbelt Alliance and multiple (see list of commenters) June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

45-1 The commenter provides suggestions to Chapter 5, "Action Plan" of the proposed Plan, including identifying additional actions for protecting and stewarding critical lands. Thank you for these comments. The Alliance's interest is appreciated and these comments are now a part of the official record on the proposed Plan. The actions in the Chapter 5, "Action Plan" include identifying regional funding needs for open space preservation, conditioning transportation funding on protection of open space, increasing funding for Priority Conservation Areas (PCAs), expanding the regional trail network, and integrating water with land use decision making to support water-wise development patterns. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

45-2 The commenter expresses concern that mitigation measures to reduce impacts from conversion of agricultural land to non-agricultural uses are different under the Draft EIR compared to the EIR for *Plan Bay Area* ("2013 EIR"). For a discussion on the sufficiency of these mitigation measures, please see response to comment 4-6. For a discussion of why these mitigation measures are different between the two documents, see responses to comment 45-7 through 45-23. In summary, the differences reflect the inclusion of a Regional Advance Mitigation Planning (RAMP) program that accomplishes many of the same mitigation concepts, and also reflects removal of redundant measures included in the 2013 EIR. The differences do not diminish the effectiveness of Draft EIR Mitigation Measure 2.3-4, and it is sufficient to reduce the magnitude of Impact 2.3-4 as discussed on Draft EIR page 2.3-35.

45-3 The commenter states the opinion that the Draft EIR does not measure greenhouse gas (GHG) impacts from land disturbance, and that the Draft EIR should be amended to quantify above-ground and below-ground carbon stocks and identify how they would be affected by the proposed Plan. See response to comment 4-8 for a discussion of lost carbon storage. As explained in response to comment 4-8, no changes to the Draft EIR are necessary.

45-4 The commenter expresses a general concern with housing affordability in the region and its potential impact on natural and agricultural lands. The commenter suggests that MTC/ABAG specify within the proposed Plan that the focus of new housing production will be exclusively on "infill" development and that the proposed Plan should more clearly articulate the benefits to water supplies and open space protection of infill development. In order to accommodate anticipated growth in the Plan area in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy; however, this strategy does not affect the overall demands of the regional household and jobs projections. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

45-5 The commenter provides suggestions to Chapter 5, "Action Plan" of the proposed Plan, such as providing clearer housing actions like committing to a develop a plan for new revenue for affordable housing, providing stronger rewards for housing with both new and existing regional transportation funding, and creating a regional infill Infrastructure Bank to support infill housing. The commenter provides opinions and recommendations related to the proposed

Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

45-6 The comment is a reproduction of an October 2016 letter to MTC and ABAG with several suggestions related to the proposed Plan, including recommendations for the land use growth footprint, social equity outcomes, conservation vision, and other topics included in the proposed Plan. As noted in Draft EIR Section 1.2, "Project Description," the proposed Plan includes Chapter 5, "Action Plan." This chapter identifies action items for MTC, ABAG, and other stakeholders to make meaningful progress on the proposed Plan's performance targets. In particular, the Action Plan focuses on those areas where the proposed Plan is moving off trajectory: housing and transportation affordability, displacement risk, access to jobs and roadway maintenance. Chapter 5, "Action Plan," of the proposed Plan also includes information on implementation of resilience actions that include expanding the regional's network of natural infrastructure and establishing RAMP to strengthen regional biological conservation priorities. The commenter addresses the proposed Plan but does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

45-7 Comments 45-7 through 45-23 compare the mitigation measures for loss of farmland between the 2013 EIR and the Draft EIR. The following responses detail the differences in the measures. The Draft EIR includes a shorter list of measures to avoid duplication between adopted programs and mitigation, as well as to reflect updates to mitigation, where appropriate. For instance, the draft measures reflect MTC's effort to implement RAMP, which is included in Draft EIR Mitigation Measure 2.3-4. RAMP is a mechanism by which transportation agencies can plan comprehensively for projects and allows for natural resources to be protected or restored as compensatory mitigation before infrastructure projects are constructed. It requires consultation with relevant agencies to ensure compensatory measures are adequate. Since the approval of the *Plan Bay Area* in 2013, MTC staff have worked with staff from the Nature Conservancy and the State Coastal Conservancy to consider the feasibility of a RAMP program in the Bay Area and to move forward with implementation. The implementation of the RAMP program would replace previously-identified compensatory mitigation measures related to biological resources and potential loss of habitat, including agricultural land and open space. Mitigation Measure 2.3-4 also states that compensatory mitigation may be achieved through the purchase or creation of mitigation credits, as deemed appropriate by the permitting agencies.

The commenter correctly indicates that the following text was included in the Draft EIR but not the 2013 EIR to indicate that mitigation measures shall be implemented as feasible and "and necessary" based on project- and site-specific considerations. This language recognizes that not all projects require mitigation because they may have a less-than-significant impact without mitigation. No specific comment was made regarding the adequacy of this mitigation measure for which a further response can be provided.

45-8 The commenter correctly indicates that the following text was included in the 2013 EIR but not the Draft EIR, "requiring acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of agricultural land." However, a comparison of the language between the two measures shows they both require the same thing: acquisition of conservation easements equal in size and quality as the converted land. This is in addition to the RAMP measure that was added to this mitigation. Please also see response to comment 45-23. No specific comment was made regarding the adequacy of this mitigation measure for which a further response can be provided.

45-9 The commenter correctly indicates that both the 2013 EIR and Draft EIR contain the same mitigation measure, "maintain and expand agricultural land protections such as urban growth boundaries." No specific comment was made regarding the adequacy of this mitigation measure for which a further response can be provided.

45-10 The commenter correctly indicates that the 2013 EIR contained text that was not part of the current Draft EIR, "If a Williamson Act contract is terminated, ratio greater than 1:1 of land equal in quality shall be set aside in a conservation easement, as recommended by the Department of Conservation." This purpose of this mitigation measure is included in the fourth bullet under Draft EIR Mitigation Measure 2.3-4: require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of agricultural land. Removing the specific reference of "Williamson Act," does not diminish the measure's effectiveness, and no changes to the document are necessary.

45-11 The commenter correctly indicates that both the 2013 EIR and the Draft EIR contain slightly different text regarding a mitigation measure for protection of farmland. Specially, the commenter indicates that the mitigation measure does not require the institution of new protection of farmland within the same County from where it is converted. This would not diminish the effectiveness of the measure in reducing environmental impacts because it would still protect the same amount of farmland. Furthermore, by removing the geographical limitation, the feasibility of complying with the measure is enhanced because it may not be feasible to comply with the measure in some counties. (See e.g., *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1271 [holding substantial evidence supported the conclusion that off-site agricultural mitigation within Orange County was not feasible].) No specific comment was made regarding the adequacy of this mitigation measure for which a further response can be provided.

45-12 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "Assessing mitigation fees that support the commercial viability of the remaining agricultural land in the project area, County, or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc." The purpose of this mitigation measure has been included in the third bullet under Draft EIR Mitigation Measure 2.3-4: "compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through RAMP, as deemed appropriate by the permitting agencies." As explained in response to comment 45-7, both of these mitigation measures would reduce impacts through compensatory mitigation.

45-13 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR: "minimizing severance and fragmentation of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access." The purpose of this mitigation measure is provided in the first bullet under Draft EIR Mitigation Measure 2.3-4: require project relocation or corridor realignment, where feasible, to avoid farmland, especially Prime Farmland. Both of these mitigation measures avoid conversion of farmland to non-agricultural uses.

45-14 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "If a project involves acquiring land or easements, it shall be ensured that the remaining non project area is of a size sufficient to allow viable farming operations, and the project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management." The purpose of this mitigation measure is included within Draft EIR Mitigation Measure 2.3-4, which requires acquisition of conservation easements on land as least equal in quality and size as mitigation for the loss of agricultural land (see bullet 4 under Mitigation Measure 2.3-4).

45-15 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "requiring agricultural enhancement investments such as supporting farmer education on organic and sustainable practices, assisting with organic soil amendments for improved production, and upgrading irrigation systems for water conservation."

This was not included because "education" is not a mitigation measure that would reduce or avoid impacts related to loss of soil. Mitigation measures are defined in Section 15370 of the California Environmental Quality Act Guidelines, and include avoiding, minimizing, rectifying, reducing, or compensating for an impact. The measure in the 2013 EIR does not meet these definitions.

45-16 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction." This type of measure addresses temporary disturbance related to construction, would be required as part of routine project construction, and does not reduce or eliminate potentially significant impacts to conversion of farmland to non-agricultural uses.

45-17 The commenter correctly indicates that text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "requiring project proponents to be responsible for restoring access to roadways or utility lines, irrigation features, or other infrastructure disturbed by construction to ensure that economically viable farming operations are not interrupted." This type of measure addresses temporary disturbance related to construction, would be required as part of routine project construction, and does not reduce or eliminate potentially significant impacts to conversion of farmland to non-agricultural uses.

45-18 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land." This issue pertains to biological resources and does not reduce or eliminate potentially significant impacts to conversion of farmland to non-agricultural uses.

45-19 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "requiring buffer zones, which can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations, (the width of buffer zones to be determined on a project-specific basis, taking into account prevailing winds, crop types, agricultural practices, ecological restoration, and infrastructure) between projects and adjacent agricultural land, which should be designed to protect the feasibility of ongoing agricultural operations and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals." The purpose of this mitigation measure is included under the second bullet of Draft EIR Mitigation Measure 2.3-4: maintain and expand agricultural land protections such as urban growth boundaries. Both mitigation measures would maintain and expand agricultural land protections. Other issues, such as noise, dust, and ecological restoration would not reduce or eliminate potentially significant impacts to conversion of farmland to non-agricultural uses.

45-20 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "requiring berms, buffer zones, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland." The purpose of this mitigation measure is included under the second bullet of Draft EIR Mitigation Measure 2.3-4: maintain and expand agricultural land protections such as urban growth boundaries. Both mitigation measures would maintain and expand agricultural land protections.

45-21 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection." This mitigation was not specific enough to provide for mitigation that would reduce or eliminate potentially significant impacts to conversion of farmland to non-agricultural uses and has been replaced by the compensatory mitigation and RAMP measure (see responses to comments 45-7 and 45-23).

45-22 The commenter correctly indicates that the following text of a mitigation measure that appeared in the 2013 EIR is not listed in the Draft EIR, "requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion." As explained in Draft EIR Section 2.0, "Approach to the Analysis," where regulatory requirements exist, the Draft EIR assumes that compliance with these regulations would occur because they are already required and are binding on responsible agencies and project sponsors. The effect of this measure would still occur because these actions would occur regardless of a listed mitigation measure directing their implementation.

45-23 The commenter correctly indicates that the following text of a mitigation measure that appeared in the Draft EIR, but was not included in the 2013 EIR, "compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through RAMP, as deemed appropriate by the permitting agencies." This mitigation requires compensatory mitigation measures and outlines methods to achieve credits or implement projects, which reduces environmental effects of conversion of farmland to non-agricultural uses because some or all of the lost land would be replaced elsewhere. Also see response to comment 45-7.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 46

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Submitted to: info@PlanBayArea.org, eircomments@mtc.ca.gov

June 1, 2017

RE: Plan Bay Area 2040 Draft EIR Comments

To Whom It May Concern:

Thank you for the opportunity to provide comments on the Plan Bay Area 2040 Draft Environmental Impact Report (EIR).

I have long been concerned that there is not enough analysis of water supply, potential environmental impacts on rivers and the Delta, and the effects of climate change in the Plan Bay Area process generally.

This inadequate attention to the constraints posed by limited water resources is reflected in the current EIR.

46-1

The SF Bay-Delta system and ultimately all Sierra Nevada rivers flowing into it will be impacted by increases in population projected and planned for in the EIR. These critical impacts to wildlife, water quality, recreation, and genuine human well-being are not sufficiently addressed. It would be cynical to call communities sustainable if building them results in further drying up rivers and hastening species extinctions.

46-2

Climate change will make the water supply situation increasingly less predictable and more precarious. Developments in water reuse and groundwater replenishment are desperately needed to help insulate the current water supply for urban and agricultural users from climate change and potentially longer, more severe droughts. There is no "new" water.

46-3

The ABAG/Plan Bay Area process must be broadened to include the absolutely essential element of water supply and watershed impacts.

The current EIR needs to realistically address the full impacts of the absolute constraints on water resources that cannot be met with ever-greater conservation or mitigations.

46-4

Thank you for your attention.

Respectfully yours,

Sonia Diermayer

Response 46	Sonia Diermayer June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

46-1 The commenter states a general concern that there has not been enough analysis of water supply, potential impacts on rivers and the Delta, and the effects of climate change. The commenter also states that inadequate attention has been given to the constraints posed by limited water resources. Please see response to comment 18-4 for a discussion of effects of the proposed Plan on regional water resources and Master Response 3, Water Supply and Drought, for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

46-2 The commenter states that increased population levels would affect water supplies, which would in turn affect wildlife, water quality, recreation, and generally human welfare. Please see response to comment 18-4 and Master Response 3, Water Supply and Drought, for a discussion of these issues.

46-3 The commenter states that climate change will make water supply less predictable and developments in water reuse and groundwater replenishment are needed to protect the current supply from climate change and drought. Please see Master Response 3, Water Supply and Drought for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

46-4 The commenter states that the proposed Plan must include water supply and watershed impacts. The commenter further states that the Draft EIR needs to address impacts related to the absolute constraints on water resources that cannot be met with greater conservation and mitigation. Please see Master Response 3, Water Supply and Drought for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 47

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Re: Comments on Plan Bay Area 2040 Regional Transportation Plan/Sustainable Communities Strategy Draft Environmental Impact Report and Draft Equity Analysis Report

Dear MTC EIR Project Manager:

We write on behalf of Public Advocates Inc. ("Public Advocates") to offer the following comments on the Plan Bay Area 2040 Regional Transportation Plan ("RTP")/Sustainable Communities Strategy ("SCS") Draft Environmental Impact Report ("DEIR") and the Draft Equity Analysis Report ("DEAR"). Public Advocates is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transportation equity, and climate justice. As result, we have a strong interest in ensuring that the RTP/SCS DEIR integrates and adequately considers land use, housing, and transportation planning impacts.

Transportation, housing, and jobs are inextricably linked, and how they function together has profound consequences for the environment, the economy, and equity across the Bay Area. Individuals and families depend on transportation to get from home to work, school, and healthcare providers. Access to transportation is therefore access to economic and social opportunity. The increasing distance between housing and jobs described in the DEAR creates barriers to economic opportunity and makes commuting to work unpredictable, lengthier, and more expensive. Policies that put affordable housing and economic opportunity for low income residents at the center of transportation planning therefore result in fewer (and less significant) physical impacts and the most equitable outcomes.

The Draft Plan Bay Area 2040 recognizes the need to integrate land use, housing, and transportation, and rightly notes the ongoing crisis in housing affordability and neighborhood stability. Housing pressures affect households of all income levels but are particularly acute for low income families. The Draft Plan notes (at 12), for example, that "the vast majority of households with annual incomes below $50,000 experience an excessive housing cost burden" and that "more than half of low income households live in neighborhoods at risk of or already experiencing displacement and gentrification pressures." It also acknowledges that displacement is exacerbated by the "lack of adequate tenant protections—or availability of subsidized or 'naturally affordable' market-rate units in neighborhoods with quality transit service and other amenities."

47-1

Displacement risks affect a broad segment of the regional population. Approximately 25% of the Bay Area population are low-income residents and approximately 25% of the regional population live in communities of concern.[1] That is on the order of 1.7 million people. As noted above, nearly half of those—or around 850,000 persons—are at risk of displacement. These households spend a much higher share of their income on transportation and rent or the cost of owning a home compared to higher-income households (on average, more than 67% of their income), which has direct implications for both a household's budget and its vulnerability to being priced out of a neighborhood as costs rise faster than wages.[2]

The environmental impacts of displacement can be severe. Given insufficient availability of affordable housing in areas of the greatest economic opportunity, rising prices drive low- and moderate-income households to outlying jurisdictions farther away from jobs, transit, and amenities. These households then face costly, long-distance commutes which exacerbate traffic congestion and air pollution, result in a variety of adverse health impacts, and worsen mass transit crowding. As displacement pressures increase, pressure for development in outlying areas intensifies, which poses threats to open space. The consequences of inadequate housing extend throughout the region, not only putting affordable residential neighborhoods at risk but also threatening parks, recreation areas, and local farms and pasture land.

47-2

The effects of the pressure for housing can be seen everywhere and every day: in demographic shifts in outlying areas (*i.e.*, the suburbanization of poverty),[3] the notorious traffic bottlenecks on I-80 in Alameda and Contra Costa Counties and I-580 in eastern Alameda County, and in the increasingly long lines for BART and buses. Freeway congestion delay per commuter and weekday rail ridership are already at record levels. Even if just one-fifth of those at risk of displacement are forced to relocate to outlying areas—even areas covered by the Proposed Plan—the scale of the impacts would be almost unimaginable. Such a mass displacement would mean 170,000 more people commuting into San Francisco, Oakland, and the South Bay each day, adding to congestion, crowding, and pollution. It would also mean decreased access to recreation opportunities for all Bay Area residents within and outside the Bay Area, as outlying open space areas are developed to meet the need for affordable housing. In short, displacement of low-income residents from transit-oriented communities to the far reaches of the region is a crisis, both for the affected communities and families and for the economic and environmental sustainability of the region.[4]

All of this is to say that the lack of affordable housing for low income residents has significant and immediate physical impacts that must be properly accounted for by MTC/ABAG. The DEIR must integrate consideration of land use, (affordable) housing, and transportation planning. And the DEIR must discuss

47-3

[1] DEAR at 2-3.

[2] Draft Plan Bay Area at 12.

[3] *See, e.g.*, Attachment A, Urban Habitat, *Race, Inequality, and the Resegregation of the Bay Area* (November 2016) (available at http://urbanhabitat.org/sites/default/files/UH%20Policy%20Brief2016.pdf) ("Urban Habitat Report"). The report notes, for example, that there was a clear and dramatic shift in Black populations from the inner to the outer region, and that poverty in Black populations increased most in the outer region. Likewise, poverty in Latino communities increased disproportionately in the outer parts of the region. The proportion of renter-occupied units to owner-occupied increased most in the outer region as well.

[4] 6 Wins for Social Equity Network, *Displacement: A Regional Crisis* (Attachment B).

feasible measures to mitigate the impacts of displacement. However, as discussed in our comments below, the DEIR fails to satisfy the requirements of CEQA for at least three principal reasons:

- **Failure to Adequately Integrate Housing Affordability.** The DEIR pays lip service to the need to consider equity in transportation planning. However, the DEIR never grapples with effects of the Plan on housing affordability at the level of detail necessary to reveal either the significant additional physical impacts caused by displacement under the Proposed Plan or the better outcomes under the Equity, Environment, and Jobs ("EEJ") Alternative. 47-3 cont

- **Failure to Adequately Assess Impacts of Displacement.** The DEIR fails to quantify the increased environmental impacts associated with displacement, such as increased transportation distance, effects on air quality, increased strain on transportation infrastructure, and pressures on open spaces and agricultural lands. 47-4

- **Failure to Identify and Consider Feasible Alternatives and Mitigation.** The DEIR barely skims the surface of feasible alternatives to reduce or mitigate displacement and the lack of affordable housing. The DEIR ignores mitigation measures, including those within the scope of MTC/ABAG's authority and that have been used successfully in the past, that could facilitate more equitable outcomes. By failing to adequately identify, evaluate, or adopt feasible mitigation measures, the DEIR fails to satisfy CEQA. 47-5

We provide detailed comments on the DEIR and supporting documents below. In light of the legal deficiencies in the DEIR, Public Advocates requests that the DEIR and DEAR be revised and recirculated for additional public comment before MTC/ABAG finalizes the EIR and adopts Plan Bay Area 2040. 47-6

General Comments

Much effort and resources were devoted to the Plan, the DEIR, and the companion reports. Notwithstanding the time and resources spent during the planning process, the DEIR suffers from critical legal deficiencies: 47-7

- The DEIR fails to adequately assess the impacts of the project and its alternatives
- The DEIR makes unrealistic and unreasonable assumptions regarding housing construction that undermine the models and impact assessments 47-8
- The DEIR fails to identify and analyze feasible mitigation measures 47-9
- The DEIR improperly prioritizes GHG reductions over SB 375's mandate to house the entire Bay Area population at all income levels. 47-10

The DEIR lacks adequate consideration of affordability in its land use analysis. If housing is theoretically available, yet still unaffordable, there will be greater displacement in areas both within and 47-11

outside of the Bay Area than the DEIR predicts (even after accounting for "filtering").[5] This means greater impacts,[6] including impacts on air quality and increased strain on transportation infrastructure, as persons are forced to commute farther distances.[7] And a failure to adequately account for the effects of affordability leads the DEIR to simultaneously underestimate both the benefits of the EEJ Alternative and the adverse impacts of the Proposed Plan. 47-11 cont

The DEIR also fails to account not only for the disparity between "planned" affordable housing units and reality, but also for the significant difference between the number of housing units assumed in the land use and transportation models and the Regional Housing Need Allocation ("RHNA"). This means that either the modeling is incorrect or the housing needs are under-estimated. 47-12

Mitigation measures can be developed to both foster creation of affordable housing units and minimize displacement—that is, facilitate more equitable outcomes with fewer physical impacts. But, the DEIR does not identify or adequately assess such feasible and available measures, nor does it study how those mitigation measures could change outcomes. On page 1.2-21, the DEIR states that the Proposed Plan does not mandate any changes to local zoning rules, general plans or processes for reviewing projects; nor is the Plan an enforceable direct or indirect cap on development locations or targets in the region. To the extent that discussion suggests that MTC/ABAG must avoid taking action to *influence* local decisions, the DEIR is flawed. Just because MTC/ABAG lacks authority to *mandate* changes to local land use and development plans does not absolve MTC/ABAG from exercising its available powers, including its grant-making and CEQA streamlining authority, to influence local decisions. For example, MTC has previously piloted mitigation measures specifically designed to facilitate equitable outcomes, such as basing funding distribution on RHNA planning and production, providing incentives for local housing production, and favoring projects that include anti-displacement policies.[8] By failing to adequately identify, evaluate, or adopt feasible *regional* mitigation measures that take these pilots to scale, the DEIR fails to satisfy CEQA. 47-13

Further, even though it is true that local jurisdictions will ultimately decide whether many of the *local* mitigation measures are actually implemented, the DEIR and Draft Plan should nevertheless identify 47-14

[5] Filtering is an controversial theory that refers to the movement of housing stock from higher- to lower-income households as it ages and deteriorates, supposedly resulting in reductions in the prices of older housing.

[6] *See, e.g.*, Attachment C, *San Mateo County Eviction Report for 2016* (discussing hidden epidemic of displacement in San Mateo County and the deep and long lasting health consequences). The report notes that families desperate to secure housing often accept unsafe or unhealthy housing conditions such as overcrowding, increased noise, and mold or pest exposure, increasing the chances of contracting communicable diseases, asthma, and respiratory illness, and increasing mental distress. *See also* Attachment D, Olivia Allen-Price, *How Many Are Being Displaced by Gentrification in Oakland?* (available at https://ww2.kqed.org/news/2017/02/09/how-many-are-being-displaced-by-gentrification-in-oakland/); Attachment E, Devin Katayama, *An Oakland Diaspora: What Drives Longtime Residents to Leave?* (available at https://ww2.kqed.org/news/2016/03/02/an-oakland-diaspora-what-drives-longtime-residents-to-leave/).

[7] *See, e.g.*, Urban Habitat Report, at 1 (noting that "[d]istances from work increased for people living in places with the highest growth rates of poverty").

[8] *See, e.g.*, OBAG 2 One Bay Area Grant Program Project Selection Criteria and Programming Policy, Attachment A, at 3-4 (distribution formula), 5 (Surplus Land Requirement), 12 (Naturally Occurring Affordable Housing), 15 (housing production incentive), and 17 (project selection and anti-displacement policies) (available at http://mtc.ca.gov/sites/default/files/RES-4202_approved.pdf) ("Attachment F").

and discuss the policy tools available to local jurisdictions to address the Bay Area housing affordability crisis. Where the DEIR assumes that local jurisdictions will use a policy tool, such as inclusionary zoning, to address housing access equity or displacement under the Proposed Plan or any of the alternatives, it should clearly state these assumptions. Where the Draft Plan identifies impacts associated with displacement or a lack of low income housing access, it should identify policy tools that can be used by local jurisdictions to address those impacts, even if those policy tools are not available to MTC/ABAG directly. This will allow the final EIR to best serve its programmatic function under CEQA, and better inform the public about possible avenues for mitigation of significant impacts by lead agencies overseeing the environmental analysis of individual development projects included in the Plan.

47-14 cont

SB 375 requires the Plan both to achieve GHG reduction targets assigned by the state and to house the entire Bay Area population at all income levels. Cal. Gov't Code, § 65080(b)(2)(B). Yet, the DEIR analysis simply assumes sufficient housing for the regional population, an assumption that is at odds with reality and with the policies in the Plan. Doing so not only assumes what state law mandates—a plan that will actually house the population—but also gives the impression of meeting the region's GHG-reduction targets based on a development footprint that is neither reflective of the region's past experience nor made more likely by anything in the Plan itself.

47-15

At bottom, the DEIR does not fulfill its basic legal function to fully inform the public of the impacts of the Draft Plan. As the California Supreme Court has recognized, "[t]he preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [] For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed". *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-45. In order to meet this standard, an EIR "must include a meaningful discussion of both project alternatives *and* mitigation measures." *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 40 (emphasis in original). Here, the dynamic effects of affordability put more than 800,000 people at risk of displacement—a displacement crisis that will lead to significant and unassessed physical impacts within the Bay Area and beyond. Those impacts are not meaningfully discussed in the DEIR. The DEIR also fails to even recognize the availability of feasible mitigation measures that can reduce the adverse physical effects associated with displacement.

47-16

In light of these significant and substantive deficiencies in the DEIR, it cannot adequately inform the public about the environmental effects of the Draft Plan. Public Advocates respectfully requests that MTC/ABAG revise the DEIR and recirculate it for additional public review and comment.

Specific Comments

Section 1.2, *Project Description*

Even though MTC and ABAG determined that the EEJ alternative was the environmental superior alternative in the EIR for Plan Bay Area in 2013, the discussion of the scenario analysis on page 1.2-11 does not even mention the EEJ alternative, and indeed, MTC/ABAG made clear throughout the process of

47-17

developing the Plan that the EEJ alternative was not being considered. This omission suggests that MTC/ABAG did not "analyze, review and discuss the alternative in good faith" in detail commensurate with its feasibility as required by CEQA.[9] An EIR "must disclose the analytic route the . . . agency traveled from evidence to action," which in this case is the full course of the planning process and the full scope of the Plan.[10] Moreover, omitting the alternative from the project description, as the DEIR has done, effectively curtails and distorts the project description, undermining its fundamental purpose to inform decisionmakers and the public consideration and throwing its legal sufficiency into doubt.[11]

The DEIR also segregates much of the analysis and description of the EEJ alternative from that of the other alternatives and fails to include it in the initial project description. The limited analysis of the EEJ alternative is relegated to the DEAR, which suggests a bias against the alternative that is manifest in the DEIR's overall failure to adequately consider the EEJ alternative benefits or mitigation measures that could facilitate achieving those benefits. The discussion of the EEJ alternative and the comparison of it against the Proposed Plan in the separate DEAR is not a replacement for a detailed substantive discussion integrated into the EIR itself.[12]

47-17 cont

Section 2.0, *Approach to Analysis*

The DEIR states that mitigation is proposed, where feasible, to reduce potentially significant environmental impacts. While MTC and ABAG do not have direct regulatory or approval authority in some cases, MTC and ABAG nevertheless can identify specific mitigation measures in the DEIR that will enable local agencies to take advantage of streamlined environmental review for subsequent projects. *See* DEIR at 1.1-9 (noting that, under SB 375, "[p]rojects eligible for streamlining must incorporate mitigation measures required by an applicable prior environmental document, such as this EIR if it is certified by MTC and ABAG"). Just as important is the fact that MTC and ABAG can make commitments that themselves function as mitigation measures, as noted in the DEIR. *See, e.g.*, DEIR at 2.0-3. As discussed in more detail below, there are a number of mitigations measures that MTC/ABAG have not identified in the DEIR, but that would be feasible mitigation measures for the recognized displacement impacts.

47-18

Section 2.1, *Transportation*

The Plan's discussion of transportation examines the effects of the changes in projected land use and transportation projects. But, it ignores the effects of affordability in causing geographic shifts of low-

47-19

[9] *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1458 ("Although the level of detail will vary depending upon an alternative's potential for feasibility, in every case, the EIR must disclose "the analytic route the ... agency traveled from evidence to action.' . . . And the lead agency itself must travel that analytic route.").

[10] *Laurel Heights*, *supra,* 47 Cal.3d at 404.

[11] "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *Cty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–93.

[12] "[A]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Laurel Heights, supra*, 47 Cal.3d. at 405.

income communities and communities of concern further away from areas of opportunity and towards the outer reaches of the Bay Area and beyond. This is reflected in the fact that, in general, areas of displacement and displacement risk are concentrated around high capacity transit corridors such as Caltrain on the Peninsula, BART in the East Bay, and in the region's three largest cities. As noted above, by failing to account for the fact that displaced low-income households are likely to have longer commutes following displacement, the DEIR does not adequately consider physical impacts, including increased congestion on roads and highways and increased crowding on transit, or the changes in travel times, accessibility to jobs, vehicle miles traveled per capita, and transit utilization that would result from the implementation of the proposed Plan. The DEIR similarly overestimates the benefits of planned projects because it has not accounted for the shifts in demographics caused by displacement or the resulting changes in physical impacts associated with such displacement.

47-19 cont

As a consequence of the DEIR's failure to account for displacement, the Transportation Investment Analysis performed in the DEAR is also flawed. *See* DEAR at 5-4 to 5-9. In reality, low-income residents will enjoy very different—and likely fewer—benefits from the transportation investments called for under the Draft Plan than indicated in the DEAR's Transportation Investment Analysis.

Section 2.2, *Air Quality*

On page 2.2-1, the DEIR recognizes the public concern about air quality impacts associated with economic displacement and jobs-housing imbalances that was expressed in comments on the Notice of Preparation. Section 2.2 does not actually address any of these comments, however. The DEIR does not assess the additional vehicle miles traveled as a result of economic displacement, effects of a poor jobs-housing geographic balance or "fit," or transit utilization. As a result, the DEIR fails to adequately assess the impacts of the proposed Plan on air quality, contrary to CEQA.

47-20

Given that the DEIR does not quantify the air quality and transportation impacts associated with the displacement generated by the proposed project, MTC/ABAG has not demonstrated that the Proposed Project's air quality and transportation impacts are not significant. *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841-42 (holding that a conclusory statement "unsupported by empirical or experimental data, scientific authorities, or explanatory information" affords "no basis for a comparison of the problems involved with the proposed project").

Section 2.3, *Land Use and Physical Development*

Failure to Account for Affordability

There is no disputing the fact that housing affordability is an important aspect of balanced regional growth. On page 2.3-22, the DEIR states that the "EIR land use analysis addresses the following issues: community displacement and disruptions, including potential loss of housing; physical divisions of communities; proposed Plan consistency with adopted land use plans; conversion or loss of important agricultural lands or open space; and loss of forest land." Yet, it is not clear that the DEIR adequately accounted for affordability, or displacement triggered by a lack of affordability, in the land use analysis or supporting model. Similarly, its discussion of transit-oriented development fails to adequately address affordability and housing accessibility. If housing is theoretically available, yet unaffordable, there will be

47-21

greater displacement than otherwise predicted, leading to longer commutes. Because it failed to fully account for housing affordability, the DEIR severely understated the true magnitude of the impacts and performance failures on the Year 2040 Goal of "Equitable Access" and the Performance Targets to "Decrease the share of lower income residents' household income consumed by housing and transportation (H+T) costs share for lower-income households by 10%" and "to not increase the share of low- and moderate-income households in PDAs, TPAs and HOAs that are at an increased risk of displacement, within and outside CoCs." *See, e.g.*, DEIR at ES-6; DEIR at 2-5.

47-21 cont

On page 2.3-22, the DEIR states that the "land use analysis is based on outputs from the land use and transportation models … which are compared to existing conditions to identify potential impacts." Although this section references land use and transportation models, it is not clear that those models in fact are based on *existing* conditions, as opposed to *planning* documents (or even that they reflect the policies contained in those planning documents). Similarly, the Land Use Modeling Report, at page 22, indicates that inclusionary zoning policies are assumed in models of the Proposed Plan and all of the alternatives. It also states that for two of the alternatives (which are not identified), the model assumes subsidies to affordable housing. However, these assumptions do not reflect the actual rate of affordable housing successes in Bay Area jurisdictions.

While many jurisdictions have planning documents that incorporate affordable housing units, the plans often do not reflect reality and are based on overly-optimistic assumptions of future development. For example, the assumption that 10% of new development will contain inclusionary zoning is impermissibly optimistic, as history shows. In addition, the land use model used in the analysis assumes, rather than demonstrates, that sufficient housing will be built to house the entire region's population growth in the horizon year. The rate of the growth assumed is extreme. For instance, by 2022, the model assumes that 270,360 new units will have been built. By comparison, the entire Regional Housing Needs Allocation (RHNA) at all income levels provides for only 187,900 by 2022; moreover, no more than a fraction of the RHNA units—particularly lower-income units—is likely to have been produced by that year. This set of highly unrealistic assumptions not only points to the inadequacy of the assessment of impacts, but also increases the importance of feasible mitigation measures not identified in the DEIR (discussed herein) because the assumed performance levels most likely cannot be met in reality. At bottom, the Plan fails to contain policies or actions that are likely to result in this level of affordable housing development.

47-22

To satisfy CEQA, the DEIR baseline must reflect true baseline conditions, not current *plans*. 14 Cal. Code Regs., § 151245(a) ("An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective."). Where a proposed project could result in a change to existing zoning or planning designations, the significance of potential impacts should not be compared with conditions that would ultimately occur with build-out of existing designations, but rather with "existing physical conditions." CEQA Guidelines Section 15125(a), (e); *St. Vincent's School v. City of San Rafael* (2008) 161 Cal.App.4th 989, 1005; *Baldwin v. City of Los Angeles* (1999) 70 Cal.App.4th 819, 842. And, to the extent that there are inconsistencies between, on the one hand, the Proposed Plan, or the assumptions in the model used to forecast the effects of the proposed plan, and on the other hand, actual local or regional plans and zoning designations, those inconsistencies must be described in the DEIR. CEQA Guidelines § 15125(d).

47-23

Based on the above, the DEIR fails to consider or disclose the appropriate baseline under CEQA, and fails to incorporate reasonable assumptions into the model about the realization rate of affordable housing. 47-23 cont

Failure to Identify Physical Impacts of Displacement

On page 2.3-22, the DEIR states that the "transportation projects considered include those that have the potential for physical impacts based on characteristics such as expansion, widening, new construction, or new configurations." This implies that the EIR considered only the effects of physical changes to the transportation system, and not the related physical impacts caused by economic or social effects of a project. CEQA Guidelines Sections 15131 and 15064(e). While the DEIR notes (at 2.3-26) that displacement can cause significant environmental impacts that are assessed elsewhere in the plan, the nature and magnitude of those impacts should be described in this chapter as they are caused by land use changes, including those associated with transportation investments. It is well established that significant environmental impacts often arise from the housing need created when a project will bring substantially more jobs and people into an area. *See, e.g.*, *Defend the Bay v. City of Irvine* (2004) 119 CalApp.4th 1261, 1266; *Napa Citizens*, *supra*, 91 Cal.App.4th at 367. 47-24

The DEIR (on page 2.3-22) evaluates potential direct impacts to existing communities, including potential displacement of residents, as a result of the proposed land use strategy and transportation projects. However, the importance of these impacts demands a much more rigorous analysis than is offered here. Although the DEIR claims that the dynamic nature of displacement makes it difficult to quantify impacts, this is belied by discussion elsewhere in the DEIR that describes displacement in quantitative terms. *See, e.g.*, page 2.3-24 (stating that the proposed Plan decreases the rate of overall displacement risk compared to taking no action: 5% v. 18% percent).

Further, the model takes as a fixed constant the amount of emigration from the Bay Area, and the socioeconomic makeup of the Bay Area. Specifically, the Land Use Modeling Report, at page 13, indicates that the model assumes that the share of households in each quartile of income distribution (from lowest to highest income) will shift from 27%/26%/23%/24% in 2010 to 28%/22%/22%/28% in 2040, and applies this assumption to the analysis of the Proposed Plan and each of the alternatives. This leaves no room to measure the effects of the alternatives on the socioeconomic distribution or on displacement of low income households to locations beyond the Bay Area. By not treating socioeconomic demographic change as a dynamic factor, the model entirely fails to reflect the clear potential for regional displacement. Thus, the EIR fails to assess the scope of potentially significant environmental impacts that could be caused by regional displacement. 47-25

Failure to Identify or Assess Feasible Mitigation Measures

On page 2.3-23, the DEIR states that "[l]ocal jurisdictions are responsible for adopting land use policies as part of their general and neighborhood plans and implementing them through local ordinance" and that "as a result, MTC and ABAG have no direct control over local land use planning, nor does SB 375 require that local jurisdictions align their general plans to conform to the proposed Plan." According to the DEIR, this alignment is discretionary but encouraged through the availability of streamlined environmental review for consistent projects. The DEIR, however, does not account for the full range of tools that are available to MTC/ABAG to encourage local alignment with the Plan, such as conditioning 47-26

project funding on achievement of housing-related goals or implementation of tenant protection measures. *See* Attachment B. Identification and adoption of feasible measures to mitigate or avoid significant environmental impacts is one of the primary purposes of an EIR. *See* Pub. Resources Code, § 21081.6(b); *see also* 14 Cal. Code Regs., § 15121(a); *Fed'n of Hillside and Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1258. A "feasible" mitigation measure is one capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. 14 Cal. Code Regs., § 15364.

47-26 cont

Relatedly, on page 2.3-24, the DEIR acknowledges that displacement risk is a function of the location and availability of affordable housing near major job centers in a growing regional economy. While the DEIR lists several reasons for increased displacement risk, the DEIR focuses primarily on constraints. It ignores available tools that could mitigate the increased displacement risk. For example, the DEIR should acknowledge that displacement risk may increase because of the "absence of effective regional policies to mitigate or maintain affordable housing." And, as discussed below, the DEIR should discuss the policies available to MTC/ABAG to mitigate displacement and the lack of affordable housing.

47-27

On that same page, the DEIR again attempts to avoid responsibility for actions within its control by claiming that local governments "retain full control over local land use authority." While true as far as it goes, this assertion ignores the fact that MTC/ABAG can, through the plan, include mitigation that communities can "choose" to adopt in order to receive project funding. An agency with the power of the purse over some $300 billion over the life of the Plan and a long history of conditioning funding to local governments on regional policy objectives cannot ignore mitigation tools available to it when assessing the plan's impacts.[13] Indeed, pilot programs that MTC/ABAG has tested, such as the One Bay Area Grant Program, demonstrate that regional policies that condition funding are extremely effective tools to achieve changes in local land use and housing policy. Where multiple measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. 14 Cal. Code of Regs., §15126.4(a)(1)(B).

47-28

The DEIR concludes at 2.3-24 that "[i]mplementation of the proposed Plan could increase the risk of displacement for a substantial number of existing residents, necessitating the construction and preservation of additional affordable housing elsewhere within the region." Then, on page 2.3-27, the DEIR discusses mitigation measures "to address the effects of displacement," but focuses exclusively on mitigation of *construction* impacts related to replacement housing or transportation projects. As summarized in the table below, not a single one of the 23 mitigation measures listed on page 2.3-27 would actually mitigate *economic* displacement (as opposed to temporary displacement due to construction). None of the mitigation measures even touch on housing affordability or the physical effects of displacement, much less actually mitigate those impacts. And, none of the measures address the reasons given for the increased displacement risk discussed on 2.3-24. As a result, the DEIR assessment is wholly inadequate to satisfy CEQA.

47-29

[13] *See, e.g.*, MTC's description of its roles at http://mtc.ca.gov/about-mtc/what-mtc/what-we-do.

Mitigation Measure	Topic	Mitigates Economic Displacement?
2.2-2	Air Quality	No. Focused on construction equipment air emission.
2.3-2, 2.3-4, and 2.3-5	Land Use	No. Focused on transportation design features (bike lanes, traffic calming), avoiding important lands (*e.g.*, Prime Farmland) and protecting sensitive areas (*e.g.*, forests).
2.5-4	Sea Level Rise	No. Focused on adaptation strategies.
2.6-1, 2.6-5, and 2.6-6	Noise	No. Focused on construction noise, emergency generator/external equipment noise, and airport noise.
2.9-1 - 2.9-5	Biological Resources	No. Focused on requiring biological assessments and avoiding sensitive areas.
2.10-1, 2.10-3 to 2.10-5	Visual Resources	No. Focused on minimizing visual impacts.
2.11-1 to 2.11-5	Cultural Resources	No. Focused on identifying and avoiding historic and cultural resources.
2.13-4	Hazards	No. Focused on mitigating impacts of increased water and wastewater treatment demands.

47-30

As noted above, the EIR must identify the mitigation measures (*i.e.*, policy tools) available to MTC/ABAG that can be used to incentivize local jurisdictions to mitigate environmental impacts, such as adopting a policy to condition disbursement of project funds on achievement of mitigation measure that would actually mitigate displacement impacts. There are at least two obvious mitigation measures that have been used previously on a smaller scale and that could, if scaled up, effectively mitigate some of the impacts of displacement.

47-31

First, MTC/ABAG should consider mitigation measures that expand housing-related conditions in existing funding programs.[14] Wherever possible, MTC/ABAG should condition discretionary funding on strong local jurisdiction performance on both affordable housing production and protection of existing renters from displacement. These measures should be included in funding commitments for new and

[14] As noted *supra*, note 7, MTC has previously identified mitigation measures to facilitate equitable outcomes, such as basing funding distribution on RHNA and product, incentives for housing production, and favoring projects that include anti-displacement policies. These measures are not adequate at present, and would need to be expanded to be effective. For example, the distribution formula "expands the definition of affordable housing to include housing for moderate-income households" rather than just low-income households and NOAH is all of $10 million for the whole region. In addition, the housing production incentive rewards the top 10 affordable housing producers, essentially favoring larger cities, but should reward production as a percentage of RHNA or some other proportionate measure. And the anti-displacement policy requirement awards insufficient points to materially change the overall scoring results for OBAG.

existing programs (*e.g.*, OBAG, RM3, SB1). As an example, MTC should build on its existing efforts to require compliance with the state Surplus Land Act and Housing Element law to be eligible for OBAG funding. MTC/ABAG should specifically identify new funding sources that could be subject to these housing conditions (beyond planning grants), strengthen conditions to increase their effectiveness, assert stronger *regional* guidelines rather than passing the buck to county congestion management agencies, and study the effects of those actions in the DEIR. 47-31 cont

Second, MTC/ABAG should consider measures to directly mitigate loss of affordable housing and the slow pace of new affordable housing development. MTC/ABAG should identify and develop new regional funding sources that would be used to develop new and preserve existing affordable housing. MTC could, for example, launch a regional infill Infrastructure Bank that would subsidize infrastructure improvements on sites dedicated to development or preservation of affordable housing.

MTC/ABAG should also consider the additional measures discussed in the letter from 6 Wins for Social Equity Network, Non-Profit Housing Association of Northern California ("NPH"), and Greenbelt Alliance to MTC/ABAG. *See* Attachment B. These include pursuit of a permanent source of affordable housing funding, strengthening laws to protect tenants from displacement, strengthening housing element laws, supporting fair housing, and supporting legislation to eliminate the *Palmer* decision's limitation on inclusionary zoning. In addition, MTC/ABAG should consider measures to address the wage/income side of the housing affordability equation by, for example, incentivizing the creation and retention of middle-wage jobs and strategies to lift up low-wage jobs to help close the gap between wages and housing costs.[15] 47-32

By ignoring available tools and failing to discuss the reasons for eliminating them from the list of mitigation measures, the DEIR fails to adequately consider potential mitigation of the impacts of the plan. The DEIR does not provide a thorough, detailed analysis of feasible mitigation measures or alternatives to eliminate or reduce the significant adverse impacts associated with the proposed Plan, in violation of CEQA.

Section 3.1.3, *Alternatives Analyzed in this EIR*

The DEIR notes that the Equity, Environment, and Jobs ("EEJ") Alternative was analyzed in the original Plan Bay Area EIR in 2013, but fails to mention that this alternative was found to be the environmentally superior alternative. The current DEIR also fails to provide a sufficient explanation for not selecting the EEJ alternative as the proposed alternative.[16] A comparison of the various alternatives across the range of performance targets shows the EEJ alternative performing similarly, or better, in all targets other than "goods movement." The EEJ Alternative fell short on the "goods movement" target due to increased congestion related to greater suburb-to-suburb commuting and elimination of all highway expansion projects, but performed better in other areas. The merits of alternatives must be reasonably 47-33

[15] *See, e.g.*, Urban Habitat Report, at 1 (finding that "[p]laces with high growth rates in poverty increasingly became home to workers in lower wage industries").

[16] *Laurel Heights*, *supra,* 47 Cal.3d at 405 ("alternatives and the reasons they were rejected [] must be discussed in the EIR in sufficient detail to enable meaningful participation and criticism by the public").

compared "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." *Laurel Heights, supra*, 47 Cal.3d at 401. 47-33 cont

The assessment of alternatives for land use impacts (page 3.1-46) is woefully inadequate. It barely even touches on the differences in displacement impacts, which were the focus of the discussion in Section 2.3. While all the alternatives result in sufficient housing theoretically being available, the reality is that affordable housing lost in one location is not so easily replaced or substituted elsewhere—particularly where, as in the Bay Area, "planned" low-income housing units have not come close to matching reality in many years. 47-34

Further, the assessment of the EEJ alternative mischaracterizes the results of the DEAR by indicating that the EEJ alternative and the Proposed Plan would have "similar" displacement impacts. In fact, the DEAR indicates that the EEJ alternative would result in 1% lower displacement risk for low-income households in Communities of Concern, as compared to the base year, than would the Proposed Plan. *See* DEAR at page 5-2. A 1% increase in this risk among Communities of Concern is significant, as this affects a quarter of all Bay Area households. This increased risk translates into thousands of households that would be displaced under the Proposed Plan but not under the EEJ alternative. Similarly, the Equity Analysis notes that the EEJ alternative would *increase* the share of affordable housing units in Communities of Concern by 3 percentage points, while the Proposed Plan would actually *decrease* the share of affordable housing units. DEAR at 5-3. The Equity Analysis therefore belies the notion that the Proposed Plan performs "similarly" to the EEJ Alternative on measures of equity and housing access. 47-35

Especially troubling is the DEIR mischaracterization of displacement impacts as "unavoidable," despite the evidence in the Equity Analysis that demonstrates the opposite—namely, that such impacts are in fact avoidable and can be mitigated to a level of insignificance through feasible policy measures. Specifically, the Equity Analysis rightly states that "Regional agencies can [help address the housing affordability crisis by] support[ing] local jurisdictions and facilitat[ing] the construction of new housing units (both market rate and affordable) to keep pace with job growth, and the plan can provide incentives and planning assistance to communities that are willing to adopt supportive policies and programs." The Equity Analysis also identifies the OBAG program as a possible policy lever that could help address housing affordability, by incentivizing investment in affordable housing. DEAR at 7-2 to 7-3. As discussed elsewhere, the Proposed Plan should maximize the leverage of the OBAG program to incentivize investment in affordable housing by conditioning a larger pot of grant funding on concrete affordable housing investments and renter protections. These policies should be included as mitigation measures in the DEIR. 47-36

In reality, the benefits of the EEJ alternative relative to the Proposed Plan are likely to be even more significant than assessed in the Equity Analysis when the full range of policies and mitigation are adequately modeled and assessed. The DEIR does not account for affordability when evaluating the EEJ Alternative. As a result, the Proposed Plan will have significantly greater impacts than the DEIR predicts. This also means that the DEIR under-estimates the benefits of the EEJ Alternative, if implemented. In other words, the analysis fails to delve into the EEJ alternative in sufficient detail to reflect the actual benefits of the EEJ alternative. This understatement of benefits occurred because of faulty assumptions (*e.g.*, no CEQA streamlining of projects in the EEJ alternative, lack of feasible mitigation measures) and a lack of effective quantitative metrics by which to compare the alternative against the project. 47-37

By failing to evaluate the Proposed Plan and the EEJ Alternative at a level of detail necessary to adequately compare the two options, the DEIR fails to satisfy CEQA. A DEIR must contain sufficient information to inform "public agency decision-makers and the public generally of the significant environmental effects of a project." *See* 14 Cal. Code of Regs., § 15121(a); *Ass'n of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390. The ultimate decision to approve a project is a nullity if it is based upon an EIR that does not provide the decision-makers, and the public, with information about the project that is required by CEQA. *Napa Citizens for Honest Gov't v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 355-356.

47-37 cont

Section 3.2.2, *Significant Unavoidable Impacts*

Section 3.2.2 indicates that many environmental impacts could be mitigated to a less-than-significant level "to the extent that an individual project adopts and implements all feasible mitigation measures for each significant impact." However, the DEIR assumes that "MTC/ABAG cannot require local implementing agencies to adopt most of the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, several impacts have been identified as significant and unavoidable for purposes of this program-level review." Effectively, then, the DEIR relies on assumed failure to mitigate impacts at the project-specific level to justify a failure to adequately assess alternatives at a programmatic level.

This approach is an abrogation of MTC/ABAG's responsibilities under CEQA and undermines the usefulness of the DEIR as a programmatic document. With respect to housing and equity issues, this "assumed failure" amounts to an excuse to avoid an analysis of affordability and the associated environmental impacts (*e.g.*, increased VMT) or a discussion of mitigation measures that could alleviate some negative impacts of the Proposed Plan relative to the alternatives (*e.g.*, conditional OBAG funding to incentivize local implementation of affordable housing initiatives necessary to mitigate displacement risks). Agencies must not approve projects if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effect of a project. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564-565 (citing Pub. Res. Code, §§ 21001(g), 21002).

47-38

Section 3.2.4, *Cumulative Impacts*

On page 3.2-10, the DEIR states that the "proposed Plan provides sufficient housing to accommodate new job growth, relieving pressure to commute into the Bay Area for jobs and out of the Bay Area for housing" and that "[a]s a result, and as shown in Section 2.1, the proposed Plan would result in lower VMT per capita." As noted above, however, this conclusion is assumed as an input to the model rather than a result achieved by the draft Plan, and was reached without adequately considering the impacts of the Plan on displacement and affordability. Although there are nominally sufficient *planned* housing units to accommodate growth in the model,[17] there is inadequate assessment of whether *actual* units will materialize. Nor does the DEIR account for dispersal of households following displacement or the likelihood of their being able to find suitable replacement housing in the Bay Area in the absence of an

47-39

[17] As discussed below, the model's assumptions regarding future housing construction far exceed even the overly-optimistic assumptions of the RHNA.

assessment of affordability.[18] This could lead to increased growth in surrounding counties (particularly those located closest to high-opportunity areas) and increased vehicle miles traveled as individuals commute in from more affordable housing outside the Bay Area. As a result, the DEIR's cumulative impact assessment is inadequate.

47-39 cont

On page 3.2-12, the DEIR states that the land use growth footprint "assumes an adequate number of residential units to meet the forecasted demand, taking into account localized displacement of some households within the region." As noted above, because the DEIR has not accounted for affordability at the local level, there is insufficient basis on which the DEIR can conclude that there will be adequate units to meet demand. Moreover, by ignoring affordability, the DEIR lacks a basis for concluding that localized displacement would not exert development pressure on areas surrounding the Bay Area. There is inadequate assessment of the historical mismatch (both in timing and duration) between actual and planned affordable housing units. And, the DEIR fails to account for the likelihood that households may choose to live in more affordable housing outside the Bay Area and commute into the Bay Area as a result. Thus, the conclusion that the proposed Plan would not exert development pressure on adjacent counties through displacement is unsupported and fails to satisfy CEQA.

47-40

Modeling Issues and Faulty Assumptions Giving Rise to Flaws in the Environmental Analysis

It is crucial that the DEIR and supporting documents identify and explain the assumptions that underlie the DEIR's conclusions about the environmental impacts of the Draft Plan and each of the alternatives. As California courts have made clear, where the data and assumptions that form the basis for an environmental analysis are not made available to the public and decision-makers, "then a stake is driven into the 'heart of CEQA'"[19] Here, several key assumptions that underlie the model, and thus the environmental analysis in the DEIR, are faulty or unclear.

The Land Use Modelling Report describes the application of the Bay Area UrbanSim model to project the effects of the Draft Plan and each of the alternatives. The Land Use Modelling Report describes the assumptions, or "control totals," that were used in this process. Specifically, the Draft Plan and the model *assume* both the population growth of the Bay Area (and thus emigration rates out of the Bay Area), and the socioeconomic makeup of the Bay Area. As discussed above, the Land Use Modeling Report, at page 13, indicates that the model assumes that the share of households in each quartile of income distribution (from lowest to highest income) will shift from 27%/26%/23%/24% in 2010 to 28%/22%/22%/28% in 2040, and applies this assumption to the analysis of the Proposed Plan and each of the alternatives. Because this socioeconomic makeup of the Bay Area a fixed constant in the UrbanSim model, the land use modelling entirely fails to measure the effects of the Draft Plan and each of the alternatives on the socioeconomic makeup of the Bay Area. Land Use Modelling Report at 13.

47-41

[18] Under CEQA, a project's impact must be evaluated in light of the combined effects of existing, concurrent, and future projects in the area: "Even though a project's impact may be "individually limited," such impact may be "cumulatively considerable." Pub. Resources Code, § 21083(b)(2). The CEQA Guidelines define "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355.

[19] *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88.

Similarly, the model assumes a rate of emigration as part the regional growth projections, which are developed separate from the model. The "Household Transition Model" and "Household Location Choice Model" measure displacement and relocation caused by the Proposed Plan and each of the alternatives only *within* the Bay Area, and so do not measure the effects of the Proposed Plan or the alternatives on the outflow of low income households *away from* the Bay Area. Land Use Modelling Report at 13. It is simply unrealistic to assume that the Draft Plan will have no effect on emigration out of the Bay Area, or that the Draft Plan will have the same effect on emigration rates as each of the alternatives.

47-41 cont

The Draft Plan and model together make another related assumption that fatally undermines the environmental analysis in the DEIR—that is, the Draft Plan calculates the expected number of new housing units to be constructed in the Bay Area as a function of projected population growth, but nowhere indicates that those units will be constructed (either by any actions included in the Plan or based on any realistic past experience). Specifically, ABAG provided a control total (*i.e.*, assumed construction) of 822,600 housing units by 2040. *See* "Regional Forecast of Jobs, Population, Housing, Draft Supplemental Report" at 31. As with the fixed assumptions about emigration rates and the socioeconomic profile of the Bay Area, this assumption about projected housing construction is *built in to the model's analysis of the effects of the Draft Plan and each of the alternatives*. But the Draft Plan's assumption about housing construction rates wildly exceed the RHNA allocated to ABAG by the state Department of Housing and Community Development. The 2022 RHNA for the entire Bay Area region comprises only 187,900 housing units. By comparison, the land use model assumes that 270,360 new housing units will have been built by that year. Thus, the Draft Plan assumes the construction of 82,460 more housing units by 2022 than the RHNA,[20] which the region has not met, particularly with respect to lower-income and moderate-income housing. For instance, page 9 of ABAG's 2007 report, "A Place to Call Home," shows that from 1999 to 2006, Bay Area jurisdictions produced or permitted only "44 percent of the [RHNA] target for very low-income units, 75 percent for low-income units, [and] 37 percent for moderate-income units."[21] A progress report in 2014 for 2007-2014 shows further slippage, with Bay Area jurisdictions permitting only 29 percent of the RHNA target for very low-income units, 26 percent for low-income units, and 28 percent for moderate-income units.[22] This is a profound difference between the model assumptions and even the most optimistic of projections of new housing. The assumptions in the DEIR are simply unrealistic and unachievable. This calls into question the model results presented in the DEIR and, absent further explanation from MTC/ABAG on how the housing gap will be closed, renders the DEIR insufficient under CEQA.

47-42

Other faulty assumptions seem to underlie the modelling analysis. As discussed above, the Land Use Modeling Report, at page 22, indicates that inclusionary zoning policies are assumed in models of the

47-43

[20] This suggests that either the Land Use model is over-estimating the number of housing units, which means that the travel demand is incorrect (and the improvements will produce an oversupply of infrastructure). Or, the RHNA that was specified is too low and the housing needed by 2022 has not been sufficiently planned for. Either outcome means that the DEIR fails to satisfy CEQA. In addition, the estimated demand presented in ARB's 2014 review of the modeling for the SCS for 2020 suggests a total of 170,000 new housing units will come online, compared to the RTP estimate of 270,360, nearly 100,000 more units just two years later (2022). It is unrealistic to assume that 100,000 units would be planned for in the space of two years.

[21] Attachment I (available at http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf).

[22] *See San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)* (available at http://abag.ca.gov/files/RHNAProgress2007_2014_082815.pdf) (Attachment J). In contrast, Bay Area jurisdictions permitted 99 percent of above moderate income units.

Proposed Plan and all of the alternatives. But the Land Use Modelling Report does not explain these assumptions in detail. The Land Use Modelling Report does note that for two of the alternatives (which are not identified), the model assumes subsidies to affordable housing. However, these assumptions do not reflect the actual rate of affordable housing successes in Bay Area jurisdictions. The DEIR and the Land Use Modelling Report must be clearer on the policy assumptions that are made so that the public can assess whether these assumptions are reasonable or realistic. 47-43 cont

Bias also is built into the Bay Area UrbanSim model, which includes assumptions that powerfully undermine measures that could mitigate the effects of development on low income housing in DEIR analysis. Because the model is driven by calculations concerning the "profitability of new development" given market demands and trends, it discounts the benefits of measures that increase social goods (*e.g.*, affordable housing closer to job opportunities; avoided fragmentation of existing communities) and the associated environmental benefits. Indeed, the UrbanSim Technical Documentation doesn't even mention the word "affordable," and the discussion of policy tools available to address displacement or housing affordability in the Draft Supplemental Land Use Modeling Report ("Land Use Modeling Report") is utterly opaque. *See* Land Use Modeling Report at 22.

In contrast, the Land Use Modeling Report discusses profitability and other market-driven factors at length in clear, accessible language. While we recognize that the UrbanSim model is a market modeling tool that necessarily relies on economic principles, the DEIR and Land Use Modeling Report should nevertheless clearly identify the assumptions the model makes about the use of policy tools, such as inclusionary zoning and development fees and subsidies, and whether or how these assumptions are changed in the modeling of the Proposed Plan and each alternative. Ensuring that the functions and assumptions of a model that is fundamental to the conclusions of the DEIR can be understood by decision-makers and the public is essential. Without modeling transparency, a DEIR based on computer forecasting cannot adequately inform "meaningful participation and criticism by the public", one of the imperatives of CEQA.[23] 47-44

Finally, the DEIR does not provide information about uncertainty in the housing distribution produced by the model, despite a request nearly a year ago that MTC/ABAG follow the lead of the Puget Sound Regional Council, another MPO that utilizes the same UrbanSim model. *See* Letter from Public Advocates to MTC, "Uncertainty in UrbanSim Housing Distribution, and Minority Population in Communities of Concern," dated July 11, 2016 (Attachment H). 47-45

Supplemental Draft Equity Analysis Report

With respect to the DEAR, Public Advocates believes that components of the analysis, including the assessment that the Proposed Plan will have negative effects on the share of affordable housing and the risk of displacement of low-income communities, as compared to the EEJ alternative, are if anything understated.[24] *See* DEAR at 5-2, Table 5-1. Moreover, the fact that this analysis is performed in a 47-46

[23] *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1460 (quoting *Laurel Heights*, *supra,* 47 Cal. 3d at 405).

[24] Public Advocates continues to object that the DEAR assumes that "communities of concern" will be located in exactly the same census tracts in 24 years as they are today. *See* Attachment H.

"supplemental report" separate and apart from the EIR represents an impermissible "segmentation" of the environmental analysis.[25] The subjects of the DEAR are central to the environmental analysis required by CEQA, and should be addressed front-and-center in the EIR itself. For example, the oblique summaries in the DEIR of the quantitative analyses provided in the DEAR are not a sufficient stand-in for full quantitative assessment of displacement impacts in the EIR itself. *See* DEIR at 3.1-43. 47-47

As noted above, the DEAR also understates the relative benefits of the EEJ alternative, and overestimates the benefits of the Proposed Plan. This is crucial to the question of whether the DEIR is sufficient, because the DEIR incorporates by reference the quantitative analysis performed in the DEAR. Specifically, the DEAR overstates the benefits of the Proposed Plan with respect to the equity measures of access to jobs, as these benefits are predicated on assumed increases in "investments in affordable housing in the urban core, close to transit and jobs." *See* DEAR at 6-6. In reality, investment in affordable housing materializes at rates far lower than assumed by the DEIR or DEAR. As discussed above, MTC has the ability to incentivize action at the local level through the imposition of conditions on OBAG funding, and has done so (though only modestly). MTC/ABAG must explore the benefits of doing so in either the DEIR or the DEAR. 47-48

The Land Use Modeling Report makes it clear that an analysis could be done of the impacts of changes in administration of OBAG funding. Specifically, page 21 of the Land Use Modeling Report discusses the OBAG program, and indicates that certain assumptions were made about the incentives that the OBAG "preferential subsidy" program will create—namely, a preference for development in PDAs. Presumably, then, the model could incorporate other assumptions about OBAG funding administration, such as the effect of new conditions on OBAG funding tied to affordable housing. By adjusting the assumptions about how the OBAG program is administered, the modeling tools could be used to measure the impacts of those changes across the Proposed Plan and each alternative. In short, not only could MTC place conditions on OBAG funding, and not only could the EIR identify this policy lever as a possible mitigation measure, but those changes in program administration could and should be modeled and discussed in the EIR. 47-49

Page 5-3 accurately states that "[p]ublic agencies have a role to play in solving this [housing] crisis. Regional agencies can support local jurisdictions and facilitate the construction of new housing units (both market rate and affordable) to keep pace with job growth, and the plan can provide incentives and planning assistance to communities that are willing to adopt supportive policies and programs." But, having rightly acknowledged the ability of regional agencies such as ABAG and MTC to incentivize "supportive policies and programs" at the local level, the DEAR—and more importantly, the DEIR—fails to discuss specific potential incentives let alone to propose concrete steps to implement them. As noted above, concrete mitigation measures are available to incentivize the development of affordable housing and implementation of anti-displacement strategies.

[25] *See* page 2.2-24 of the DEIR, which indicates that the effects of the Plan on Communities of Concern is addressed separately in the DEAR.

WINSTON & STRAWN LLP

Conclusion

In light of these significant and substantive deficiencies in the DEIR, Public Advocates respectfully requests that MTC/ABAG revise the DEIR and DEAR to address the above-identified deficiencies and provide another opportunity for public review and comment before finalizing the EIR. Public Advocates appreciates your consideration of these comments and looks forward to reviewing your response. 47-50

Sincerely,

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Response 47	Tyson R. Smith, Winston & Strawn and David Zisser, Public Advocates June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

47-1 The commenter raises general concerns with respect to jobs, housing, and access to opportunity. The comment is general in nature and does not address a specific point or analysis in the Draft EIR. Consequently, additional response regarding the disposition of environmental issues addressed in the Draft EIR cannot be provided.

47-2 The commenter makes several specific statements about displacement risks in the region. While the statistics cited in the comment match those from the Urban Displacement Project managed by UC Berkeley researchers, revisions to the proposed Plan rely on the definition of displacement risk as adopted in the proposed Plan's performance targets (MTC Resolution No. 4204, Revised) for the sake of consistency throughout all Plan-related documents. This technical correction updates the baseline displacement risk figures to roughly 160,000 lower-income households, which account for 1 in 5 of the 805,000 lower-income households living in priority development areas (PDAs), transit priority areas (TPAs), or high-opportunity areas. The correction also avoids usage of inconsistent definitions (low-income, moderate-income, etc.) that do not align with the adopted definition of displacement risk by MTC and ABAG (which applies to lower-income households – i.e., those with incomes in the lower two income quartiles). While this figure is lower than previously cited, MTC/ABAG do not dispute that displacement remains an issue of regional concern.

The commenter goes on to discuss potential environmental impacts of low-income residents at risk of being displaced, including increases in commute distances leading to increased traffic congestion and air pollution, as well as impacts on open space and agricultural land as pressure to develop in outlying areas increases. To the degree displacement results in significant environmental impacts, such as from extended commutes and impacts on open space, these impacts are included in the overall assessment of the proposed Plan's impacts and mitigated in Section 2.1, "Transportation," Section 2.2, "Air Quality," Section 2.3, "Land Use," and Section 2.5, "Climate Change and Greenhouse Gases" of the Draft EIR to the degree feasible.

Based on the proposed Plan's performance target analysis for displacement risk, an additional 107,000 lower-income households are anticipated to be at risk of displacement in year 2040 under the proposed Plan, resulting in a total of 267,000 lower-income households at risk of displacement in PDAs, TPAs, or high-opportunity areas. Dividing that by the number of lower-income households in those geographies in year 2040 proposed Plan conditions – which increases to 1,065,000 households – 1 in 4 lower-income households are anticipated to be at risk in that year. This calculation results in the 5 percentage point increase in the share of lower-income households in PDAs, TPAs, or high-opportunity areas considered to be at risk (20 percent in 2010 to 25 percent in 2040) as reported in the performance target and equity analysis.

While this does not exactly align with the 170,000-person figure estimated and then cited by the commenter, it is true that displacement can cause hardship for those affected. Because it is not possible to accurately forecast displacement itself – as opposed to displacement risk – it is not possible to estimate how many of the households at risk would actually be displaced to a different neighborhood as a result of the proposed Plan's implementation.

The Draft EIR analyzes the possible physical environmental impacts of increased displacement risk described by the commenter. Please see Master Response 2, Displacement and Affordable Housing, for a discussion of this issue.

47-3 The commenter states that a lack of affordable housing for low-income residents has significant and immediate physical impacts and argues that the Draft EIR does not adequately integrate consideration of housing affordability, land use, and transportation planning at a level of detail necessary to reveal the physical impacts of displacement. MTC/ABAG disagree with, and the record does not support, the commenter regarding the adequacy of the Draft EIR. The Draft EIR integrates appropriate considerations of affordable housing into the analysis of the proposed Plan. Please see Master Response 2, Displacement and Affordable Housing, for a discussion of this issue.

47-4 The commenter expresses the opinion that the Draft EIR fails to adequately assess the impacts of displacement, including increased transportation distance, effects on air quality, increased strain on transportation infrastructure, and pressures on open spaces and agricultural lands. The commenter is incorrect and it is not supported by the record. The Draft EIR properly analyzes the physical environmental impacts of increased displacement risk. Please see Master Response 2, Displacement and Affordable Housing, for a discussion of this issue.

47-5 The commenter states that the Draft EIR failed to identify and consider feasible mitigation and alternatives to address displacement and the lack of affordable housing. This is not an accurate statement. Displacement and a lack of affordable housing are not environmental impacts under CEQA. However, the indirect effects of displacement can result in environmental impacts, and these are analyzed in Draft EIR Impact 2.3-1 and Mitigation Measure 2.3-1. Please also see Master Response 2, Displacement and Affordable Housing, and Master Response 6, Range of Alternatives, for discussions of these issues. The analysis of displacement effects includes an explanation of additional strategies to address housing affordability and displacement risk within the proposed Plan. Recommendations included in Chapter 5, "Action Plan" of the proposed Plan, include strategies and actions to decrease the risk of overall displacement. Revisions to the Chapter 5, "Action Plan" of the proposed Plan include new language citing support for state legislation and funding to address community stabilization and lessen displacement risk, evaluating expanded policies for existing and upcoming transportation funding sources related to anti-displacement measures, and providing technical assistance and data resources related to community stabilization and anti-displacement policies. Please also see responses to comments 47-13, 47-14, 47-26, and 27-29 through 32 for a discussion of mitigation measures. Also see Master Response 7, MTC/ABAG Role and Authority, for a discussion of this issue.

Regarding the identification of alternatives, CEQA dictates that EIR alternatives attain the basic project objectives while reducing significant environmental effects. The alternatives identified in the Draft EIR address the significant impacts identified in all of the technical resource areas, of which the displacement impact is one. The Environment, Equity, and Jobs (EEJ) Alternative includes strategies to focus more growth in suburban communities than the proposed Plan, in part to reduce risk of displacement in urban areas.

The EEJ Alternative provides several land use strategies aimed at addressing housing affordability and the risk of displacement, including that 20 percent of for-profit housing will be deed restricted to ensure affordability to lower income households. However, even this progressive assumption does not meaningfully change displacement risks compared to the proposed Plan (Draft EIR page 3.1-20). The reasons for displacement risk are thoroughly explained on Draft EIR pages 2.3-24 through 2.3-27 and in Master Response 2, Displacement and Affordable Housing. Extensive programs aimed at reducing these risks are proposed by MTC/ABAG, as outlined in the referenced discussion. While these programs will help, there are other factors, described in the analysis, that go beyond the scope of the Draft EIR and

MTC/ABAG's authority to influence this issue. Hence, the conclusion that there will be an increase in displacement risk between 2010 and 2040. Please also see responses to comment 47-33 through 47-37.

47-6 The commenter refers to additional comments in the letter and requests that the Draft EIR and the proposed Plan's draft supplemental report, *Equity Analysis Report* (herein referred to "Draft Equity Analysis Report" or "DEAR") be revised and recirculated. As noted in several responses, the Draft EIR provides a thorough and complete analysis of the potential environmental effects of implementation of the proposed Plan. The text revisions identified in Section 3.0, "Revisions to the Draft EIR" of this Final EIR do not result in substantive changes that would rise to the level of "significant new information" requiring recirculation. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" (i.e., new significant impacts that cannot be mitigated or increase in the severity of significant impacts) is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but prior to certification of the Final EIR. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. Please also see the discussion regarding recirculation in Section 3.0, "Revisions to the EIR," of this Final EIR.

47-7 The commenter offers the opinion that the Draft EIR fails to adequately assess the proposed Plan and its alternatives. This position is not supported by the record. Please see responses to comment 47-5, and other responses to this letter provided below. As explained in the following responses, the Draft EIR adequately discloses the potential impacts from implementation of the proposed Plan and also analyzes a reasonable range of alternatives.

47-8 The commenter claims the Draft EIR makes unrealistic and unreasonable assumptions regarding housing construction (household formation). MTC/ABAG disagree with the commenter's claim. Draft EIR Table 1.2-1 discloses that MTC/ABAG were required, per a settlement agreement with the Building Industry Association (BIA), to establish a Regional Housing Control Total (RHCT) and this is common practice by other metropolitan planning organizations (MPOs). In addition, Federal and State regulations require MTC as the Bay Area's MPO to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (see Draft EIR page 1.2-4). SB 375 requires that the sustainable communities strategy (SCS) set forth a Forecasted Development Pattern for the region. Please see Master Response 1, Population and Employment Forecasts, for a discussion of how the assumptions underlying the RHCT and Forecasted Development Pattern were developed, based on substantial evidence.

47-9 The commenter offers the opinion that the Draft EIR fails to identify and analyze feasible mitigation measures. MTC/ABAG disagree. Please see responses to comments 47-5, 47-13, 47-14, 47-26, and 27-29 through 32 for a more detailed discussion of mitigation measures.

47-10 The commenter states that the Draft EIR prioritizes GHG emissions reductions over SB 375's mandate to house the entire Bay Area population at all income levels. The commenter is incorrect. The objectives of the proposed Plan are listed on Draft EIR p 1.2-15, as shown below:

1.2.4 Project Objectives

The proposed Plan reinforces land use and transportation integration per SB 375 and presents a vision of the Bay Area's land use patterns and transportation networks in 2040. The proposed Plan's core strategy is focused growth in existing communities along the existing transportation network. Consistent with this core strategy, the seven goals of the proposed Plan are:

- Climate Protection

- Adequate Housing
- Healthy and Safe Communities
- Open Space and Agricultural Preservation
- Equitable Access
- Economic Vitality
- Transportation System Effectiveness

MTC and ABAG developed 13 performance targets associated with the goals for the proposed Plan (**Table 1.2-6**). Senate Bill 375 mandates two of these performance targets. These are the primary objectives of the Plan:

- The proposed Plan must address climate change by reducing CO_2 emissions pursuant to targets established in consultation with CARB: the regional plan must meet or exceed a seven percent reduction in per-capita emissions from cars and light-duty trucks by 2020 and a 15 percent reduction by 2035 relative to 2005 levels.

- The proposed Plan must house 100 percent of the region's projected growth by income level without displacing low-income residents, and with no increase in in-commuters over the proposed Plan baseline year. As calculated for the proposed Plan pursuant to the agreement with the Building Industry Association (BIA) Bay Area, the Regional Housing Control total is 820,400.

  In addition to these two objectives, MTC and ABAG adopted 11 additional targets. Key goals for Plan Bay Area 2040 included tackling the Bay Area's inequities through improved affordability and lessened displacement risk, ensuring a robust economy and protecting the environment for future generations. These targets reflect MTC and ABAG's commitment to take a more holistic view of the possibilities of integrated regional planning by going beyond the plan's legal requirements.

As indicated above in the reproduced text, the Draft EIR contains two primary goals related to GHG emissions reductions and housing. While the ability of the proposed Plan to meet the two objectives may be different, the goals themselves are not valued differently in the Draft EIR.

47-11 The commenter states that the Draft EIR lacks adequate consideration of affordability in its land use analysis, and that this leads to a failure to adequately account for the benefits of the EEJ Alternative and the adverse impacts of the proposed Plan. This position is not supported by the record. Please see Master Response 2, Displacement and Affordable Housing, for a discussion of this issue. In summary, the Draft EIR fully considers the potential adverse physical impacts of housing affordability and associated risk of displacement. Regarding the specific comment related to the relative performance of the EEJ Alternative, analysis to date has not shown that the EEJ Alternative land use policies would lead to better outcomes for displacement risk, among other key indicators. For example, policies like a greater inclusionary requirement (20 percent in cities with PDAs, compared to 10 percent in cities with PDAs in the proposed Plan) or a refocusing of upzoning into high-opportunity locations resulted in no change in displacement risk compared to the proposed Plan.

47-12 The commenter suggests that the Draft EIR fails to account for a disparity between planned affordable units and reality, and also for a difference in the total number of units assumed in the land use and transportation model and the Regional Housing Needs Allocation (RHNA). Please see response to comment 47-42.

47-13 The commenter states that the Draft EIR is inadequate because it fails to identify mitigation measures to influence the creation of affordable housing and minimize the risk of displacement. This statement is not accurate. At a regional level, the Draft EIR concluded that

environmental impacts related to an increase in displacement risk were less than significant; under CEQA, no mitigation measures are required for impacts that are less than significant. (CEQA Guidelines, Section 15126.4, subd. (a)(3).) The Draft EIR includes mitigation to address the physical environmental impacts related to construction of replacement housing, which was identified as a potentially significant local displacement impact.

Chapter 5, "Action Plan" of the proposed Plan includes recommendations to address housing affordability and displacement risk, as outlined on Draft EIR page 2.3-25. The comment addresses the efficacy of the proposed Plan, and concern about socio-economic issues, which fall outside of the realm of CEQA. Revisions to the Chapter 5, "Action Plan" of the proposed Plan go further and include new language citing support for state legislation and funding to address community stabilization and lessen displacement risk, evaluating expanded policies for existing and upcoming transportation funding sources related to anti-displacement measures, and providing technical assistance and data resources related to community stabilization and anti-displacement policies. Please see Master Response 2, Displacement and Housing Affordability, and Master Response 7, MTC/ABAG Role and Authority, for discussions of these issues.

47-14 The commenter suggests that the policy tools assumed to be implemented by the proposed Plan be clearly stated, and that where displacement risk or lack of affordable access are identified, policy tools to address those impacts be identified. The proposed Plan's small geography growth projections are based on land use policies (also commonly referred to as 'assumptions' or 'strategies') that will increase development potential and influence the overall forecasted development pattern. These policies are identified on Draft EIR page 1.2-21 and further discussed in the proposed Plan's draft supplemental report library, *Land Use Modeling Report*. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The commenter is also directed to Master Response 2, Displacement and Affordable Housing, as well as the proposed Plan, in particular Chapter 5, "Action Plan."

Housing affordability and localized displacement risk are of regional and local concern and are discussed at length in the proposed Plan, including Chapter 5, "Action Plan." To the degree displacement results in significant environmental impacts, such as from extended commutes, these impacts are included in the overall assessment of the proposed Plan's impacts and mitigated in Section 2.1, "Transportation," Section 2.2, "Air Quality," and Section 2.5, "Climate Change and Greenhouse Gases" of the Draft EIR to the degree feasible. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of these issues.

47-15 The commenter raises concerns about the housing assumptions in the Draft EIR, suggesting that these assumptions are inconsistent with regional experience and the proposed Plan. This is not supported by the record. The housing assumptions for the proposed Plan are well documented and these same assumptions are the basis for the Draft EIR analysis. The housing assumptions reflect both state and legal mandates. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The region's forecasted development pattern incorporates a rising rate of housing production compared to recent years to address the lack of housing supply in the Bay Area, and the proposed Plan acknowledges and includes policies designed to streamline development to achieve greater production over time. Please see response to comment 48-6 regarding the proposed Plan's performance on meeting Performance Target 2, Adequate Housing. Additional information on the development of the regional forecasts assessed in the Draft EIR, including the RHCT, can be found in the proposed Plan's draft supplemental report library, *Regional Forecast of Jobs, Population, and Housing*.

47-16 The commenter reiterates concerns regarding the adequacy of the impact discussion and mitigation measures for the displacement impact. As noted in responses above and

throughout this Final EIR, these concerns are not supported by the record. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue. Draft EIR Impact 2.3-1 identifies the potential physical effects that would occur due to the risk of displacement and the analysis in the Draft EIR related to transportation, air quality, land use and physical development, climate change and greenhouse gases, noise, biological resources, visual resources, cultural resources, public utilities and facilities, hazards, and public services and recreation address these impacts and identify feasible mitigation measures to address these impacts. Please also see responses to comments 47-24 and 47-25. As discussed in response to comment 47-2, MTC/ABAG estimates that more than 160,000 lower-income households residing in PDAs, TPAs, and high-opportunity areas are at risk of displacement as of year 2010 (proposed Plan baseline year as adopted in the proposed Plan performance targets), rather than the 800,000-person figure cited in this comment, which reflects the total number of lower-income households living in PDAs, TPAs, and high-opportunity areas that is used to calculate the households at risk of displacement.

47-17 The commenter asks why conclusions in the EIR for *Plan Bay Area* ("2013 EIR") are not disclosed in DEIR Section 1.2, "Project Description." The conclusions of the prior 2013 EIR are not relevant to this Draft EIR. This Draft EIR is a standalone programmatic EIR that does not rely on tiering or incorporation by reference from the 2013 EIR.

The commenter expresses concern that the EEJ Alternative is not described in Draft EIR Section 1.2, "Project Description." The EEJ Alternative is properly and fully described in DEIR Section 3.1, "Alternatives to the Proposed Plan." Alternative 4, Environment, Equity, and Jobs, reflects the EEJ Alternative in the 2013 EIR, updated to reflect comments received on the NOP and on planning assumptions of the proposed Plan (Draft EIR page 3.1-7). No changes to the document are necessary. Please also refer to Master Response 6, Range of Alternatives.

47-18 The commenter acknowledges that MTC/ABAG do not have land use authority and suggests specific mitigation measures could nevertheless be identified. MTC/ABAG concur and this is the approach that was taken in the Draft EIR. The commenter alludes to additional mitigation measures that should be considered. Please see the responses provided below that address each of the specific recommendations. Please also see response to comment 47-26 and Master Response 7, MTC/ABAG Role and Authority.

47-19 The commenter states that the Draft EIR does not analyze the potential for longer commutes as a possible result of displacement. This is incorrect. As explained in Master Response 2, Displacement and Housing Affordability, the land use and transportation modeling undertaken for the proposed Plan takes into account projected demographic shifts and changing land use patterns, which includes some amount of localized displacement. Because of this, the impacts of projected growth under the proposed Plan, including the physical effects of construction of replacement housing, as well as impacts associated with increased commute times for displaced residents who move to housing further from jobs, are considered throughout the Draft EIR analysis of impacts. This approach is considered in the analysis provided on Draft EIR pages 2.1-26 and 2.1-27 under Impact 2.1-1.

The comment also states that the Draft EIR overestimates the benefits of planned projects. This comment is unclear. CEQA is focused on the adverse impacts of projects on the environment, there is no requirement under CEQA to analyze project benefits. The Draft EIR does, however, fully evaluate and disclose the potential physical effects of displacement related to housing affordability. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue. The commenter also states that the Transportation Investment Analysis performed in the DEAR is flawed due to a failure of the Draft EIR to account for the risk of displacement. As noted above and throughout these responses, the claim regarding a failure of the Draft EIR to analyze the physical effects of the risk of displacement is inaccurate and not supported by the record.

47-20 The commenter states that the Draft EIR does not quantify air quality and transportation impacts associated with the risk of displacement generated by the project. This is inaccurate. As explained in the Draft EIR, the impact analyses, including the air quality analysis based in part on transportation modeling, takes into account internal displacement within the Bay Area. As stated on Draft EIR page 2.3-26, through the use of modeling, the forecasted development pattern assumes an adequate number of residential units to meet the projected demand of the region, taking into account localized displacement risk of some households within the region. Similarly, the traffic modeling also takes into account localized displacement risk as well as regional travel patterns that include future changes in daily transit use (see Draft EIR page 2.1-25, "Regional Travel Patterns"). The Draft EIR adequately assesses the impacts of the proposed Plan and no changes are necessary. Please see Master Response 2, Displacement and Housing Affordability, for a further discussion of this issue.

47-21 The commenter states it is not clear whether the Draft EIR adequately accounted for affordability, or displacement triggered by a lack of affordability, in the land use analysis or supporting model. The Draft EIR adequately accounts for displacement risk and affordability in the analysis and supporting model. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue.

47-22 The commenter states that it is not clear if the land use and transportation models are based on existing conditions, as opposed to planning documents. As discussed in the Travel Modeling and Land Use Modeling supplemental reports, baseline conditions for each model are calibrated and validated on a regular basis to ensure that the models are based on existing conditions. Going into the future, new land use policies may be implemented by regional or local authorities to influence policy outcomes. Inclusionary zoning or other subsidies as cited in the comment are included as policy assumptions to influence the land use pattern and improve performance of a given Draft EIR alternative. It should be noted that the EEJ Alternative submitted during Draft EIR scoping relies on even more aggressive policy assumptions than those under critique by the commenter (for example, a 20 percent inclusionary requirement as opposed to a 10 percent inclusionary requirement in the proposed Plan). The proposed Plan's land use policy assumptions and modeling constraints are identified in the proposed Plan's draft supplemental report library, *Land Use Modeling Supplemental Report* and summarized on Draft EIR page 1.2-14.

The commenter goes on to state that the land use model assumes rather than demonstrates that sufficient housing will be built to house the region's population growth by 2040. Federal and State regulations require MTC as the Bay Area's MPO to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (Draft EIR page 1.2-4). The jobs projection accommodated in the proposed Plan and alternatives is a result of the projected regional changes in economic activity. Regional housing projections were increased in order to provide sufficient housing to accommodate the projected growth in jobs as required by SB 375 and MTC/ABAG's settlement agreement with BIA. The proposed Plan presents a regional growth strategy demonstrating how the region can house the region's growing population, and the Draft EIR fully assesses and discloses the impacts of this growth. Please see Master Response 1, Population and Employment Forecasts, for additional details related to this issue.

47-23 The commenter discusses CEQA requirements related to the consideration of baseline conditions and concludes that the Draft EIR fails to adequately consider an appropriate baseline. The commenter appears to rely on a partial excerpt from CEQA and reflects an incomplete understanding of the baseline requirement.

The Draft EIR analysis was based on a comparison of the proposed Plan and its effects over 24 years to existing conditions (not current plans). This approach is in full conformance with CEQA and is well suited to the proposed Plan given its large size (entire Bay Area region),

complexity (9 counties and 101 cities), and long planning period (horizon year of 2040). If anything, this approach overstates rather than underestimates the impacts of the proposed Plan, which is permissible under CEQA particularly for programmatic analyses. As stated in the Draft EIR and these responses to comments, the proposed Plan does not alter the extent to which development would occur over the Plan horizon. Rather, it establishes a suggested land use framework that would focus development away from rural areas and into existing job rich or job accessible communities served by transit. The market projections demonstrate that this level of development would result with or without the Plan. The No Project Alternative analyzes the impacts of this same growth as would likely occur based on existing applicable conditions, policies, and regulations. Though not allowed as a basis for the determination of project impacts under CEQA, a more intuitive measure of the proposed Plan's impacts results from comparison to the No Project Alternative, because this identifies how future conditions (Plan buildout) would change under the two scenarios. This analysis is provided in Chapter 3.1 of the Draft EIR. As described, in nearly all instances, including the risk of housing displacement, the proposed Plan results in fewer impacts than under planned future conditions (as defined by existing general plans and other applicable local plans and regulations). As shown on Draft EIR Table 3.1-39, the proposed Plan performs much better than the No Project Alternative in the provision of affordable housing and risk of displacement. Specifically, the No Project Alternative increases (over existing conditions) the risk of displacement by 18 percent, whereas the proposed Plan increases the risk of displacement by 5 percent (which is the same as the EEJ Alternative).

47-24 The commenter suggests that the Draft EIR fails to analyze the direct and secondary or indirect effects of displacement. This is not accurate. The Draft EIR analysis considers both direct and indirect impacts (see Draft EIR pages 2.3-24 – 2.3-27). Please see Master Response 2, Displacement and Housing Affordability, for a discussion of these issues.

The commenter requests a more rigorous analysis of impacts than is presented in the Draft EIR in the form of analysis of direct impacts to individual communities. This is not required, and the Draft EIR provides a sufficient level of detail for a programmatic analysis. Given its large size (entire Bay Area region), complexity (9 counties and 101 cities), and long planning period (horizon year of 2040) the proposed Plan can only be feasibly analyzed at a programmatic level. The degree of precision and precise assumptions that would be necessary to undertake the requested analysis at the jurisdictional level would be highly speculative and potentially misleading. The EIR analysis is required to be supported by substantial evidence. Section 15384 of the CEQA Guidelines indicates in part that "…Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence." Please see also Master Response 5, Programmatic EIR.

47-25 The commenter indicates that the alternatives should be analyzed using varying demographic and socioeconomic assumptions. MTC/ABAG do not agree. ABAG created a single regional forecast pursuant to the requirements of SB 375 and consistent with standard practice by other regional MPOs in the state. The level of growth identified in the regional forecast is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the 9 counties and 101 cities of the Bay Area. The jobs projection accommodated in the proposed Plan and alternatives is a result of the projected regional changes in economic activity. Regional housing projections were increased to provide sufficient housing to accommodate the projected growth in jobs. Additionally, a recent legal settlement requires MTC/ABAG to use a single RHCT for all scenarios evaluated as disclosed in Draft EIR Section 1.2, "Project Description.". Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

47-26 The commenter states that the Draft EIR should consider other "tools" available to MTC/ABAG such as conditioning project funding. Chapter 5, "Action Plan" of the proposed Plan includes new language citing support for state legislation and funding to address community stabilization and lessen displacement risk, evaluating expanded policies for existing and upcoming transportation funding sources related to anti-displacement measures, and providing technical assistance and data resources related to community stabilization and anti-displacement policies. These revisions supplement language from the proposed Plan related to the project performance methods to seek stronger alignment between prioritizing transportation projects and housing performance.

See also Master Response 2, Displacement and Housing Affordability, and Master Response 7, MTC/ABAG Role and Authority, for a discussion of these issues.

47-27 The commenter states that the Draft EIR ignores available tools to mitigate the increased risk of displacement. Please see response to comment 47-26 above. The commenter also states that the Draft EIR should acknowledge that the risk of displacement could increase. The Plan and Draft EIR both clearly acknowledge that the risk of displacement would increase with implementation of the proposed Plan (see Draft EIR page 3.1-21 and pages 64-65 of the proposed Plan for a discussion of increased risk of displacement). At a regional level – rather than the neighborhood level as was used for the proposed Plan performance target – the Draft EIR concluded that environmental impacts related to an increase in displacement risk were less than significant. No additional mitigation is required.

The Draft EIR includes mitigation to address the physical environmental impacts related to construction of replacement housing, and impacts related to the increase in commute times caused by displacement are analyzed throughout the Draft EIR because the transportation model reflects changes in the number of households, by income levels, and by geographic locations, some of which may be a result of localized displacement. No additional mitigation is required to address the socio-economic impacts related to increased displacement risk. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue.

47-28 The commenter states that MTC/ABAG cannot ignore mitigation tools available to address displacement effects and states that MTC/ABAG can, through the proposed Plan, include mitigation that communities can choose to adopt to receive project funding, citing the OBAG Program. Please see response to comment 47-26 and Master Response 7, MTC/ABAG Role and Authority.

47-29 The commenter states that the mitigation measures identified to address the effect of displacement focus exclusively on construction impacts related to replacement housing, but none of the measures address economic displacement. The mitigation measures cited are intended to address the potentially significant physical impacts identified in the Draft EIR related to the need for new construction because of displacement rather than the economic effects of displacement, which do not require mitigation under CEQA. Please see response to comment 47-26 for a brief discussion of the regional agencies' strategy to address housing and displacement risk through Chapter 5, "Action Plan" of the proposed Plan. Please see Master Response 2, Displacement and Housing Affordability, for a further discussion of this issue.

47-30 The commenter lists mitigation measures included in the Draft EIR and states that they will not mitigate effects of economic displacement. Please see response to comment 47-29. The comment goes on to state that the Draft EIR should identify measures available to MTC/ABAG to incentivize local jurisdictions to mitigate environmental impacts, including adoption of a policy to condition disbursement of project funds on mitigation of displacement impacts. Please see Master Response 7, MTC/ABAG Role and Authority, for a discussion of this issue.

47-31 The commenter lists suggestions for mitigation measures to address economic displacement. Please see response to comment 47-29, as well as Master Response 2, Displacement and Housing Affordability, and Master Response 7, MTC/ABAG Role and Authority, for discussion of this issue.

47-32 The commenter refers to additional measures for MTC/ABAG to consider. Please see response to comment 47-26 for a brief discussion of the regional agencies' strategy to address housing and displacement risk through Chapter 5, "Action Plan" of the proposed Plan. At a regional level, the Draft EIR concluded that environmental impacts related to an increase in displacement risk were less than significant and no additional mitigation is required. The Draft EIR includes mitigation to address the physical environmental impacts related to construction of replacement housing. No additional mitigation is required to address the socio-economic impacts related to increased displacement risk. Please see Master Response 2, Displacement and Housing Affordability, and Master Response 7, MTC/ABAG Role and Authority, for a discussion of this issue.

47-33 The commenter states that the Draft EIR does not include a sufficient explanation for the decision not to select the EEJ Alternative as the proposed alternative in light of the fact that it was determined to be the environmentally superior alternative in the 2013 EIR.

Please see response to comment 47-17. The conclusions of the 2013 EIR are not relevant to this Draft EIR. The Draft EIR is a standalone programmatic EIR that does not rely on tiering or incorporation by reference from the 2013 EIR. The proposed Plan update process is described in Draft EIR Section 1.2, "Project Description." The process for developing the proposed Plan was vigorous and included public outreach, development of economic, demographic, and financial assumptions, and modeling efforts. The EEJ Alternative from the 2013 EIR was updated in this Draft EIR to reflect comments received on the NOP and on planning assumptions that went into the proposed Plan (see Draft EIR page 3.1-7). As discussed on Draft EIR page 3.1-99, the environmentally superior alternative in the Draft EIR is the Big Cities Alternative.

The comment implies that the merits of the alternatives are not reasonably compared. Section 15126.6(d) of the CEQA Guidelines states that an:

> …EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

The evaluation of the alternatives to the proposed Plan includes a discussion of the ability of each alternative to meet the project objectives and a comparison of the environmental impacts of each alternative to the impacts associated with implementation of the proposed Plan. Draft EIR Section 3.1.5, "Comparative Impact Analysis of Alternatives," addresses each impact of the proposed Plan and the Alternatives. This comparative discussion is summarized in Table 3.1-38, which indicates the level of significance of each impact under each of the Alternatives, as well as how the impacts of each Alternative compare to the impacts of the proposed Plan. This robust analysis meets the requirements set forth under CEQA Guidelines Section 15126.6(d), reproduced above. Each of the alternatives in the Draft EIR were assessed in the same manner. Please see Master Response 6, Range of Alternatives, for further discussion of this issue.

47-34 The commenter states that the assessment of alternatives for land use impacts is not sufficient because displacement impacts are not adequately discussed. MTC/ABAG disagree with this statement. Draft EIR Impact 2.3-1 analyzes physical impacts related to the risk of displacement. A discussion of this impact is presented in Draft EIR pages 3.1-45 through 3.1-47 for each of the alternatives, and the results of the impact assessment for each alternative is compared to the proposed Plan. For each of the alternatives, the impact would be significant and unavoidable for the reasons described under Impact 2.3-1, with the degree of severity noted for each alternative. The CEQA Guidelines require a discussion of the significant effects of an alternative, but in less detail than presented for the proposed Plan (CEQA Guidelines Section 15126.6(d)). The discussion of Impact 2.3-1 for each of the alternatives is supported by substantial evidence found in the Draft EIR and in the proposed Plan supplemental reports, including the draft *Equity Analysis Report* and *Performance Assessment Report* and meets the requirements under CEQA for evaluation of alternatives.

47-35 The commenter states that the assessment of the EEJ Alternative mischaracterizes the result of the Equity Analysis Supplemental Report. MTC/ABAG disagree with this assessment. The Draft EIR is focused on the proposed Plan objectives – in other words, the regional performance targets adopted by MTC/ABAG. Both the proposed Plan and the EEJ Alternative perform the same in this regard, with an increase of displacement risk by 5 percentage points. In the DEAR, that figure is further broken down for Communities of Concern, which experience an impact of 1 percentage point less than the proposed Plan under the EEJ Alternative; however, lower-income households living outside of Communities of Concern experience an impact of 1 percentage point more displacement risk under the EEJ Alternative than the proposed Plan. Because displacement risk levels are similar between the proposed Plan and the EEJ Alternative on the regional level – as these two trends negate one another – the only difference is where the at-risk lower-income households reside. Therefore, the statement in Draft EIR Section 3.1.4 remains valid.

The same logic applies to the affordable housing target cited. Both the proposed Plan and the EEJ Alternative increase the regional share of affordable housing by the same amount in PDAs, TPAs, or high-opportunity areas. The proposed Plan results in more of that growth outside of Communities of Concern, whereas the EEJ Alternative results in more of that growth inside Communities of Concern. Arguably, the proposed Plan's distribution of affordable housing outside of Communities of Concern may in fact be a superior policy outcome, as it would lessen the concentration of poverty in existing Communities of Concern.

47-36 This commenter states that the Draft EIR mischaracterizes the impacts of displacement as "unavoidable" when the DEAR says they can be "addressed." The impact conclusion in the Draft EIR addresses the physical impacts related to an increased risk of displacement, which are analyzed throughout the Draft EIR and mitigation is included; however, MTC/ABAG cannot ensure implementation in all cases and thus the Draft EIR concludes the impacts are unavoidable. The DEAR addresses economic and social impacts associated with an increased risk of displacement and cites various ways to address the displacement impact; however, neither the DEAR nor the proposed Plan state that displacement risk can be completely avoided. Hence, the impacts of the proposed Plan are lower when compared to the No Project Alternative, but not mitigated to a level of "insignificance" relative to the Draft EIR's baseline (2015). The commenter also suggests that policies included in the proposed Plan should be incorporated into the Draft EIR as mitigation measures. Mitigating features that are already incorporated into a proposed Plan are not considered "mitigation measures" for purposes of the Draft EIR. (*Lotus v. Department of Transportation* (2013) 223 Cal.App.4th 645, 656.) Therefore, they need not be discussed or reevaluated in the EIR's discussion of mitigation measures.

47-37 The commenter states that the Draft EIR does not account for affordability when evaluating the EEJ Alternative, and as a result, impacts of the proposed Plan will be greater than the Draft EIR predicts and the benefits of the EEJ Alternative, relative to the proposed Plan, are likely to be even more substantial than assessed in the DEAR. For a discussion of the Draft EIR's adequacy in regard to the alternatives analysis, and particularly the EEJ Alternative, see response to comment 47-33. It is important to note that the UrbanSim land use model does incorporate affordability in all alternatives evaluated (including the proposed Plan) as a factor in household location choice, as well as the nature of a given unit (e.g., deed-restricted affordable, market-rate). Furthermore, all alternatives were evaluated against an affordability target for lower-income households, for which the EEJ Alternative performed marginally better than the proposed Plan.

Regarding assumptions related to CEQA streamlining, this policy assumption was included in the 2013 EIR analysis and was simply carried over for use in the EEJ Alternative in the Draft EIR. During the 2013 EIR, equity stakeholders (including 6 Wins Network) were concerned about excessive CEQA streamlining without additional requirements for developers. Regarding feasible mitigation under the EEJ Alternative, it is unclear exactly what the comment refers to. In both instances, the impacts comparison was based on impacts that would result under each plan (the EEJ and proposed Plan) prior to application of mitigation measures. It is assumed that the ability to mitigate impacts would be similar between the proposed Plan and the alternatives, including EEJ.

47-38 The commenter discusses the significant and unavoidable determinations in the Draft EIR and expresses the opinion that the Draft EIR relies on assumed failure to mitigate impacts at the project-specific level, and the commenter indicates that this undermines the usefulness of the Draft EIR as a programmatic document. These comments reflect a misunderstanding of the requirements of CEQA, the role of MTC/ABAG, and the approach taken in the Draft EIR. CEQA requires agencies to identify mitigation measures that would avoid or substantially lessen a project's significant impacts or potential significant impacts if such measures are feasible. The mitigation measures identified in the Draft EIR mitigate the potential significant impacts of the proposed Plan, to the extent feasible, as described in the Draft EIR. When MTC/ABAG are the lead agencies on a project, they will ensure compliance with the identified mitigation measures by requiring them as conditions of approval for relevant projects, and if applicable, requiring individual projects to undergo CEQA compliance review prior to project approval. Because implementation of the proposed Plan includes projects that would be developed by other agencies throughout the region, the Draft EIR identifies where implementation of some mitigation measures is not within the authority of MTC/ABAG. The ability of MTC/ABAG to enforce mitigation measures identified within the Draft EIR is expressly limited by statute. SB 375 provides that the proposed Plan cannot "regulat[e] the use of land… [and does not] supersed[e] the exercise of the land use authority of cities and counties within the region." (Gov. Code, § 65080, subd. (b)(2)(K).) For this reason, unless MTC/ABAG have regulatory or approval authority over a future transportation project (including bike and pedestrian facilities) implemented pursuant to the proposed Plan, MTC/ABAG must rely on incentives to encourage implementing agencies to commit to the mitigation measures set forth in the Draft EIR. This does not undermine the usefulness of the Draft EIR. The potential streamlining benefits included in SB 375 provide local agencies and project proponents with an incentive to propose projects that are consistent with the proposed Plan and that incorporate applicable and feasible mitigation measures from the EIR, once certified. An implementing entity that elects to take advantage of the CEQA Streamlining provisions of SB 375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must commit to the mitigation measures set forth in the EIR, as applicable and feasible, to address site-specific conditions. Subsequent environmental review for specific projects identified in the proposed Plan may tier off the programmatic analysis or incorporate information from this analysis by reference (CEQA Guidelines, Sections 15150, 15152, and 15168). A project-specific EIR that tiers off the EIR

may incorporate the mitigation measures set forth in the EIR where applicable and feasible (See, e.g., CEQA Guidelines, Section 15168, subd. (c)(3)). Please see responses to comments 47-26 through 47-32 regarding additional suggested mitigation measures.

47-39 The commenter states that the VMT conclusion is a model input rather than a model output, and that the Draft EIR does not adequately consider impacts on displacement and affordability. The commenter also states that analysis of the cumulative impact related to commuting from affordable housing outside the Bay Area is not adequate. These statements are inaccurate. While the control totals are indeed inputs to the modeling process, the location of households (by income level) and jobs and the associated VMT forecasts are model outputs from UrbanSim and Travel Model One, respectively. Based on the requirements of SB 375, the proposed Plan provides sufficient housing in the region for all income levels, thus eliminating the need for residents to relocate outside of the region to find housing that aligns with their income level. Changes to VMT for current in-commuters as a result of growing job centers (and other destinations) inside the region are captured in forecast year model outputs as well. Please see Master Response 2, Displacement and Housing Affordability. Because the Plan-specific analysis is accurate, as explained above, the cumulative impact assessment is likewise accurate and adequate. Further, the Draft EIR cumulative analysis considered growth in counties adjacent to the nine counties included in the Plan area; see Section 3.2.4 of the Draft EIR. To the degree people currently living in the Plan area may seek housing or employment in locations outside the Plan area, this would be reasonably accounted for in the cumulative analysis.

47-40 The commenter states that the Draft EIR has not accounted for affordability and therefore cannot conclude there will be adequate units to meet demand. The comment also questions the conclusion that the proposed Plan will not exert development pressure on adjacent counties through displacement. The Draft EIR does properly address/account for these issues. See Section 3.2.4 of the Draft EIR for a discussion of the Plan's cumulative land use impacts. Please see also Master Response 2, Displacement and Housing Affordability, for a discussion of these issues. Note that by meeting 100 percent of the forecasted housing need associated with job growth, by definition the project would not exert pressure on adjacent counties. This does not imply that some people currently living in the Plan area will not disperse to adjacent counties. However, by matching job and housing growth, people from adjacent areas that move to the Plan area for a job would be matched to the number of housing units forecasted. Thus, at a regional scale, there would not be a significant impact associated with the risk of displacement.

47-41 The commenter continues discussion of the demographic points raised in 47-25. As noted in the response comment 47-25, UrbanSim is not intended to consider regional migration rates or the distribution of household income. Those were both established in the regional forecast determined by ABAG using REMI and related models. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

47-42 The commenter claims that the assumption in the proposed Plan that housing growth will be a function of population growth undermines the analysis in the Draft EIR. MTC/ABAG disagree with this conclusion. Federal and State planning requirements are clear that regions are to forecast future population growth, plan for housing to support the growth, and identify a transportation system to accommodate it. Federal and State requirements require MTC as the MPO and Regional Transportation Planning Agency to plan for a period of not less than 20 years into the future using the most recent assumptions of population growth (see Draft EIR page 1.2-4). Sustainable Communities Strategy (SCS) requirements (see Draft EIR page 1.2-6) also require identification of areas to house long-term population growth. When developing the regional forecast, ABAG used both customized and in-house models to project economic activity, population growth and composition, household growth, income distribution, and the

regional housing control total. The Pitkin-Myers model for the Bay Area produced an initial range of population projections based on different levels of in-migration to the region and a benchmark for comparison of the demographic composition of the population. The ABAG Economic-Demographic Model is built on the structure of a Regional Economic Modeling Inc. (REMI) regional model, with adjustments to reflect characteristics of the Bay Area economy and expectations for sectoral change at the national level through 2040. The ABAG-REMI model produces projections of employment, gross regional product, and labor force. This model also produces the final population projection, after verification with the earlier population analysis, to maintain consistency between the population, employment, output and total personal income estimates. The household, income distribution, in-commuting and regional housing control total estimates are each built around the projections from the ABAG-REMI analysis. The regional housing control total combines information from the household projections module and the in-commuting assessment to produce an estimate of total housing units needed for the region. These long-range regional forecasts provide a set of common regional assumptions for the proposed Plan and its alternatives analyzed in the Draft EIR. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

The commenter also suggests that the proposed Plan's regional housing control total (RHCT) is inconsistent with the Regional Housing Needs Allocation for 2014-2022 (2014-2022 RHNA). On page 42 of the proposed Plan, under the "Local Control" heading, the proposed Plan states, "Plan Bay Area 2040 does not establish new state-mandated Regional Housing Needs Allocation (RHNA) numbers for any jurisdiction." The proposed Plan's RHCT overlaps with the 2014-2022 RHNA, but covers a longer-range planning horizon, and as noted does not establish new RHNA numbers for jurisdictions. The 2014-2022 RHNA cites 187,990 total units for the region. The proposed Plan's RHCT uses 2010 as its baseline and projects housing units through 2040. The commenter asserts that the proposed Plan assumes that 270,360 new housing units would be built by 2022; however, it is not clear how the 270,360 number was derived. Neither the proposed Plan nor the Draft EIR cite housing production through 2022. The proposed Plan's RHCT is approximately 820,000 between 2010 and 2040, but as discussed in the proposed Plan's draft supplemental report, *Regional Forecast of Jobs, Population and Housing*, assumes housing production will increase over time. This is clear in Figure 12 of the *Regional Forecasts of Jobs, Population and Housing,* which shows the annual average production for 2015-2020 is estimated at 17,000 units increasing to approximately 30,000 units for 2020-2025. While Figure 12 provides a number of units projected to be built on an annual basis in five-year increments (and thus does not provide a specific number of units per year), Figure 12 shows that the number of households between 2014 and 2022 forecast under the proposed Plan is in the range of 160,000 to 170,000 units (approximately 20,000 units in 2014 and 2015, approximately 80,000 to 90,000 between 2015 and 2020, and approximately 60,000 units for years 2020 to 2022). This is within the range of the number of units estimated as part of the RHNA process, and differences within this range can be attributed to updated baseline information.

The commenter then cites a progress report for the 2007-2014 RHNA, and suggests the differences in planning assumptions are unrealistic and unachievable when compared to actual production. As previously stated above, SB 375 requires regions to prepare a plan to accommodate the forecasted growth. As outlined in the Chapter 5, "Action Plan" of the proposed Plan, MTC/ABAG are advancing specific actions geared to address the region's housing affordability challenges including the launch of the multi-sector CASA Initiative, the Committee to House the Bay Area. It is expected that as a compliment to the Action Plan, this effort will identify legislative, funding and regulatory efforts to advance the Production, Preservation and Protection of Housing in the Bay Area with a focus on households in the very low, low, and moderate income categories that have been impacted by a lack of adequate production, particularly in recent years. However, because the proposed Plan does not usurp

local land use authority, and MTC/ABAG cannot compel the implementation of specific land use or housing policies at the local level, implementation of the SCS depends on decisions by local jurisdictions. See response to comment 51-2 for more information on these issues.

47-43 The commenter asks for more detail on the land use policies underlying the alternatives. The commenter goes on to state that the representation of affordable housing subsidies in the UrbanSim land use model does not reflect the actual rate of "affordable housing success" in the Bay Area. The land use policies (often referred to 'strategies' or 'assumptions') used in this analysis are new policies, not existing ones. Their ability to produce affordable housing units is not assessed by comparing them to the existing policy situation. Instead, UrbanSim simulates how a for-profit real estate developer would react to this policy by entering the inclusionary requirements into UrbanSim's "pro forma" model that is used to assess project feasibility. The required affordable units are represented as costing the developer the same to build as a market-rate unit but the affordable units generate less revenue. The pro forma compares these two changes. If the project is still feasible, it is built. If not, the construction will shift to another location where it will generate a profit. This simulation allows an assessment of how many affordable units are likely to be built under a particular land use policy. Draft EIR Section 3.1.3, "Alternatives Analyzed in this EIR" identify the specific land use policies and transportation investments modeled across the alternatives (see Draft EIR pages 3.1-4 through 3.1-8). The proposed Plan's land use policies are discussed on Draft EIR Page 1.2-21. As related to inclusionary zoning policies, the Draft EIR discloses that the proposed Plan applies an inclusionary zoning policy of 10-percent for cities with PDAs. The application of an inclusionary zoning policy is one strategy that differs across the alternatives. The No Project Alternative only assumes baseline policies and therefore does not apply a regional inclusionary policy; however, the Main Streets Alternative applies a 5-percent inclusionary policy to high-opportunity cities, the Big Cities Alternative applies 20-percent inclusionary policy in San Jose, San Francisco, and Oakland, and the EEJ Alternative applies a 20-percent inclusionary policy in select cities with PDAs, TPAs or high-opportunity cities. In this manner, both the inclusionary rates and the geography of their location differ across alternatives.

47-44 The commenter asks for clarification regarding the assumptions in the Urban Sim land use model regarding inclusionary zoning, development fees, and subsidies and whether these assumptions changed between the project and the alternatives. See response to comment 47-43.

47-45 The commenter asks for information on uncertainty in the housing distribution produced by the model. All modeling efforts include a certain level of uncertainty by definition, as a model attempts to forecast or predict a future with unknowns that no statistical procedure can eliminate. The UrbanSim land use model was used to produce forecasts; over the course of the scenario planning process, MTC corrected newly discovered data errors and evaluated different potential land use policies. Each new forecast contained changes driven by both these data/policy changes and by the output of the random probability distributions of the model. The comparison of multiple runs revealed that the variance in the output was minor and did not substantially affect outcomes at the regional level. The Draft EIR's analysis was, therefore, based on a reasonable approach to forecasting.

47-46 The commenter indicates that the DEAR, does not accurately represent the performance of the EEJ Alternative as compared to the proposed Plan on the affordable housing (#6) and displacement (#7) performance targets. MTC/ABAG do not concur. The comment does not provide evidence in support of the conclusion which might enable further response. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

47-47 The commenter states that the supplemental reports that support and inform the Draft EIR analysis represent an impermissible segmentation of the environmental analysis. CEQA allows for the use of separate supporting information in an EIR. Section 15147 of the State CEQA

Guidelines states that the information contained in an EIR shall include summarized technical data and relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Section 15148 goes on to state that preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental factors. These documents should be cited but not included in the EIR. The Draft EIR's level of technical detail is adequate, as is its use of technical background information separate from the text of the Draft EIR.

47-48 The commenter states that the Draft EIR does not accurately represent the performance of the EEJ Alternative as compared to the proposed Plan on the jobs access target (#8). This statement is incorrect. Both the proposed Plan and the EEJ Alternative include policy assumptions to increase investment in affordable housing, either through deed restrictions or subsidies. Such policies would require coordination at the local level. Because policies of this type are included in both alternatives, affordable housing (or lack thereof) is not the primary cause of the performance gap between the alternatives. Rather, the EEJ Alternative's lack of investment in highways means that a smaller share of workers can access increasingly-dispersed jobs by car given greater levels of traffic congestion (and associated delay).

Please also see Master Response 7, MTC/ABAG Role and Authority, for a discussion of MTC's ability to incentivize action at the local level.

47-49 The commenter addresses OBAG funding and the proposed Plan's draft supplemental report, *Land Use Modeling Report*. Please see Master Response 7, MTC/ABAG Role and Authority, and response to comment 47-26 regarding the conditioning of OBAG funds. Please see responses to comments 47-26 through 47-32 regarding additional mitigation measures and anti-displacement strategies.

47-50 The commenter requests that the Draft EIR be revised to address the comments raised in the letter, and that MTC/ABAG provide another opportunity for public review and comment before the Draft EIR is finalized. As noted in several responses, the Draft EIR provides a thorough and complete analysis of the potential environmental effects of implementation of the proposed Plan. The text revisions in Section 3.0, "Revisions to the Draft EIR" included in this Final EIR do not result in substantive changes that would rise to the level of "significant new information" requiring recirculation. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but prior to certification of the Final EIR. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. Please also see the discussion regarding recirculation in Section 3.0, "Revisions to the EIR," of this Final EIR.

EARTHJUSTICE

Letter 48

June 1, 2017

Via email

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Re: *Sierra Club Comments on Plan Bay Area 2040 and its Draft Environmental Impact Report*

To whom it may concern:

On behalf of the Loma Prieta, Redwood, and San Francisco Bay Chapters of the Sierra Club and their more than 62,000 members in the nine-county San Francisco Bay Area Region, Earthjustice submits these comments on Plan Bay Area 2040 (PBA 2040 or "the Plan") and its Draft Environmental Impact Report (DEIR).

At a time when the Bay Area's transit agencies, such as BART and MUNI, are bursting at the seams, the streets and highways are clogged with cars, the cost of housing is skyrocketing and residents are seeing the value of their income shrink or in many instances are forced to move away, MTC and ABAG propose to spend $303 billion dollars on a plan that does little to change the driving-centric status quo. Among other things, the Plan includes investments in 460 miles of freeway expansion projects, an eight percent increase.[1]

Rather than developing a "Sustainable Communities Strategy" (SCS) that reforms the transportation infrastructure of the Bay Area and decreases the region's reliance on carbon-intensive modes of transit, the Plan continues to rely on automobiles as a mode of transit and even expands highways. In 2040, weekday bicycling trips decrease by .1 percent per mode share, walking stays the same and transit trips increase by only .5 percent per mode share.[2]

48-1

[1] DEIR, p. 2.1–22, Table 2.1-12.

[2] DEIR, p. 2.1-26, Table 2.1-15 (fn. omitted).

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The Plan lacks sufficient expenditures for walkable communities, and the funding for transit service, which is already suffering the strains of overcrowding, fails to accommodate projected new ridership. Further, the Plan fails to prevent displacement of vulnerable families, which creates likely undesirable outcomes of increased traffic, congestion, and sprawl. By 2040, the combined cost of housing and transportation for lower-income households will increase from 54 percent to 67 percent.[3]

It's disappointing that this second round of Plan Bay Area represents only a minor update to the Plan Bay Area adopted in 2013. Sierra Club had hoped that the outcomes of the first Plan Bay Area would serves as a "beta version" and that lessons learned from the first round would be incorporated into a more aggressive successor. It would have been 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 greenhouse gases (GHGs) and vehicle miles traveled (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.

48-1 cont

The Plan establishes thirteen "performance targets" that are intended "to measure Plan Bay Area 2040's effectiveness in addressing the major challenges facing the region."[4] Eight of these targets will not meet the goals of PBA 2040.

Sierra Club urges that the draft plan be revised to prevent displacement, to steadily reduce automobile travel, and to substantially reduce greenhouse gas emissions from the transportation sector. It is unlikely that such a revision can be done within the projected schedule. However, rather than adopting a Plan for the next four years that would make it more difficult to achieve the 2035 greenhouse gas reduction targets, it is preferable to begin exploring and addressing these issues immediately.

Under the California Environmental Quality Act (CEQA), a major purpose of the DEIR is to "inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the environmental impacts of the Plan."[5] For the reasons in this letter, Sierra Club believes that the DEIR fails in this mission.

1. The Plan Must Comply with CEQA and SB 375.

CEQA requires the EIR to provide full and accurate information about the ability of the Plan Bay Area to achieve the greenhouse gas reductions targeted by the Plan, as well as to consider alternatives which might provide a better means of attaining those objectives. (Cal. Pub. Res. §§21000-21002.)

48-2

[3] Plan Bay Area 2040 Equity Analysis, p. 5-3; *see also* p. 5-2, Table 5-1 (lower-income households earn less than $60,000 a year).

[4] PBA 2040, p. 26.

[5] DEIR, p. ES-2.

CEQA was intended to promote California's policy to "[d]evelop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state."[6] CEQA must "be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[7] Among the goals of CEQA are to "inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities," and to "identify ways that environmental damage can be avoided or significantly reduced."[8]

The EIR is "the heart of CEQA," and functions as an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[9] Furthermore, "it is a document of accountability," which provides the public with a basis for understanding the decision-making process of public agencies.[10] 48-2 cont

To that end, the EIR must contain a statement of "all significant effects on the environment of the proposed project," as well as statements relating to unavoidable and/or irreversible effects, mitigation measures to minimize impacts on the environment, alternatives to the proposed project, and the "growth-inducing impact" of the proposed project.[11] It must contain a "sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences."[12]

According to the DEIR, "[t]he Sustainable Communities and Climate Protection Act of 2008, commonly known as Senate Bill 375 (SB 375 Steinberg, 2008), requires California's 18 metropolitan planning organizations (including MTC) to develop an SCS as an element of the federally mandated RTP ["Regional Transportation Plan"]. The SCS demonstrates [or is supposed to demonstrate] how the region will meet its greenhouse gas (GHG) reduction targets established by the California Air Resources Board (ARB) through integrated land use, housing and transportation planning. In the Bay Area, MTC and ABAG are jointly responsible for this planning effort."[13] 48-3

[6] Cal. Pub. Res. §21001(a).

[7] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 390 (quoting *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259).

[8] 14 C.C.R. §15002(a)(1) and (2).

[9] *Laurel Heights*, 47 Cal. 3d at 392 (internal citations omitted).

[10] *Id.*

[11] Cal. Pub. Res § 21100(b)(1); 14 C.C.R. §§15120-15132.

[12] CEQA Guidelines, §15151.

[13] DEIR, p. ES-2.

2. The Plan Fails to Provide Substantial Evidence to Support the Projected Greenhouse Gas Emissions Reductions from Plan Bay Area.

The DEIR claims that the Plan meets SB 375's GHG reduction mandates, but a close examination of the DEIR reveals a different story. Rather than develop an integrated land use and transportation plan to reduce greenhouse gas emissions,[14] the Plan proposes transportation policies, "Climate Policy Initiatives," that generally attempt to reduce greenhouse gases without fundamentally changing land use or driving patterns. In fact, VMT continue to increase during the Plan. "[B]etween 2015 and 2040, the Bay Area is projected to add about 1.9 million people (a 26 percent increase) and 688,000 jobs (a 17 percent increase). Based on expected future growth, the total vehicles miles traveled would increase by 21 percent, which means that VMT is projected to grow at a slightly slower rate than population, but at a faster rate than jobs in the region."[15]

MTC projects that its Climate Initiative Programs will reduce fewer GHGs in 2040 than it does in 2035.[16] The corresponding projected increase of GHGs from 2035 to 2040 indicates that the Plan fails to fundamentally integrate land use and transportation policy because an integrated plan would result in continued downward projection of GHG emissions.

48-3 cont

Consistent with this failure, projections for transit, bicycling and walking barely change if at all under the Plan. This mode share chart from the DEIR reveals Plan Bay Area's failure to fundamentally change Bay Area transportation:[17]

Table 2.1-15 Typical Weekday Daily Person Trips, by Mode (2015-2040)

Purpose	2015		2040 Plan	
	Trips	% of Total	Trips	% of Total
Drive Alone	12,310,000	47.6%	14,880,100	46.6%
Carpool	8,917,700	34.4%	11,138,800	34.9%
Transit	1,660,900	6.4%	2,208,500	6.9%
Walk	2,695,600	10.4%	3,320,700	10.4%
Bike	305,500	1.2%	359,100	1.1%
Total Trips	25,889,700	100%	31,907,200	100%

[14] *See* DEIR, p. 2.5-17 ("SB 375 requires regional planning agencies to include a Sustainable Communities Strategy (SCS) in their regional transportation plan (RTP) that demonstrates how the region could achieve GHG emissions reductions set by ARB through integrated land use and transportation planning.")

[15] DEIR, p. 2.5-33.

[16] DEIR, p. 2.5-36.

[17] DEIR, p. 2.1-26, Table 2.1-15 (fn. omitted).

The DEIR fails to provide substantial evidence that the Climate Initiatives Programs will achieve the claimed emission reductions. Although the EIR claims specific GHG reductions for each of the programs,[18] the DEIR and its related travel modeling report fail to show that these programs work in practice. PBA 2013 included 7 climate initiatives that have been similarly included in this Plan: Commuter Benefit Ordinance, Car–Sharing, Vanpool Incentives, Clean Vehicles Feebate Program, Smart Driving Strategy, Vehicle Buy–Back & Plug–in Electric Vehicle Purchase Incentive, and Regional Electric Vehicle Charger Network.[19] The DEIR and related travel modeling report fail to describe the time frame for these programs, success to date or even whether they have been started or funded, and MTC's Transportation Improvement Program (TIP) shows little evidence of any such funding.

The EIR's purported GHG reductions are "the sorts of speculative mitigation measures that do not comply with CEQA."[20] In *Clean Energy*, the Court of Appeal held that the City's final EIR was inadequate, in part, because the call for a strategic plan and implementation strategy appeared in the DEIR with little discussion or analysis.[21] The City's plan stated vague goals without obligating it to "undertake any actual mitigation," just as the MTC's EIR does here in mentioning the Climate Policy Initiatives Program without substantial evidence that it will achieve said emission reductions.[22] The calculations in the Travel Modeling Report do not appear to be based on real world experience in implementing these initiatives from Plan Bay Area 2013.

Climate Initiatives, such as the "Vehicle Buyback Program" that increase the number of cars, need to be reconsidered, because successful Priority Development Areas (PDAs) require VMT reductions; built up urban areas contain no room for road capacity expansion. The DEIR estimates an increase in more than 1.1 million cars in the Bay Area by 2040.[23] Put simply, the streets in many of the PDAs have no room for these additional cars.

Furthermore, the Plan's claim that more than 8% of the GHG reductions will result from "Smart Driving" fails to pass the straight face test. With this measure, the Plan proposes an education and media program to encourage "smooth acceleration and deceleration." MTC calculates its estimated GHG reductions based on a study with an admittedly

48-3 cont

[18] DEIR, p. 2.5-36, Table 2.5-6.

[19] *Cf.* Plan Bay Area (2013), pp. 87-89; see also DEIR, p. 2.5-36,Table 2.5-6.

[20] *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.Ap.4th 173, 198.

[21] *Id*. at 197.

[22] See id.

[23] *See* DEIR, p. 2.1-21, Table 2.1-11 (each new household will have an average of 1.7 cars).

small sample size of 18 people.[24] Rather than reducing VMT, MTC claims that drivers can be retrained to drive better for the environment.

The DEIR acknowledges that implementation of the Plan could potentially conflict with the goals of Senate Bill 32 (Chapter 249, Statutes of 2016) to reduce GHGs.[25] Sierra Club continues to urge MTC and ABAG to focus on practical strategies to meet the long-standing State policy goal to achieve an 80% reduction in greenhouse gas emissions by the year 2050. 48-3 cont

3. Lack of Sufficient Funding for Mass Transit Impedes Achievement of Plan's Performance Targets.

Sierra Club continues to be very supportive of the goals of SB 375—to reduce GHG emissions and VMT. To accomplish these ends, viable PDAs must be made successful, and must include levels of transit service that will make travel by single-occupancy auto generally unnecessary. The projected regional transit costs in "Transit Operating and Capital Needs and Revenue Assessment" show that the Plan does not fund enhanced levels of service in the PDAs.[26] The existing transit service cannot be fully operated with a 14.6 billion dollar residual capital shortfall (31% of total capital needs).[27] There appears to be no strategy to eliminate this shortfall.

The funding shortfall calls into question how existing levels of services can be maintained through the life of PBA 2040. A key aspect of PBA 2040 should be the operation and maintenance of the existing mass transit system, plus the provision of an increased level of service to be able to provide for increased passenger ridership of the expected number of new residents. In fact, the 2010 RTP Guidelines call for addressing "short and long-range transit plans along with the capital finance plans for the 20-year period of the RTP."[28] It stretches the imagination to fathom how a projected 6.9 percent increase in typical weekday daily person trips, or more than a half a million trips, will be able to be successfully added to Bay Area transit systems, some of which currently operate at capacity during peak time.[29] The Plan will not meet its target of "[r]educ[ing] per-rider transit delay due to aged infrastructure" without addressing the transit funding shortfall.[30] 48-4

[24] Travel Modeling Report, pp. 57-59.

[25] DEIR, p. ES-21, Table ES-2, Impact 2.5-3.

[26] PBA 2040 Supplemental Report "Transit Operating and Capital Needs and Revenue Assessment," p. 1.

[27] *Id.*

[28] 2010 California Regional Transportation Plan Guidelines, § 6.10, p. 106.

[29] *See* DEIR, p. 2.1-26, Table 2.1-15.

[30] *See* DEIR, p. 3.1-19, Table 3.1-12.

4. A Robust and Enforceable Complete Streets Program Would Help Address MTCs Failure to Meet Some of the Plan's Performance Targets.

The Plan's lack of progress in implementing Complete Streets programs in the PDAs contributes to the Plan's failure to meet the GHG targets as well as the Plan's performance targets. For example, the Plan fails to meet its target of "[i]ncreas[ing] non–auto mode share by 10%."[31] This shortfall is due to the Plan's failure to reform land use and transportation. Table 2.1-15, above, shows that drive-alone car trips in 2015 were 47.6% of all trips (including walking) and that by 2040 drive-alone car trips will have only been cut to 46.6% of all trips—almost no change from the $303 billion dollar Plan. Similarly, the Plan's funding of additional highway miles is counter-productive. The DEIR indicates that 460 miles of Freeway Lanes and 60 miles of Expressway Lanes will be constructed with PBA 2040.[32] Freeway Lanes lead to an increase in VMT, and a recent report released by MTC also shows Expressway Lanes increase VMT.[33]

48-5

The Plan targets could be better achieved by focusing the Plan on a campaign to implement and fund a Complete Streets treatment within each PDA. For example, the Plan's target is to "[r]educe adverse health impacts associated with air quality, road safety, and physical inactivity by 10%,"[34] but it is only reduced by one percent. Some of this shortfall most likely results from a projected 21 percent increase in VMT through 2040.[35] Similarly, the Plan does not meet the target to "[r]educe vehicle operating and maintenance costs due to pavement conditions."[36] Bicycles, buses, and pedestrians, as wells as cars, need well-maintained streets.

MTC's resources should be spent integrating land use and transportation policy by developing more "Complete Streets." MTC needs to develop and adopt coherent and effective programs that are consistently applied toward realizing the Plan's targets. For example, incentives should be used to encourage jurisdictions to get the pot holes repaired as part of a campaign to implement a Complete Streets treatment within each PDA. MTC has discretionary authority over significant amounts of Federal, State, and local funding that can be allocated to help achieve desired outcomes. Any recipient

[31] *See* PBA 2040, p. 65.

[32] The DEIR, p. 2.1-22, Table 2.1–12.

[33] MTC, "Effect of MTC Express Lanes on Interregional Travel" (March 2017), p. 30 [VMT increase 1.1% with express lanes], available at http://www.planbayarea.org/sites/default/files/mtc_expresslanes_finalreport_2017_03_24_v2.pdf.

[34] PBA 2040, p. 65.

[35] DEIR, p. 2.5-33; *see also* Kevin Fang and Jamey Volker, "Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled (March 2017) A White Paper from the National Center for Sustainable Transportation, available at https://ncst.ucdavis.edu/wp-content/uploads/2017/03/NCST-VMT-Co-Benefits-White-Paper_Fang_March-2017.pdf.

[36] PBA 2040, p. 65.

jurisdiction that fails to meet such directives should be required to return regionally approved funds or, at a minimum, be determined ineligible to receive additional funds until compliance is documented. This will require strengthening the "Action Plan" through clear metrics and robust monitoring and oversight.

48-5 cont

5. The Plan Fails to Adequately Address the Housing Crisis.

Given the magnitude and political sensitivity of "The Regional Housing Crisis," the Plan does not sufficiently address this pressing issue. The plan fails to meet, and in fact moves in the opposition direction of, its target of "not increase[ing] the share of low- and moderate-income renter households in PDAs, TPAs, or high-opportunity areas that are at risk of displacement."[37] The Regional Housing Needs Allocations figures for the first year of the current eight-year cycle show an insufficient amount of permits issued.[38]

More attention and detail need to be presented to address the housing crisis. In particular, allocation of One Bay Area Grant ("OBAG") and other regional discretionary funds need to be tied directly to achievement of Regional Housing Needs Allocations "numbers" for each jurisdiction—measured in terms of actual construction, not merely permits issued. If a jurisdiction has received funding from MTC (*e.g.*, an OBAG grant) and the jurisdiction is not getting the housing production needed, it should be possible to claw back the grant funds.

48-6

The "Housing Principles for MTC and ABAG 2017 State and Federal Legislative Advocacy" provide a good basis from which to start a coordinated approach to address regional and housing needs, and do not increase either displacement or into-region commutes. MTC and ABAG need to work with local jurisdictions to present a coherent information program on what PDAs are, how they can benefit a community, and how they can enhance opportunities for residents of all levels of income to live and work locally. MTC and ABAG should educate elected and appointed officials about PDAs.

The Plan's Housing Elements action plan in Table 5.1 should be accelerated,[39] because the Bay Area suffers from an acute housing crisis. The Plan explains that "…the foundation of the [housing] crisis is simple: there simply isn't enough housing, whether market-rate or affordable, given the growing number of residents and jobs."[40] With this back drop, the Plan must do more to meet its performance targets. For example, the Plan seeks to "[d]ecrease the share of lower-income residents' household income

[37] PBA 2040, p. 65.

[38] *See* Association of Bay Area Governments, "San Francisco Bay Area Progress in Meeting 2015-2023 Regional Housing Need Allocation (RHNA)" available at http://abag.ca.gov/abag/events/agendas/r020117a-Item%2005%20Attch%201%20RHNAProgress%20with%20deed%20restricted%20units.pdf.

[39] *See* PBA 2040, p. 74.

[40] *Id.* at p. 7.

consumed by transportation and housing by 10%."[41] However, the Equity Analysis shows that low income household expenditures of the combination of transportation and housing rise by 13% by 2040.[42] This increase contradicts the Plan's claimed success that the Plan meets its target to "house region's projected growth by income level without displacing current low-income residents and with no increase in in-commuters over the Plan baseline year." The Plan also fails to meet its target of "increas [ing] the share of jobs accessible within 30 minutes by auto or within 45 minutes by transit in congested conditions by 20%." This can be attributed to the regional housing crisis as well as lack of progress with land use and transportation reform.

48-6 cont

6. The Plan and DEIR Need to Better Consider Sea Level Rise and Drought.

The Plan fails to fully acknowledge the impacts of two inevitable climate change outcomes: sea level rise and drought. Between now and 2040, sea level rise and drought are likely to deter the planned growth in major areas of the Region; the Plan does not appear to offer any contingency plan.

The foreseeable water issues that must be addressed include:

- Major infrastructure already faces inundation dangers, which is likely to impede PDA development in some areas. For example, the well-documented closing of State Highway 37 in the northern counties due to this past winter's floods.
- Drought and sea level rise will put stress on water supplies, especially from the Delta. Several PDAs on the Peninsula are already stymied by lack of water supply. The Plan and DEIR should analyze how and if these water supplies can be secured.
- Drought will exacerbate water supply issues and result in water-related growth restriction in additional communities.

48-7

7. The Plan DEIR Should Better Address Quality of Life.

The Plan does not adequately preserve and enhance the quality of life factors that have made the Region so desirable. A Bay Area Ambient Air Quality Management District study forecasts pollution to worsen, especially in basins such as Livermore[43] and near freeways and industrial facilities, leading to adverse health impacts.[44]

48-8

[41] PBA 2040, p. 65.

[42] Equity Analysis, p. 5-2, Table 5-1, Item 5; *see also* p. 5-1, Analysis of Equity Measures No. 2.

[43] DEIR, p. 2.2-2.

[44] DEIR, pp. 2.2-9, 23.

The Plan envisions that open space will be located where the air pollution problem is minimized by distance[45] and anticipates substantial legislative and regional cooperation for mitigation, but it fails to define implementation. The Plan is expected to deteriorate trail networks where they exist[46] with no performance criteria for mitigation or alternatives.

48-8 cont

8. The Plan Should Consider Goods Movement on the "M-580 Marine Highway."

Sierra Club remains disappointed at MTC's refusal to consider opportunities presented by the Port of Stockton's "M-580 Marine Highway" approach to Goods Movement improvement. While, overall, Sierra Club policy favors transport of non-hazardous cargo by rail rather than by truck, Sierra Club believes that innovative approaches such as transferring goods to barge transport should be considered as an alternative.

48-9

CONCLUSION

The Plan and DEIR should be changed in accordance with the comments in this letter.

Sincerely,

William Rostov

[45] DEIR, p. ES-17.

[46] DEIR p ES-19, Impact 2.3-2.

Response 48	William Rostov, Earthjustice June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

48-1 The commenter raises a general concern that the proposed Plan is too oriented towards driving and automobiles rather than developing a sustainable communities strategy (SCS). MTC/ABAG do not concur. The SCS is a required component of the Regional Transportation Plan (RTP), and is described in Draft EIR Section 1.2, "Project Description." The SCS must house the region's forecasted population and do so in a way that, when combined with transportation investments and strategies, reduces per capita GHG emissions. Draft EIR Section 2.5, "Climate Change and Greenhouse Gas Emissions" documents that the forecasted growth pattern and supportive transportation investment strategy of the proposed Plan fully meet the Senate Bill (SB) 375 mandate. To support this focused growth pattern, the transportation investment strategy proposed as a part of the proposed Plan dedicates $194 billion (64 percent) of the forecasted $303 billion towards public transit; including $173 billion towards operating, maintaining, and modernizing existing transit services and infrastructure, and $21 billion towards expanding and extending new services and infrastructure. In addition, the transportation investment strategy dedicates $5 billion towards active transportation.

The commenter provides opinions and recommendations related to the proposed Plan and does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. The commenter also notes that more funding should be allocated towards walkable communities and transit. As explained above, the proposed Plan would allocate approximately 66 percent of funds towards transit and active transportation projects. The commenter requests information related to the performance of the 2013 Plan. Much of this monitoring has been completed and made publicly available through MTC's Vital Signs performance monitoring portal (http://vitalsigns.mtc.ca.gov).

The commenter supports revisions in the proposed Plan to further address displacement, automobile travel, and GHG reductions. Chapter 5, "Action Plan," of the proposed Plan is consistent with these suggestions. The commenter also refers to the role of a Draft EIR as informational. MTC/ABAG are in agreement with the description of the Draft EIR as an important informational tool. The record supports that the Draft EIR fulfills this role.

48-2 The commenter restates the important role of the Draft EIR. MTC/ABAG concur with the importance of the document, and have complied with the requirements of the California Environmental Quality Act (CEQA) in preparing the EIR for the proposed Plan. Please also see response to comment 48-1.

48-3 The commenter refers to the requirements of SB 375 including the requirement to prepare an SCS. MTC/ABAG have complied with the requirements of SB 375 in preparing the proposed Plan. Draft EIR Section 2.5, "Climate Change and Greenhouse Gas Emissions" demonstrates how the proposed Plan fully achieves its SB 375-related GHG emissions reduction targets. Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of the proposed Plan's compliance with SB 375 and how this was addressed and disclosed in the Draft EIR. The commenter asserts that because the proposed Plan relies on Climate Initiative Policies to reduce GHG emissions, it does not represent the type of integrated land use and transportation plan required by SB 375, as evidenced by the increase in VMT projected to occur over the planning horizon. SB 375 requires that the proposed Plan "set forth a forecasted development pattern for the region, which, when integrated with the transportation network, *and other transportation measures and policies*, will reduce the

greenhouse gas emissions from automobiles and light trucks to achieve" the regional GHG emissions reduction targets (Gov. Code, § 65080, subd. (b)(2)(B), emphasis added). Nothing in the text of the statute specifically requires exclusive reliance on reduction in VMT to achieve the targets. In fact, the statute explicitly allows reliance on policies like the Climate Initiatives Policies included in the proposed Plan.

The commenter further states that the Draft EIR fails to provide substantial evidence that the Climate Initiatives Program will achieve the claimed emission reductions. The commenter indicates skepticism because elements of the Climate Initiatives Program included in *Plan Bay Area*, adopted in 2013, have not been implemented. Please see Master Response 8, Climate Initiatives Program, for a discussion of these issues.

The commenter also states that the Climate Initiative Policies are inadequate mitigation under CEQA. However, the policies are not intended to act as mitigation for GHG emissions impacts; rather, they are an integrated part of the proposed Plan as a whole. Draft EIR Table 2.5-6 shows each Climate Initiative Program component and its effects on GHG emissions reductions.

The commenter questions the Vehicle Buyback Program because it increases the number of cars that will be on the streets, despite the fact that there will not be roadway capacity to accommodate these cars. The commenter is incorrect. As stated in the proposed Plan's supplemental *Travel Modeling Report*, the program will be coordinated with the Bay Area Air Quality Management District's Vehicle Buy Back Program, which does require scrapping the traded in vehicle. MTC's program will further add an electric vehicle purchase incentive to the Air District's program. Taking older vehicles off the road and replacing them with an electric vehicle is expected to reduce GHG emissions. Please also see Master Response 8, Climate Initiatives Program, for a discussion of this issue.

Finally, the commenter questions whether a more than 8 percent reduction in GHG emissions reduction attributable to the Smart Driving initiative is reasonable. The commenter is mistaken, the reduction in GHG emissions under this initiative is estimated to be only 0.8 percent. The commenter also questions the result based on the small sample size used to study the initiative's effectiveness. The methods included in this measure are shown to reduce GHG emissions, and there is substantial evidence in support of the analysis, as described in Master Response 8, Climate Initiatives Program, in this Final EIR.

48-4 The commenter expresses concern with the level of funding dedicated to transit service, noting that through the Transit Operating and Capital Needs assessment, the proposed Plan does not fund higher levels of transit service than today and that the proposed Plan leaves a $14.6 billion shortfall in capital needs. The comment relates to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response is required. MTC/ABAG note, however, that the proposed Plan directs the vast majority of funding ($218 billion, or 72 percent of total proposed Plan investment) to maintain the assets and infrastructure of the existing transportation system. The proposed Plan fully funds transit operating needs for existing transit services ($120 billion) while also funding the majority of remaining high-priority transit capital needs (mostly replacing vehicles and fixed guideway infrastructure such as rail tracks and power systems). When evaluated for cost-effectiveness and support for the proposed Plan's performance targets, maintaining transit capital assets was one of the Bay Area's highest performing investments, exhibiting high cost-effectiveness relative to most other transit expansion and highway projects. For this reason, the proposed Plan directs almost 30 percent of discretionary funding to paying down the region's transit maintenance backlog, meaning that the proposed Plan maintains existing transit assets and moves in the right direction toward a state of good repair. Despite this investment, there is a remaining need of almost $15 billion to achieve an "ideal asset condition" for transit.

The proposed Plan also includes $42 billion in transit modernization and expansion, all of which would increase service, make existing service more reliable, and purchase a substantial amount of new vehicles that would be able to accommodate increases in ridership. Draft EIR Table 3.1-9 shows that the Proposed Plan increases transit passenger seat-miles by 25 percent compared to the No Project.

48-5 The commenter expresses support for a more rigorous Complete Streets Program. The comment relates to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response is required. MTC/ABAG note, however, that the current Complete Streets policy is rooted in MTC Resolution 3765, which sets forth regional policy for the accommodation of bicycle and pedestrian facilities during transportation project planning, design, funding and construction. This policy led to the development of a Complete Streets checklist that Bay Area jurisdictions must use when applying for regional discretionary funding. Additionally, as a requirement to receive One Bay Area Grant (OBAG) funds, local jurisdictions must have an adopted Complete Streets resolution that includes MTC-specified Complete Streets elements or an updated circulation element of their General Plan that complies with the California Complete Streets Act of 2008. All local jurisdictions have complied with this requirement.

48-6 The commenter expresses concern and provides suggestions regarding housing. The comment relates to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response is required. The commenter states that the Regional Housing Needs Allocation (RHNA) numbers show insufficient progress towards housing goals. MTC/ABAG have identified the region's limited housing supply, particularly the dearth of housing affordable to very low, low, and moderate income households as a paramount concern (proposed Plan, Chapter 1, "The Bay Area Today"). Correspondingly, specific actions in Chapter 5, "Action Plan" of the proposed Plan, including the launch of CASA, the Committee to House the Bay Area, a multi-sector effort to identify legislative, funding, and policy solutions to the region's housing shortage, prioritizing this important issue. As a long-range plan, the proposed Plan anticipates an acceleration of housing production over the course of the planning period. This acceleration would be supported by the types of policies included in the proposed Plan that make it easier to develop new affordable and market-rate housing units. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues.

The commenter suggests tying allocation of OBAG and other regional discretionary funding sources to achievement of RHNA numbers for each jurisdiction, measured in terms of actual construction. MTC currently incorporates RHNA as well as the permitting of affordable housing in the OBAG funding formula. In addition, local jurisdictions must have a state certified Housing Element to be eligible for OBAG funding. Subsequent to the passage of the OBAG requirement, the number of Bay Area jurisdictions lacking a state certified Housing Element was reduced to zero. OBAG program includes the 80k by 2020 Initiative to expand the supply of very low, low, and moderate income housing in the region. See response to comment 47-42. Please also see Master Response 7, MTC/ABAG Role and Authority, for a discussion of this issue.

The commenter suggests that if a jurisdiction receives funding and does not produce adequate housing, the funding should be returned. This comment is noted for the record. The comment does not raise issues related to the Draft EIR or environmental analysis for which a further response can be provided. A difficulty with this suggestion is that local jurisdictions can issue land development permits but cannot compel an applicant to build. Applicants may be influenced by market conditions, economic cycles, difficulty in getting financing, and labor or construction costs, among other factors. Please see Master Response 7, MTC/ABAG Role and Authority, regarding this issue.

MTC/ABAG have existing programs that provide technical assistance and planning support to local jurisdictions. As noted above, MTC/ABAG is launching the blue-ribbon committee, CASA, to identify solutions to the region's housing affordability challenges. Regarding coordination with local jurisdictions on priority development area (PDA) opportunities, MTC/ABAG have expanded existing/launched new funding, planning grant and technical assistance programs to support the development of PDAs. OBAG requires that county-level funding (70 percent urban county funding/ 50 percent North Bay county funding) is directed to Priority Development Areas.

In addition, MTC's Transit-Oriented Development Policy (Resolution 3434) requires that station areas along rail extensions be planned for transit-oriented development and meet a minimum corridor housing threshold. MTC's approval of discretionary funding for the extension of new rail service is contingent upon adherence with this policy by local jurisdictions where new rail stations are proposed. In recent years, MTC has evolved the Station Area Planning program to become the Priority Development Area Planning Grant and Technical Assistance program resulting in the development of 51 neighborhood plans and requisite zoning to accommodate more than 70,000 housing units and 110,000 jobs in transit-served, infill neighborhoods. The plans encompass Affordable Housing policies to provide for new homes for very low, low and moderate-income households including long-standing neighborhood residents. The Neighborhood/Specific Plans are typically accompanied by their own Programmatic EIR providing for more certainty and a more time efficient approval process for development projects that are Plan consistent.

The commenter also questions several conclusions related to the performance targets and equity analysis. As discussed in both the Draft Performance Assessment Report and the Draft Equity Analysis Report, under the proposed Plan the region would move in the wrong direction on the housing + transportation affordability target and on access to jobs target. The statistics cited by the commenter that housing + transportation cost share would increase by 13 percentage points, rather than decrease by 10 percentage points as stated in the adopted Plan target, align with those reports.

However, in contrast to the comment language, the proposed Plan does achieve the target to house the region's population growth by all income growth without displacement of low-income residents and with no net growth in in-commuters (target #2). This is not a contradiction as implied by the commenter – ultimately the proposed Plan does identify a land use growth pattern that leads to sufficient housing units for all new households at all income levels. Although there is a sufficient quantity of housing for the projected growth – meaning no new households must locate outside the nine-county region due to a lack of units - housing costs within each income bracket still are expected to rise, which accounts for the rise in income share spent on housing + transportation costs (target #5).

Furthermore, the definition of displacement in target #2 is focused on regional displacement, rather than localized neighborhood-level displacement risk. Again, the proposed Plan is not anticipated to result in interregional displacement as sufficient housing is planned for all income levels within the Bay Area. Displacement risk may be elevated in select neighborhoods within the region as identified in the result for performance target #7, but not at the regional level.

48-7 The commenter states that, between now and 2040, sea level rise and drought are likely to deter the planned growth in major areas of the Bay Area. Sea level rise inundation zones are addressed under Impacts 2.5-5 and 2.5-6 of the Draft EIR. The commenter states that the proposed Plan does not provide contingencies for drought and sea level rise. Sea level rise impacts were fully evaluated at a programmatic level in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" of the Draft EIR, and Mitigation Measures 2.5-4 (a), 2.5-4 (b), and 2.5-4(c) would reduce impacts related to an increase in transportation projects and the project growth footprint within the area projected to be inundated by sea level rise (see Draft EIR pages

2.5-44 through 2.5-48). It should also be noted that the effects of the environment on a project are generally outside the scope of CEQA, as concluded by the California Supreme Court (see California Building Industry Association v. Bay Area Air Quality Management District [2015] 62 Cal.4th 369, 377 ["we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users."]). The impacts discussed in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases," related to sea level rise are effects of preexisting environmental hazards on structures built under the proposed Plan projected land use development and the population located within the Plan area.

Water supply impacts were fully evaluated at a programmatic level in Section 2.12, "Public Utilities and Facilities" of the Draft EIR. Please see Master Response 3, Water Supply and Drought, for a discussion of how the EIR analyzes risks to water availability. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required for analysis of proposed Plan impacts.

48-8 The commenter writes that the proposed Plan will not "adequately preserve and enhance" qualify of life factors such as air quality and trails. However, MTC/ABAG's adopted targets reflect quality of life measures. The targets for the proposed Plan were built on the 3 "E's" framework (environment, equity, and economy) established in previous regional transportation plans. The proposed Plan's goals – climate protection, adequate housing, healthy and safe communities, open space and agricultural protection, equitable access, economic vitality, and transportation system effectiveness – reflect the wide spectrum of sustainability objectives for the proposed Plan. While the goals were carried over from *Plan Bay Area*, the performance measures and associated targets were updated to better reflect the priorities of the region today. The proposed Plan and alternatives are evaluated against these performance targets, which are described in Draft EIR Section 3.1.4, "Project Objectives," as well as in the proposed Plan's draft supplemental report, *Performance Assessment Report.* The proposed Plan, "moves in the right direction on many of the region's important performance targets [e.g., climate protection, adequate housing, open space and agricultural preservation, economic vitality], but the targets analysis also revealed that the region's mature development pattern and extensive transportation system lead to challenges in changing the status quo and achieving aggressive adopted goals."

As disclosed in Draft EIR Table 2.3-7, the growth pattern of the proposed Plan does little to affect the region's open space. The commenter cites Draft EIR page ES-17 for its conclusion that open space will be located where air pollution impacts are minimized by distance; however, the citation seems to be taken out of context. The reference identifies a subpart of a project level Draft EIR Mitigation Measure 2.2-5(a), which states "Individual and common exterior open space and outdoor activity areas proposed as part of an individual projects shall be located as far away as possible…"
This is a mitigation measure related to air quality impacts and the relative location of open space areas on a project site to adjacent pollution sources and is not referring to impacts to regional open space addressed in Draft EIR Section 2.3, "Land Use."

The commenter's statement that the proposed Plan is "expected to deteriorate trail networks where they exist" is not based on fact. The commenter cites the Draft EIR and draws a conclusion, which appears to be taken out of context. The reference noted in the comment is in relation to the Draft EIR Impact 2.3-2: Implementation of the proposed Plan could physically divide an established community." Draft EIR page 2.3-28 concludes that "larger infrastructure projects" may divide established communities if they require acquisition of land in existing communities. The proposed Plan includes over $3 billion in funding for bicycle and pedestrian

improvements, a portion of which would go towards improving existing trails and building new trails. As discussed in Draft EIR Section 2.14, "Public Services and Recreation," impacts of the proposed Plan on recreational services, including trails, would be less than significant because transportation projects included in the proposed Plan are expected to improve access to recreational facilities, and because existing facilities within priority conservation areas would not be subject to Plan-related development.

48-9 The commenter expresses disappointment that opportunities presented by the Port of Stockton's "M-580 Marine Highway" project and its approach to goods movement by barge were not considered in the proposed Plan. The marine highway project was partially funded with federal grant monies in 2013. Designed as a for-profit business, the corridor did not generate sufficient container traffic by 2014 to maintain a weekly schedule. The project is included as a "Discussion Concept for Potential Future Action" in the California Sustainable Freight Action Plan, which states "the State sees this as an opportunity to expand markets and promote workforce development at inland ports, with a focus on zero-emission corridors." The M-580 concept was not submitted for consideration in the proposed Plan by the Port of Oakland or county congestion management agencies, and thus was not evaluated for its inclusion. Please see response to comment 41-6 for a discussion of how projects are submitted for consideration in the proposed Plan. MTC will continue to work with its megaregional partners and state agencies on this and other complex, big-picture concepts, which require further analysis to determine feasibility and effectiveness.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

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Letter 49

June 1, 2017

MTC-ABAG,
Plan Bay Area 2040 Public Comment
Bay Area Metro Center,
375 Beale Street, Suite 800,
San Francisco, CA 94105

SUBJECT: Public comments for the Draft Plan Bay Area 2040 and the Draft Environmental Impact Report

Thank you for the opportunity to comment on the Draft Plan Bay Area 2040 and the associated Draft Environmental Impact Report. The San Mateo County staff from the Planning and Building Department, Office of Sustainability, and County Health System have reviewed these documents and have the following comments for your consideration:

Comments on Plan Bay Area

Chapter 3, Employment and Household Projections, Page 33:
In regard to the "Asian/Other" category used in projecting growth of race/ethnicity in the Bay Area, please clarify what "other" represents. Please also clarify why the "other" category was integrated with "Asian" and not separated out as its own category?

Chapter 4, Key Transportation Strategies, Investments and Projects Section:
While the Plan provides detailed information on three specific categories around the Bay Area's transportation strategy – (1) operate and maintain, (2) modernize, and (3) expand – it does not provide any strategies for how all the different "patch-work-like" public transportation systems in the Bay Area (e.g., BART, Caltrain, SamTrans, Muni, SMART, AC Transit, etc.) can better collaborate and work more efficiently to provide a more integrated, reliable, easy-to-use service for the general population. A recommended 4th strategy for inclusion in the Plan would be "integrate". Having a more integrated, reliable and easy-to-use public transportation system will incentivize and increase higher ridership, thus helping to further reduce traffic congestion and its associated GHG emissions. This strategy may potentially help the Plan inch closer to meeting its "Transportation System Effectiveness" target, specifically "Increase non-auto mode share by 10%", a target that the Plan is falling slightly short on currently, as described in Table 4.9.

49-1

Chapter 5, Action Plan:

- Ensure Community Participation: The Action Plan should explicitly convey efforts to meaningfully engage underserved communities to assist with the design and implementation of policies, strategies and programs that will impact their livelihoods.

Housing

- The projections for household growth in the County seem to understate the likely potential given the low income housing zoning designations in the County's certified Local Coastal Program (LCP). The LCP designates a site in El Granada and two sites Moss Beach for Medium High Density Residential (8.1 to 16 units per acre). One site is over 10 acres in size and could support up to 150 units. The data provided by ABAG staff for TAZ 293, which includes both Moss Beach sites indicates that PBA 2040 proposes reducing projected household growth in this TAZ from 535 new housing units to 181. Please revise the projections to incorporate both likely single family growth household growth and the County's designated affordable housing sites.

- Promote Healthy Housing: Stable, healthy, and affordable housing protects health and provides the ability to engage in healthy opportunities. Currently many low-income residents live in substandard conditions that expose them to adverse health impacts. Efforts to incentivize the preservation and rehabilitation of housing should promote healthy design guidelines, the use of high quality materials, and green buildings techniques.

- Incentivize jurisdictions that take actions to limit the displacement of vulnerable residents: We commend the efforts to incentivize the development of housing and affordable housing. The Action Plan should go further to outline specific actions to incentivize local jurisdictions to support and protect residents from involuntary displacement.

Economic Development

- Promote Quality Jobs and clean industries: The Action Plan should incorporate language that will ensure its outlined actions will lead to the creation and retention of family-supporting jobs and industries that improve public health and do not further exacerbate environmental degradation.

Resilience

1. The Resilience Actions focus primarily on building resiliency across physical structures. The action plan should also consider social and economic vulnerabilities and challenges for Resilience Planning.

    - Help build and increase social and economic resilience, especially in low income and disadvantaged communities

49-1 cont

- Adaptation and Resilience Investments should be integrated with economic development initiatives to offer work force training opportunities and promote career pathways and quality jobs for low income and disadvantaged communities.
- Make equity a key consideration for any funding provided for adaptation and resilience efforts.

2. Incorporate a cross-sector approach to addressing resilience in Priority Development Area planning that seeks to link public health, emergency preparedness, transportation, land use and community development.

3. The Resiliency Actions are heavily focused on sea level rise and natural hazards. This section would be strengthened by including actions to assess potential vulnerability to other climate change impacts such as heat, precipitation, air quality and wildfires and identify policies, systems and programs to build resiliency across these impacts.

4. Apply a Public Health Lens: While this section addresses the need to tackle and adapt to natural hazards such as earthquakes, floods, and fires, further actions to address the health impacts of climate change such as the adverse health effects of exposure to extreme heat events, interruption of water and food supplies, and air quality hazards. These actions should pay particular attention to vulnerable communities as to not exacerbate existing health inequities. The action plan should encourage robust partnerships between regional agencies and public health departments.

5. Adaptation and Resilience Investments Should Promote Quality Jobs and Career Pathways for Underserved Residents. Existing and new funding sources identified to advance resilient communities should promote family-supporting jobs and offer training opportunities for underserved residents.

49-1 cont

Comments on the Draft Environmental Impact Report (DEIR)

The DEIR describes three alternatives, with a preferred alternative that concentrates a majority of transportation funding in the three largest cities that will be absorbing the majority of the projected regional housing growth during the plan horizon. Counties and cities in lower density areas would get less transportation funding benefit per capita under this scenario. It is important to keep in mind that each county has important regional transportation resources that need to be maintained, particularly after such a harsh winter as the one we just experienced. For example San Mateo County beaches are a popular weekend destination for residents from around the region, with roadways leading to and along the coast at or over capacity on most weekends. Similarly rural roads support the popular farm to table – "locavore" movement in the Bay Area. Many of these roads were hard hit by the recent storms. While solving the housing crisis is critical, a holistic transportation funding strategy is needed to ensure that all the region's needs are met, including recreation, agriculture, and other non-urban needs.

49-2

On page 2.1-32, the DEIR lists a number of fixed-guideway improvements in PBA 2040, but fails to mention Caltrain's electrification. Please include this project in the list of regional investments that will partially address Level of Service F conditions in San Mateo County. 49-3

Table 2.39 states that 30 acres of "Prime Farmland" could be impacted by transportation projects identified in the DEIR/S. The DEIR/S also states that all projects in the coastal zone would obtain Coastal Development Permits to ensure compliance with the California Coastal Act and the County's certified Local Coastal Program (LCP). The County's LCP prohibits uses other than agriculture in Prime Agricultural lands. Policy 5.1 in the County's LCP defines Prime Agricultural land as those lands with soils of Class I or II in the US DA Soil Conservation Service Land Use Capability Classification, among other things. Please clarify that prime agricultural land as defined in the LCP cannot be used for transportation projects, or that the definition of Prime Agricultural land in the DEIR does not include prime agricultural lands as defined in the LCP. A change to this policy would be necessary to allow such encroachment, and such a policy change is subject to a vote of the citizens of San Mateo County. 49-4

Table 2.3-7 Identifies Protected Open Space Acres Potentially Affected by Proposed Development, and includes 7 acres in San Mateo County. Although it is unclear whether this estimate includes lands within unincorporated San Mateo County, and lands within the Coastal Zone, we want to raise a caution that open space lands in the Coastal Zone enjoy similar protections as those granted to agricultural land in the LCP. 49-5

Please contact me with any questions at 650/363-1865.

Sincerely,

Joseph LaClair
Planning Manager

Response 49	Joseph LaClair, County of San Mateo Planning and Building June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

49-1 The commenter suggests revisions or considerations of the proposed Plan related to Chapter 3, "Forecasting the Future," Chapter 4, "Strategies and Performance," and Chapter 5, "Action Plan" of the proposed Plan. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

49-2 The commenter states that the Draft EIR describes three alternatives; the Draft EIR describes and evaluates the proposed Plan and four alternatives. These alternatives and their potential impacts relative to the proposed Plan are disclosed in Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The commenter also expresses concerns with transportation funding and the condition and use of roadways in San Mateo County. The commenter addresses the proposed Plan but does not raise issues related to the Draft EIR or the analysis of environmental impacts.

49-3 The commenter requests the addition of the Caltrain Electrification project in the list of fixed-guideway improvements listed on Draft EIR page 2.1-32. It should be noted that the Caltrain Electrification project is included in the list of projects that would result in increased transit seat-miles on Draft EIR page 2.1-24. In response to comment 49-3, the text of the Draft EIR will be revised to reflect the suggested text. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.1, "Transportation." The text in paragraph two on Draft EIR page 2.1-32 in Section 2.1, "Transportation" is revised as follows (new text is <u>underlined</u>):

> The proposed Plan would minimize congestion through a number of regional policies and investment strategies, including:
>
> - Implementation of transit capacity increases along fixed guideways to provide congestion-immune alternatives to freeway and arterial corridors (including projects such as BART Metro, BART Silicon Valley Extension to San José and Santa Clara, T-Third Central Subway, Van Ness Avenue Bus Rapid Transit, Geary Boulevard Bus Rapid Transit, Geneva-Harney Bus Rapid Transit, San Pablo Bus Rapid Transit, <u>Caltrain Electrification/Frequency Improvements and Transbay Transit Center/Downtown Extension</u>, and East Bay Bus Rapid Transit);

This correction does not alter the conclusions of the Draft EIR with respect to the significance of the proposed Plan on transportation.

49-4 The commenter writes d that Draft EIR Table 2.3-9 may be overstating the amount of Prime Farmland that may be affected in San Mateo County (i.e. 30 acres), because the County's Local Coastal Program (LCP) prohibits uses other than agriculture in Prime Agricultural lands. As discussed in the second to last paragraph on Draft EIR page 2.3-23, footprints for individual transportation projects are not known because the projects are in the early stages of planning. The area of effects is conservative so as to avoid understating the impacts resulting from the implementation of the proposed Plan. The potential to affect 30 acres of Prime Farmland in San Mateo County may be overstated because project refinements are still needed and some project buffers may overlap with Prime Farmland in the Coastal Zone where non-agricultural use is prohibited. As discussed under Draft EIR Impact 2.3-3, inconsistencies with LCPs would

not occur because approval of projects requires a coastal development permit (see second paragraph, Draft page 2.3-29). The overstatement of impacts is considered to be reasonable considering the level of detail available for individual projects at the time of release of the Draft EIR. No changes to the document are necessary. Please see Master Response 5, Programmatic EIR, for a further discussion of the programmatic nature of this EIR.

49-5 The commenter states that open space land in the Coastal Zone is protected in San Mateo County. Please see response to comment 49-4.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Santa Clara Valley Transportation Authority

Letter 50

June 1, 2017

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

Subject: Draft Plan Bay Area 2040 and Draft Environmental Impact Report

Dear Adam:

Thank you for the opportunity to comment on the Plan Bay Area 2040 and accompanying Draft Environmental Impact Report (DEIR). The Santa Clara Valley Transportation Authority (VTA offers the following comments on the Draft Plan and DEIR.

Draft Plan – Action Plan and Relationship to Local Efforts

Plan Bay Area 2040 attempts to address transportation and land use as directed by SB 375 legislation. While VTA supports the efforts of focusing growth in and around PDAs, we would still emphasize how each PDA is not alike. Santa Clara County continues to have considerable job growth and some of the PDAs and areas that could be designated as PDAs in this County support more jobs than housing. Housing and jobs are two equal ends in the travel demand equation and a policy approach that considers both ends is the most balanced and sustainable over time. VTA encourages MTC to include employment specific PDAs in future rounds of PDA designation, and to consult with VTA and other agencies on strategies for bringing employment focused areas into the regional planning process.

Plan Bay Area 2040 is developing an Action Plan to monitor progress for the Plan with an emphasis on affordable housing. VTA recommends that any discussion regarding affordable housing be inclusive of Local Agency input. The development of the Action Plan must include elements that can be practically implemented by Local Agencies. Some efforts to address affordable housing with cities lie with changes to Local Agency General Plans that may not be feasible.

To address the housing shortage in Santa Clara County, local voters have approved Measure A in November 2016. Measure A is a general obligation bond that may generate up to $950 million for the acquisition or improvement of real property in order to provide affordable local housing for vulnerable populations. The Santa Clara County Office of Supportive Housing (OSH) is developing the implementation strategies for the program. VTA encourages MTC to coordinate with OSH to understand the program and its implications. The efforts that are being undertaken locally show our County's willingness to address affordable housing concerns, and VTA believes the Action Plan should reward and incentivize agencies that have taken local action. Additionally, any new funding sources for housing should not be created at the expense of transportation funding.

50-1

Draft Plan – Housing Growth Patterns and Action Items

VTA recommends adding a comparison column for local General Plan projections in Table 4.2 of the Draft Plan to determine if any adjustments or deficiencies are present. VTA suggests adding an action item to the Housing Actions listed on page 74 titled "Leverage Housing Investments near Transit". This action should be supported by providing grant funding to local agencies for policy work that attempts to modify or support Transit Oriented Development. 50-2

Draft Plan – Forecasting and Supplemental Land Use Modeling Report

With 25% of the projected 2040 employment growth already having occurred within the period of 2010-2015, VTA is concerned that only moderate revisions have been made to the forecast as compared to the previous Plan Bay Area document. The forecasted growth may not represent the recent growth experienced during the last five years.

The documentation describing the Urban Sim Model is lacking in the supplemental Land Use Modeling Report, particularly with regards to the development of the simulation tool for existing conditions and specifically, base year model calibration. This is a concern considering that the Urban Sim tool is directly used to develop the Plan Bay Area Preferred and Alternative development scenarios. Confidence, in terms of outcomes of the Plan Bay Area scenario analysis, would be enhanced with transparent and detailed model documentation. VTA recommends transparently providing the Urban Sim model documentation background reports and base year model validation to instill a sense of confidence prior to the release of the Final EIR. 50-3

Draft Plan and DEIR – CEQA Streamlining Opportunities

VTA appreciates the discussion provided in Section 1.1.8 of the DEIR regarding CEQA Streamlining Opportunities under SB 375, SB 226 and SB 743 in relation to Plan Bay Area, the region's Sustainable Communities Strategy/Regional Transportation Plan (SCS/RTP). This information should prove helpful to Lead Agencies and project applicants wishing to take advantage of these streamlining opportunities as they pursue or approve projects consistent with the SCS. 50-4

VTA notes that one of the Supplemental Reports on the Plan Bay Area website provides the Statutorily Required Plan Maps associated with the draft Plan. VTA has several comments and questions about these maps:

- For Map S-22, Transit Priority Project (TPP) CEQA Streamlining, it is unclear how MTC developed this map, what data sources were used, and how MTC interpreted the criterion "Within ½ mile of major transit stop or high-quality transit corridor in the RTP" which is part of the definition of as Transit Priority Project. VTA requests that MTC provide a clear explanation of how this map was developed, the underlying assumptions, and data sources, and VTA requests that the files be made available in GIS format and/or in an online mapping interface. 50-5

- During the NOP stage, VTA requested that MTC clarify the methodology for determining the consistency of land use plans and projects with the SCS and clarify whether the level of detail in Plan Bay Area will be sufficient to make these determinations. Based on VTA staff's review of the draft Plan and DEIR, it is still unclear whether sufficient information is available for Lead Agencies and applicants to determine the SCS land use designation and intensity for a specific parcel. VTA requests that MTC make the Plan's land use files available in GIS format and/or in an online mapping interface to facilitate these streamlining determinations.

50-6

DEIR – Transportation Analysis and Mitigations

The DEIR Transportation analysis identifies a Potentially Significant impact before mitigation (Impact 2.1-3) in which "Implementation of the proposed Plan could result in a significant increase in per capita VMT on facilities experiencing level of service (LOS) F compared to existing conditions during AM peak periods, PM peak periods, or during the day as a whole." The DEIR identifies several mitigation measures that could be implemented to address this impact, including the advancement of corridor-level plans and implementation of projects on severely congested facilities, and incorporating a range of Transportation Demand Management (TDM) strategies into individual land use and transportation projects and plans.

VTA supports the approach MTC has taken to mitigating this impact, relying on a combination of TDM strategies and corridor-level plans and improvements. In particular, VTA supports the inclusion of TDM mitigation requirements for new developments, providing incentives to use alternative modes and reduce driving, developing TDM-specific performance measures, and implementing data collection programs to determine the effectiveness of certain TDM strategies. This approach will help Lead Agencies tailor transportation mitigation measures to local conditions and to reflect the growing trend of target-based TDM programs and trip caps such as those implemented at Stanford University, in the North Bayshore area of Mountain View, in the Moffett Park area of Sunnyvale, and in other communities in Santa Clara County and around the Bay Area.

50-7

Thank you for the opportunity to review both documents. If you have any questions, please call me at (408) 321-7093.

Sincerely,

Chris Augenstein, AICP
Deputy Director, Planning

Response 50	Chris Augenstein, Santa Clara Valley Transportation Authority June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

50-1 The commenter suggests that MTC/ABAG include employment-specific priority development areas (PDA) in future rounds of PDA designation, that any discussion regarding affordable housing be inclusive of local agency input, and that Chapter 5, "Action Plan" of the proposed Plan should reward and incentivize agencies that have approved local funding support for affordable housing. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of issues related to the Action Plan and affordable housing. As stated in the master response, Chapter 5, "Action Plan" of the proposed Plan recommends strengthening and expanding existing regional housing initiatives and pursuing more ambitious policy solutions at the state, regional, and local levels. As stated in Chapter 5, "Action Plan," "[r]egional agencies are committed to partnering with local governments, business leaders, and non-governmental organizations to identify and implement game-changing housing solutions." The commenter provides opinions and recommendations related to the proposed Plan and future planning work and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

50-2 The commenter requests the inclusion of total local General Plan household projections as a comparison to the proposed Plan's forecasted total household projections and requests that Chapter 5, "Action Plan" of the proposed Plan be more explicit about transit-oriented housing development. Draft EIR page ES-10 of the Executive Summary identifies area of controversy, including the relationship between local general plans and regional projections. Please see Master Response 1, Population and Employment Forecasts, for a discussion of population and employment forecasts. Please also see Master Response 2, Displacement and Housing Affordability, for a discussion of the regional agencies' commitment to transit sustainability and transit-oriented development. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

50-3 The commenter suggests that with a large share of projected employment growth already having occurred between 2010 and 2015, that the overall projection does not represent recent growth. ABAG's regional forecast calls for a much slower rate of employment growth between 2015 and 2040 than has been observed between 2010 and 2015. ABAG's regional forecast recognizes that recent growth has been extremely fast and that future downturns are expected. Working within that framework, UrbanSim allocates future growth in a manner very similar to recent growth. Retail growth followed population growth around the region but at a slower rate than historically, while "basic" industry growth (i.e., export oriented industries) occurred disproportionately between San Francisco and San Jose. The commenter requests additional model documentation relating to base year model calibration for the UrbanSim land use model. UrbanSim is the best documented land use model at this time and is used by other regional MPOs in the state. Calibration and validation reporting standards are not as fully developed as they are for travel forecasting models; however, MTC/ABAG use industry standard modeling methodologies that are consistent with California Transportation Commission guidelines. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

50-4 The commenter expresses appreciation for the discussion in Draft EIR Section 1.1.8 regarding California Environmental Quality Act (CEQA) streamlining opportunities. The comment is noted.

50-5 The commenter requests clarity on "Map S-22" of the proposed Plan's *Statutorily Required Plan Maps*. Map S-22 depicts, Transit Priority Project (TPP) CEQA Streamlining eligibility. The methodology to create the map was based upon the advice of experts at California's Office of Planning and Research (OPR). Data sources included Regional Transit Database, 2017, Plan Bay Area 2040, 2017. TPP CEQA Streamlining eligible areas (also referred to as Transit Priority Areas (TPAs)) are defined in Senate Bill (SB) 375 as follows:

- TPAs include a half-mile buffer around the following geographies:
  - Existing rail stations
  - Planned rail stations in an adopted RTP
  - Existing ferry terminals with bus or rail service
  - Planned ferry terminals with bus or rail service in an adopted RTP
  - Intersection of at least two existing or planned bus routes with headways of 15 minutes or better during both the morning and evening peak periods
- In addition, TPAs include a quarter-mile buffer around existing or planned fixed-route bus corridor with headway of 15 minutes or better during both the morning and evening peak periods.
  - Peak periods were defined as 6 AM to 10 AM and 3 PM to 7 PM
  - Bus stops had to meet the criterion for both AM and PM peaks
  - Average headway during the 4-hour window was used to identify achievement of 15-minute threshold
  - Bus stops have to be less than 0.2 miles in distance from one another (i.e., short walk to transfer)
  - Corridor had to meet the criterion for both AM and PM peaks
  - Bus service had to originate from a single route (i.e., not combined headways of multiple routes)
  - Planned transit includes well defined projects or frequency increases on specific routes.

The statutory definition described above was used to create Map S-22. The final CEQA streamlining map, along with the methodology, will be available online prior to proposed Plan adoption (see www.2040.planbayarea.org/).

50-6 The commenter states that the Santa Clara Valley Transportation Authority requested clarification on the methodology for determining consistency of land use plans and projects with the Sustainable Communities Strategy and requests that MTC/ABAG make the proposed Plan's land use files available in GIS [geographic information system] or online mapping format to facilitate future streamlining determinations. Consistency data for CEQA streamlining was included in the Statutorily-Required Plan Maps supplemental report to the Draft Plan (Map S-22). These maps will be updated and finalized with adoption of the proposed Plan. The commenter should note that household and job projections data is available at a U.S. Census Tract or Traffic Analysis Zone (TAZ) level as opposed to the parcel level. Electronic file formats

for this dataset will be made available upon request to MTC. Please see response to comment 39-2 for additional information regarding this comment.

50-7 The commenter offers support for the approach to use travel demand management strategies and corridor-level plans and improvements to mitigate vehicle miles traveled impacts on congested facilities. The commenter does not raise issues or concerns related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 51

Metropolitan Transportation Commission
Association of Bay Area Governments
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June 1, 2017

Re: Comments on Plan Bay Area 2040 RTP/SCS Draft EIR and Equity Analysis

Dear MTC and ABAG,

The undersigned members of the 6 Wins Network provide the following comments on the Plan Bay Area 2040 ("PBA") Draft Environmental Impact Report ("DEIR") and Equity Analysis. The 6 Wins Network is a regional coalition of over 20 organizations working to promote social, racial, economic and environmental justice in the Bay Area.

The DEIR and Equity Analysis contain a number of serious flaws that must be addressed for them to adequately inform consideration of Plan Bay Area by the public and by decision makers. In particular, both documents (1) fail to include an adequate assessment of displacement or housing affordability, and (2) fail to identify and consider feasible alternatives, specifically by failing to develop fully the EEJ Alternative. The DEIR grossly understates the scale of displacement, and concludes that impacts from displacement are "unavoidable" without taking real action to mitigate displacement. The crisis of displacement and shortage of homes affordable to lower-income households throughout must be given proper treatment in the DEIR and the Equity Analysis. 51-1

A. The DEIR and Equity Analysis Do Not Properly Analyze or Mitigate Displacement and Housing Affordability

Overall, the DEIR is based on unsupported assumptions about the amount of affordable homes likely to result from the proposed Plan. It also under-reports the displacement of lower-income residents and fails to consider and incorporate feasible measures to mitigate displacement. As Public Advocates Inc. and Winston and Strawn discuss in more detail in their comment letter (incorporated herein by reference and attached as Attachment A), inadequate affordable housing and displacement have substantial foreseeable impacts on climate, transportation, air quality, and other aspects of the physical environment. 51-2

The proposed Plan rests on assumptions about affordable housing that are unrealistic and paints a picture of displacement that is misleading – the Plan must instead include actual policies to increase affordable housing and mitigate displacement. For example, the proposed Plan assumes that new market-rate "housing developments make 10 percent of units deed-restricted for in [sic] cities with PDAs" (1.2-21), yet the proposed Plan includes no meaningful actions that would lead to adoption of inclusionary zoning policies or other mechanisms to produce 10 percent affordable housing. Similarly, the draft Plan assumes higher densities than currently allowed,

eased parking requirements in new housing developments, subsidies to stimulate housing and commercial development, and a commercial development fee to fund affordable housing (1.2-21) but again includes no meaningful strategy to ensure such policies. Without policies in the Plan to achieve the level of affordable housing production that is assumed, the DEIR's finding that the risk of displacement will increase by 5 percent under the draft Plan (2.3-24, 3.1-21) is likely a gross under-estimate.

51-2 cont

Moreover, the 5 percent figure is misleading, masking the true scale of the displacement crisis and its impacts. For example, the DEIR does not clearly state the existing risk of displacement or how many additional thousands of residents would be at risk of displacement under the draft Plan. The draft Equity Analysis provides some additional information that hints at the actual numbers, including the percentage of low-income households in PDAs, TPAs, and HOAs that are at risk of displacement in the base year of 2010 in Communities of Concern and the rest of the region (32 percent and 14 percent, respectively) (5-2); the number of low-income residents in 2014 (1,837,830) (3-2), the number of low-income residents in Communities of Concern (almost 800,000) (3-2), and the number of low-income residents in HOAs (311,911) (4-8). But neither the Equity Analysis nor the DEIR clearly provide the number of low-income residents in PDAs and TPAs and aggregate all the relevant data together to provide a clear picture of the number of residents at risk of displacement in the base year and in 2040.[1] Without these numbers, it is difficult to understand how the DEIR could gauge the environmental impacts of displacement or serve as a transparent public document.

51-3

The DEIR and Equity Analysis should also consider and incorporate measures to mitigate displacement and resulting environmental impacts. The DEIR fails to include feasible mitigation measures for environmental impacts that arise from even the understated risk of displacement it identifies. Instead, the DEIR concludes that the impacts of displacement are "potentially significant and unavoidable" because "it cannot be ensured that … mitigation measure[s] would be implemented" by local agencies (2.3-27). This conclusion is reached, however, without the consideration or inclusion of feasible mitigation measures that would directly reduce displacement (see 2.3-27).

The 6 Wins and our allies have proposed numerous actions that MTC and ABAG could take to reduce displacement, create more affordable housing, and mitigate related environmental impacts of the Plan. In a letter dated May 5, 2017 (incorporated herein by reference and attached as Attachment B), the 6 Wins Network, NPH, and Greenbelt Alliance propose several changes and additions to the draft Action Plan which, if implemented, would likely mitigate displacement. For example, MTC should build on the relatively small One Bay Area Grant (OBAG) program by conditioning additional transportation funding on local affordable housing and anti-displacement outcomes, and MTC and ABAG should develop a regional source of revenue for building and preserving affordable housing.

51-4

[1] In addition, the Equity Analysis includes contradicting information. Table 5-1 on page 5-2 notes that under the Draft Plan, the risk of displacement increases by 1% in Communities of Concern and 7% in the remainder of the region. But footnote 4 on page 6-4 notes the opposite: "While the risk of displacement for the Draft Plan increases by 7 percentage point [sic] within CoCs and by 1 percentage points [sic] in the remainder of the region...."

B. The Equity, Environment and Jobs Alternative is Not Properly Developed or Modeled

Properly modeled and sufficiently developed, the EEJ Alternative likely would have performed far better than the version that is analyzed in the DEIR. Unfortunately, even though the EEJ Scenario was the "environmentally superior alternative" identified by the EIR for Plan Bay Area in 2013, MTC and ABAG entirely sidelined the scenario in the process of developing the current Plan. After refusing for approximately two years to evaluate the EEJ Scenario as part of the process for developing the preferred scenario (see 1.2-11), MTC and ABAG contacted the 6 Wins about updating the scenario in December of last year, with just a few days remaining to finalize the alternatives before running their models. This last-minute addition means that it was inadequately developed compared to the other alternatives, likely resulting in under-performance.

Because MTC and ABAG ignored public requests to include an updated EEJ in the process, the EEJ scenario included in the DEIR does not adequately refine and build on the EEJ Alternative studied in PBA 2013. For example, the EEJ Alternative does not include key assumptions related to MTC and ABAG actions that would more directly address affordable housing and displacement. Unlike the other alternatives developed to inform the preferred scenario, the EEJ Alternative did not benefit from a public process that might have resulted in additional feedback and refinements. 51-5

Meaningfully including community voice in the planning process should be a central objective of MTC and ABAG. The EEJ Alternative was developed by grassroots organizations representing thousands of residents of low-income communities of color throughout the Bay Area and, as such, should have been considered on a level playing field with other, staff-developed alternatives. Moreover, these residents and grassroots organizations and the policy organizations with which they partner provide deep expertise in strategies to achieve equity, including affordable housing and anti-displacement outcomes.

As a result of these and other deficiencies, the DEIR fails to comply with CEQA, and the Equity Analysis fails to paint a reasonable picture of the impact of the draft Plan on the region's most vulnerable communities and residents. MTC and ABAG must ensure that the impacts of displacement are adequately analyzed, that effective mitigation measures are included, and that the EEJ Alternative is robustly developed and accurately modeled. Due to the serious and pervasive nature of the flaws in the DEIR, we respectfully request that the DEIR be revised and recirculated. 51-6

Thank you,

Dawn Phillips
Causa Justa :: Just Cause

Carol Taylor
Transit Riders United
North Bay Organizing Project

Jeff Levin
East Bay Housing Organizations

Peter Cohen and Fernando Martí
SF Council of Community Housing Organizations

Jill Ratner
Rose Foundation for Communities and the Environment

David Zisser
Public Advocates

Mashael Majid and Bob Allen
Urban Habitat

cc: Steve Heminger, Executive Director, sheminger@mtc.ca.gov
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Vikrant Sood, Senior Equity Planner, vsood@mtc.ca.gov

MTC Planning Committee
ABAG Administrative Committee
375 Beale Street
San Francisco, CA 94105

May 5, 2017

Re: **Plan Bay Area Action Plan**

Dear MTC Commissioners and ABAG Board Members:

The 6 Wins for Social Equity Network, Non-Profit Housing Association of Northern California (NPH), and Greenbelt Alliance write this letter in the spirit of urgency and collaboration. We are pleased to have the opportunity to work with MTC and ABAG to develop a Plan Bay Area Action Plan with strategies that will help effectively tackle the housing affordability and displacement crisis. Below, we offer **recommended principles to ensure that the Action Plan serves its intended purpose, as well as specific actions that must be included in the Action Plan** to advance tangible affordable housing and anti-displacement outcomes.

As regional leaders, you have used your policy authority, investment decisions, and power of persuasion to shift the regional dialogue and catalyze change at the local, regional, state, and national scale. Now, as the scope of the region's crisis continues to grow, we urge you to take action once again to help restore housing security for the Bay Area's most vulnerable residents.

51-7

The Growing Problem

The first chapter of the draft Plan Bay Area includes a number of significant conclusions about the scale of the housing affordability and displacement crisis. For example, "the vast majority of households with annual incomes below $50,000 experience an excessive housing cost burden" and the "lack of adequate tenant protections—or availability of subsidized or 'naturally affordable' market-rate units in neighborhoods with quality transit service and other amenities—has accelerated the displacement of lower-income residents." Moreover, "more than half of low-income households live in neighborhoods at risk of or already experiencing displacement and gentrification pressures."

Without effective interventions, hundreds of thousands more Bay Area residents will struggle to pay rent and risk losing their homes. Under the draft Plan, however, the risk of displacement for low- and moderate-income households will increase by 5 percent, and the share of lower-income households' income consumed by housing and transportation will increase by 13 percent.

Principles for an Effective Action Plan

For this reason, you approved the addition of an Action Plan that would "identify concrete ... action items ... to make meaningful progress on ... housing affordability [and] displacement

risk."[1] While we appreciate the inclusion of an Action Plan and the direction it is headed, we have strong concerns that it is not sufficiently ambitious or specific, lacking both clarity about the measurable outcomes that will be achieved and the time period under which these actions will be initiated, conducted, and concluded.

The following principles are essential for ensuring that MTC and ABAG do what they can to tackle the urgent challenges of housing affordability and displacement:

> **Principle 1**: The actions in the Action Plan must be clear and specific, with measurable outcomes, responsible parties, and clear timeframes (month and year) for implementation so that MTC, ABAG, and the public know exactly what is expected, when it will be accomplished, and who is responsible for implementation.
>
> **Principle 2**: The actions in the Action Plan must be sufficiently aggressive to address the scale and urgency of the housing crisis.
>
> **Principle 3**: The Action Plan must robustly address displacement and include strategies that help protect tenants and other low-income residents from involuntary displacement from their homes, their neighborhoods, and the region.
>
> **Principle 4**: The Action Plan must emphasize actions that MTC and ABAG themselves can implement, rather than strategies that rely on state or local action.

Recommended Actions

To ensure that the Action Plan lives up to these principles, we ask that you direct staff to make the following changes to the Action Plan:

51-7 cont

Add NEW Actions:

1. **Generate affordable housing revenue**: MTC and ABAG must commit to identifying and adopting new regional funding sources for affordable housing production and preservation (e.g., through RM 3, HOV tolls, a regional bond measure, a regional impact fee, and private sector contributions) sufficiently scaled to meet needs as projected in Plan Bay Area, and a specific timeframe by which to expect the revenue plan (e.g., November 2017).
2. **Expand housing conditions in existing programs**: Wherever possible, the provision of discretionary funding should be conditioned on strong local jurisdiction performance on affordable housing and prevention of displacement. The Action Plan must not limit itself to including housing provisions or conditions only in *new* funding sources, but should also expand the *existing* funding programs that include housing provisions or conditions. MTC should commit to reviewing all federal, state, and regional funding sources it currently manages by the end of 2017 and report to the Joint MTC Planning and ABAG Administrative Committee with recommendations on how housing conditions

[1] Memorandum from ABAG Deputy Executive Director and MTC Executive Director, Bay Area 2040 Final Preferred Scenario and Investment Strategy (Nov. 10, 2016), available at http://bit.ly/2oWkQ8M.

could be integrated into the provision of those funds. Moreover, MTC must tie funding sources to both affordable housing production *and* anti-displacement protections.

3. **Prioritize public land for affordable housing**: The Action Plan must build on MTC's existing efforts to inventory public land and to require compliance with the state Surplus Land Act to be eligible for OBAG funding by including an action to incentivize the use of public land for affordable housing development.

4. **Report on performance**: To promote transparency and accountability, MTC and ABAG must commit in the Action Plan to providing periodic (e.g., quarterly) progress reports on the Action Plan at Joint Planning and Administrative Committee meetings.

***Add SPECIFICITY to Current Proposals**:*

5. **Expand and refine housing initiatives**: The Action Plan must not limit itself to simply *implementing* existing initiatives (such as OBAG, NOAH, JumpStart, and transportation funding conditioned on housing performance) but should also include a commitment to *refine and expand* these initiatives. The Action Plan should also commit MTC to creating a regional infill Infrastructure Bank that could subsidize infrastructure improvements on sites dedicated to the development of affordable housing.

6. **Specify the new funding sources that will be subject to housing conditions**: The Action Plan must provide examples (beyond planning grants) of "upcoming new funding sources" where housing provisions or conditions – including affordable housing production and anti-displacement protections – will be added, such as OBAG, RM3, SB1, etc.

7. **Pursue funding and legislative solutions now**: Rather than wait to "implement the recommendations of CASA," the Action Plan must include an action to pursue funding and legislative solutions right away, including a permanent source of affordable housing funding, protecting tenants from displacement, strengthening housing element law, supporting fair housing, and eliminating the *Palmer* decision's limitation on inclusionary zoning. Moreover, the CASA process is outside of Plan Bay Area and should not be treated as a substitute for centering the Action Plan within the Plan Bay Area public process.

8. **Address job quality**: The Action Plan must explicitly recognize the wage/income side of the housing affordability equation; improving the jobs mix is an essential part of addressing the housing affordability crisis. Specifically, economic development actions in the Action Plan, including the Economic Development District, the Goods Movement strategy, and the Priority Production Areas, should incentivize (1) the creation and retention of middle-wage jobs and (2) strategies to lift up low-wage jobs to help close the gap between wages and housing costs. In addition, worker-level data on wages and earnings from work must be measured and tracked in order to assess whether strategies intended to target middle-wage jobs are working.

51-7 cont

MTC and ABAG have a significant opportunity to take strong leadership in developing and implementing real solutions to the region's pressing housing and displacement crisis. We urge you to make the Action Plan a concrete, measurable and effective roadmap for ensuring that the Bay Area's most vulnerable residents can afford to stay here.

Sincerely,

David Zisser and Mashael Majid
6 Wins for Social Equity Network[2]

Pedro Galvao
Non-Profit Housing Association of Northern California

Matt Vander Sluis
Greenbelt Alliance

51-7 cont

[2] The 6 Wins for Social Equity Network is made up of the following social justice, faith, public health, and environmental organizations: Alliance of Californians for Community Empowerment (ACCE), Asian Pacific Environmental Network (APEN), Breakthrough Communities, California Walks, Causa Justa :: Just Cause, SF Council of Community Housing Organizations (CCHO), Community Legal Services in East Palo Alto (CLSEPA), Center for Sustainable Neighborhoods, 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 (HLC), North Bay Organizing Project (NBOP), Public Advocates, Regional Asthma Management and Prevention (RAMP), Rose Foundation for Communities and the Environment, Sunflower Alliance, Union Community Alliance of San Mateo County, Urban Habitat, and Working Partnerships USA (WPUSA).

Response 51	Multiple, 6 Wins Network June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

51-1 The commenter expresses the opinion that the Draft EIR fails to include an adequate assessment of displacement or housing affordability and fails to consider feasible alternatives by failing to fully develop the Environment, Equity, and Jobs (EEJ) Alternative. Please see Master Response 2, Displacement and Housing Affordability; Master Response 6, Range of Alternatives; and response to comment 51-5 for a discussion of this issue.

51-2 The commenter states that the Draft EIR is based on unsupported assumptions about the amount of affordable housing likely to result from the proposed Plan, and should include policies to increase affordable housing and mitigate displacement. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue. At a regional level, the Draft EIR concludes that environmental impacts related to an increase in displacement risk associated with implementation of the proposed Plan would be less than significant. No additional mitigation is required because no additional in-commuting or out-commuting is anticipated. The physical impacts associated with the construction of new housing, as well as physical impacts associated with increased commute times, are addressed throughout the Draft EIR. The Draft EIR includes mitigation to address these physical environmental impacts related to the risk of displacement. No mitigation is provided to address the socio-economic impacts related to increased displacement risk because this is not an environmental impact under the California Environmental Quality Act (CEQA); however, as noted in Master Response 2, Displacement and Housing Affordability, the proposed Plan includes a number of programs and measures aimed at providing more affordable housing in the region. Please also see Master Response 7, MTC/ABAG Role and Authority, regarding this issue.

The commenter incorporates Letter 47 by reference. Please refer to the responses to Letter 47.

The commenter also states the actual affordable housing production is likely to be lower than assumed in the proposed Plan, unless there are meaningful actions to ensure the adoption of proposed Plan's land use policies. As outlined in the Chapter 5, "Action Plan" of the proposed Plan, MTC/ABAG are advancing specific actions geared to address the region's housing affordability challenges including the launch of the multi-sector CASA Initiative, the Committee to House the Bay Area. It is expected that as a compliment to the Chapter 5, "Action Plan," this effort will identify legislative, funding and regulatory efforts to advance the production, preservation and protection of housing in the Bay Area with a focus on households in the very low, low and moderate income categories that have been impacted by a lack of adequate production, particularly in recent years. However, because the proposed Plan does not usurp local land use authority, and MTC/ABAG cannot compel the implementation of specific land use or housing policies at the local level, implementation of the SCS depends on decisions by local jurisdictions. SB 375 provides streamlining benefits for projects consistent with the SCS. Draft EIR Section 1.1.8, "CEQA Streamlining Opportunities" discusses all opportunities. Correspondingly, MTC/ABAG also work to provide planning assistance in the form of planning grants and technical assistance to local jurisdictions in an effort to align local plans with the forecasted development pattern of the proposed Plan. The One Bay Area Grant (OBAG) program encompasses an overall funding formula and specific requirements to advance the production of affordable housing as well as Pilot Programs including the Transit Oriented Affordable Housing Fund, Preservation Fund and 80k by 2020 Initiative to expand the supply of very low, low and moderate income housing in the region. Similarly, MTC/ABAG advocate for state legislative changes to enable and implement the proposed Plan's land use policies.

51-3 The commenter states that the scale of displacement is understated in the Draft EIR and the proposed Plan's draft supplemental report, the *Equity Analysis Report*, because they do not clearly provide the number of lower-income residents in priority development areas, transit priority areas, and high-opportunity areas and aggregate the relevant data to provide a clear picture of the number of residents at risk of displacement in the base year and 2040. Please see response to comment 47-2 for a discussion of the numbers of low-income households at risk of displacement. Note that the focus on households aligns with the adopted definition of displacement risk for the proposed Plan as well as the fact that displacement typically affects an entire household rather than an individual person. Please see also Master Response 2, Displacement and Housing Affordability, for a discussion of this issue.

51-4 The commenter states that the Draft EIR and Equity Analysis should consider and incorporate mitigation measures to address displacement risk. Please see response to comment 51-2. The Draft EIR includes mitigation to address the physical environmental impacts related to construction of replacement housing. The conclusion that these impacts are potentially significant and unavoidable reflects the fact that implementation of mitigation measures is typically outside the authority of MTC/ABAG. SB 375 expressly limits the ability of MTC/ABAG to enforce mitigation measures identified in the Draft EIR; the proposed Plan cannot "regulat[e] the use of land… [and does not] supersed[e] the exercise of the land use authority of cities and counties within the region" (Gov. Code, § 65080, subd. (b)(2)(K)). For this reason, unless MTC/ABAG have regulatory or approval authority over a future transportation project (including bike and pedestrian facilities) implemented pursuant to the proposed Plan, MTC/ABAG cannot require local implementing agencies to adopt the identified mitigation. In such cases, the Draft EIR concludes that the impact is therefore significant and unavoidable for purposes of program-level review.

With respect to programs aimed at helping to fund more affordable housing or reduce displacement potential, while this addresses an extremely important social and economic issue, they would not be expected to substantially alter the impacts of the proposed Plan. The proposed Plan is required to accommodate the projected growth in jobs and the related housing needs. The physical impacts of that growth are addressed in the Draft EIR. Impacts related to potential displacement affect VMT and associated effects, but the inability to reasonably predict exactly where displaced people may disperse in the region also limits the ability to precisely assign impacts. Please see Master Response 2, Displacement and Housing Affordability, for a discussion of this issue. With respect to the suggestion that MTC build on the OBAG program by conditioning additional transportation funding on local affordable housing and anti-displacement outcomes, please see Master Response 7, MTC/ABAG Role and Authority. With respect to the letter from the commenter that is incorporated by reference, it is addressed as comment 51-7 and a response is provided below.

51-5 The commenter states that the EEJ Alternative was not consistent with the intent of the 6 Wins Network, which requested inclusion of the alternative. Please see Master Response 6, Range of Alternatives, and Response to Comment 51-7.

51-6 The commenter summarizes the comment letter. Please see responses to comments 51-1 through 51-5. As explained in these responses, as well as in Master Response 2, the impacts resulting from displacement are adequately addressed and mitigated in the Draft EIR. Additionally, the Draft EIR presents a reasonable range of alternatives to the proposed Plan, per CEQA Guidelines section 15126.6(f), which states that the range of alternatives in an EIR is governed by a "rule of reason" that requires the Draft EIR to set forth only those alternatives necessary to permit a reasoned choice. See Master Response 6, Range of Alternatives. As explained in Section 3, "Revisions to the Draft EIR," of this Final EIR, recirculation of the Draft EIR is not required.

51-7 The commenter attaches a separate letter dated May 5, 2017, commenting on Chapter 5, "Action Plan" of the proposed Plan. The attached letter addresses housing affordability and displacement risk. These issues are addressed in Master Response 2, Displacement and Housing Affordability and Master Response 7, MTC/ABAG Role and Authority. The commenter recommends additional actions aimed at providing and retaining affordable housing opportunities in the proposed Plan. The commenter provides opinions and/or recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

ALAMEDA COUNTY WATER DISTRICT

Letter 52

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

June 1, 2017

Association of Bay Area Governments
MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105

To whom it may concern:

Subject: Draft Environmental Impact Report for Plan Bay Area 2040, the Regional Transportation Plan/Sustainable Communities Strategy

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Plan Bay Area 2040, the Regional Transportation Plan/Sustainable Communities Strategy (Plan).

Bay Area Groundwater Basins, Page 2.12-8, Figure 2.12-3: This section includes a reference to Figure 2.12-3, which shows the groundwater basins and subbasins within the San Francisco Bay Hydrologic Region. The source of this figure appears to be the Department of Water Resources (DWR) Bulletin 118-2003. However, DWR completed an interim update of Bulletin 118 in 2016. As part of that interim update, DWR corrected the northern boundary of the Niles Cone Groundwater Basin (Subbasin Number 2-9.01). Therefore, ACWD requests that the Draft EIR be revised to include the current Bulletin 118 boundary information, since the groundwater basin and subbasin boundaries play a critical role in the management of California's groundwater through the Sustainable Groundwater Management Act (SGMA). 52-1

Water Supply Agencies, Page 2.12-3: Similar to Santa Clara Valley Water District, ACWD also manages groundwater. For over 100 years, ACWD has managed the groundwater of the Niles Cone Groundwater Basin (Niles Cone Subbasin 2-09.01) through comprehensive programs that protect and improve water supplies for all groundwater users and the environment. ACWD is identified within SGMA as an agency created by statute to manage groundwater and deemed to be the exclusive local agency within its statutory boundaries to comply with SGMA (California Water Code Section 10723 et seq.) and is also the exclusive Groundwater Sustainability Agency for the portion of the Niles Cone Groundwater Basin that underlies ACWD's statutory area. ACWD requests this additional information be included in EIR. 52-2

Public Utilities and Facilities, Impacts and Mitigation Measures, Page 2.12-27-37:

Water Supply: This section evaluates impacts to water suppliers by relying on analysis that aggregates water agencies' projected 2040 populations, as identified in their respective Urban Water Management Plans (UWMPs), to conclude that their total population projections exceed the regional population projections under the proposed Plan Bay Area 2040. However, since those UWMPs were written, there have been additional water supply uncertainties, proposed revisions to state regulations, and other agency-specific changes that affect water supply planning forecasts that may not be reflected in the UWMPs. Furthermore, the growth projections ACWD used in the Urban Water Management Plan 2015-2020 relied on 2013 ABAG population projections, as noted in the footnote of Table 2,12-7. These population projections were specific to the cities within ACWD's service area, and the proposed Plan does not provide city-level detail of projected population sufficient enough to compare to 2013 ABAG projections. Therefore, ACWD cannot confirm whether or not the Plan will result in water supply impacts to ACWD's service area based on the information provided in the Plan. ACWD requests the Draft EIR be revised to evaluate the water supply impacts at the city or water agency level due to the projected growth related demands of for each water agency service area. 52-3

Water Utility Infrastructure: This section references, but does not adequately describe, the impacts of projected population growth on water agencies' existing and future water utility infrastructure, including water treatment plants, water transmission and distribution systems, pump stations and associated appurtenant facilities.

For example, as the Draft EIR notes in Impact 2.12-4, that "99 percent of projected development is expected to occur within the existing urban footprint," the Plan could impact water system infrastructure as it promotes improvements within the same areas currently used for public water service, transmission and distribution. ACWD maintains installation standards and requirements, such as ACWD's Standard Specifications for Water Main Installation, to ensure water system infrastructure installations protect public health and safety, are accessible for repair and maintenance, and conform to industry and regulatory standards. The Plan should acknowledge that existing urban transportation corridors, streetscapes, and rights-of-way provide not only transportation and recreational benefits, but also serve as corridors for utility infrastructure necessary to provide service to the many uses within the region. Planning efforts that encourage intensification of new development and transportation corridors should consider the potential effects on such utility corridors and the resultant impacts on the ability for such utilities to protect the public health and safety and provide the needed services to a changing community. 52-4

In some cases this intensification may result in requirements to improve or relocate ACWD's existing water utility infrastructure in order to meet minimum regulatory, water service, and firefighting requirements, as the existing pubic water system was designed and constructed to provide for the previously envisioned, lower-intensity land uses and

level of development. Such improvements and relocations may be at the location of the development intensification, but significant off-site improvements may also be required in order to provide the required level of service to support the new uses. In either case, such improvements in areas of existing development will result in nuisance impacts (construction, traffic delays, noise, utility service outages, etc.) to residents and businesses as well as significant infrastructure costs.

ACWD requests that the Plan be revised to recognize the shared use of existing transportation and utility corridors, and assure coordination with local utility providers as the Plan's goals and policies are implemented. In addition, the Draft EIR should expand the evaluation of the impacts of population growth on utility infrastructure and propose additional mitigations as appropriate.

52-4 cont

Thank you again for the opportunity to comment on the Draft EIR. For further discussions about these comments or about ACWD's water resources, please contact Steven Inn, Manager of Water Resources, at (510) 668-4441. We look forward to coordinating further with you on this Plan.

Sincerely,

Robert Shaver
General Manager

la/tf
By E-mail
cc: Ed Stevenson, ACWD
Steven Inn, ACWD
Thomas Niesar, ACWD
Michelle Myers, ACWD
Juniet Rotter, ACWD
Tom Francis, BAWSCA

Response 52	Robert Shaver, Alamenda County Water District June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

52-1 The commenter notes that the Department of Water Resources released an interim update to Bulletin 188 in 2016 and correctly identifies that Draft EIR Figure 2.12-3 on page 2.12-8 of Section 2.12, "Public Utilities" was based on older geospatial data. Figure 2.12-3, shown in Chapter 3, "Revisions to the Draft EIR" of this Final EIR, has been revised in response to the commenter's request. This change does not affect the analysis or conclusions in the Draft EIR.

52-2 The commenter indicates that Alameda County Water District (ACWD) manages groundwater and provides additional background information about the water district's responsibilities. As requested by the commenter, for greater clarity additional text will be added to the second paragraph on Draft EIR page 2.12-3 of Section 2.12, "Public Utilities," which describes Alameda County Water District. Please see Section 3, "Revisions to the Draft EIR" of this Final EIR for revisions to Draft EIR page 2.12-3.

In response to comment 52-2, the text in the second paragraph that begins on Draft EIR page 2.8-3 is revised to read as follows (new text is underlined):

> **Alameda County Water District**
> The Alameda County Water District (ACWD) serves the cities of Fremont, Newark, and Union City. ACWD is a retail water purveyor that allocates 67 percent of its water to residential customers and approximately 33 percent to commercial, industrial, institutional, and large landscape customers. In the 2014-2015 fiscal year, it provided water for a total of 83,007 customers, or over 344,300 individuals (ACWD 2016). <u>ACWD also manages groundwater through comprehensive programs that protect and improve water supplies. ACWD is the exclusive Groundwater Sustainability Agency for the portion of the Niles Cone Groundwater Basin that underlies ACWD's statutory area.</u>

This change does not affect the analysis or conclusions in the Draft EIR.

52-3 The commenter discusses Urban Water Management Plans and water supply uncertainties and other changes that affect water supply planning forecasts. The commenter requests that water supply impacts be evaluated at the city or water agency level. Regarding future forecasting of water supplies, please see Master Response 3, Water Supply and Drought, for a discussion of these issues.

As described, the Draft EIR addresses water supply impacts at a programmatic level considering potential needs over a 24-year period. Precise analyses at the district or city level—considering the 101 cities in the Bay Area—is neither practical nor necessary at this large-scale analysis level, given the many uncertainties ahead. Draft EIR Mitigation Measure 2.12-1(e) addresses the need for subsequent analysis of water supply on a project-by-project basis. Regarding a more detailed level of analysis for water supply, please see response to comment 44-4. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

52-4 The commenter offers the opinion that Draft EIR Section 2.12, "Public Utilities and Facilities," does not adequately describe the impacts of projected population growth on water agencies' existing and future water utility infrastructure, including water treatment plants, water transmission and distribution systems, pump stations, and associated appurtenant facilities.

The commenter asks that the proposed Plan acknowledge that existing urban transportation corridors, streetscapes, and rights-of-way provides not only transportation and recreational benefits, but also serve as corridors for necessary utility infrastructure. As such, the commenter notes that increased intensification of land use development could place additional demand on ACWD's existing water utility infrastructure to meet minimum regulatory, water service, and firefighting requirements, and asks that the Draft EIR evaluate these impacts. Impacts to public utilities and facilities, including potential impacts to ACWD, as a result of the proposed Plan were fully evaluated in Draft EIR Section 2.12, "Public Utilities and Facilities." Notably, the Draft EIR provides a programmatic evaluation of impacts to public utilities and facilities. Mitigation Measure 2.12(a) includes requirements for provision of adequate water infrastructure. The Draft EIR acknowledges that implementation of mitigation would be the responsibility of the lead or responsible agency overseeing such projects. The Draft EIR discloses this and concludes a significant and unavoidable impact. Please see Master Response 5, Programmatic EIR, for a discussion of these issues.

The commenter also notes that the environmental impacts associated with the construction of expanded infrastructure should be discussed in the Draft EIR. Construction of water and wastewater infrastructure and their corresponding environmental impacts are addressed under Draft EIR Impact 2.12-4. The discussion notes that in cases where water and wastewater infrastructure must be expanded resulting in the construction of new facilities and structures, such projects would be required to undergo project-level environmental review wherein potentially significant environmental effects would be identified and mitigated to the extent feasible. However, for informational purposes, Draft EIR Impact 2.12-4 provides a programmatic discussion of the environmental effects typically identified in the environmental review process for the construction of water and wastewater treatment facilities and infrastructure.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

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Mayor

DILENNA HARRIS
Vice Mayor

CURTIS HUNT
Councilmember

MITCH MASHBURN
Councilmember

RON ROWLETT
Councilmember

Letter 53

Community Development Department

June 1, 2017

MTC Public Information
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RE: Plan Bay Area 2040 Draft EIR (SCH# 2016052041) Comments

To Whom It May Concern:

The City of Vacaville would like to express appreciation for the opportunity to comment on the Plan Bay Area 2040 Draft EIR. As noted in a letter submitted to Mr. Ken Kirkey at the Metropolitan Transportation Commission in June 2016, the City of Vacaville continues to be most supportive of the Main Streets Alternative (Alternative 2). We believe this alternative will result in a more equitable distribution of discretionary transportation spending, and includes a realistic recognition that "traditional" suburban growth will continue.

The Cities of Vacaville, Fairfield and Suisun City will be accommodating the majority of future residential growth within Solano County, and we expect many of the new residents of our communities to commute to jobs in the Bay Area. A combination of the regional Express Lane network with the Interchange improvements and the Express Bus improvements create the greatest potential for these commuters to use some form of transit for their commute trips. Map 4.5, Local Transit System Improvements, of the Plan does not include Solano County, and Map 4.4. Regional Transit System Improvements, of the Plan only identifies the Fairfield/Vacaville Commuter Rail Station. How will the transportation impacts to Solano County be mitigated? What is the likelihood that Solano County cities will receive transportation funding to encourage public transit based on the Plan?

53-1

Sincerely,

Tyra Hays, AICP
Senior Planner

Response 53 — Gyra Hays, City of Vacaville Community Development Department, June 1, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

53-1 The commenter addresses transit improvements within Solano County and specifically the cities of Vacaville, Fairfield, and Suisun City, mitigation of transportation impacts, and funding for public transit in Solano County. The proposed Plan's transportation investment strategy directs funding towards the expansion of public transportation opportunities and as a result a reduction in per capita vehicle miles traveled (VMT) in the region and within Solano County. The project list associated with the proposed Plan includes several projects related to improving transit service within Solano County and the Vacaville area. These include the Fairfield/Vacaville multimodal station ($81 million), Vallejo Baylink Station Parking Structure Phase B ($30 million), Access and Mobility Program to improve access and mobility for people with disabilities, low-income residents, and seniors ($113 million) and Solano MLIP Support Projects such as expansion of transit centers, construction or expansion of Park and Ride facilities and replacement and maintenance of intercity buses ($115 million). Mitigation measures for Draft EIR Impact 2.1-3 address impacts related to VMT increases on congested facilities.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

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Letter 54

June 1, 2017

Metropolitan Transportation Commission
Sent via email to [eircomments@mtc.ca.gov]

Subject: SCH# 2016052041. Comments on 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 on 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). 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 evaluated 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.

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 requested, through our comments on the notice of preparation for the EIR, that EIR consider, analyze, and address topics including consistency with relevant Local Coastal Programs, sea level rise, and possible impacts to public access. Although the DEIR considers both LCPs and sea level rise, Coastal Commission staff believes that both of these topics should be expanded to better address important issues, as explained below. In addition, we request that possible impacts to public access be analyzed as initially requested. 54-1

1) **California Coastal Act and Local Coastal Programs (LCPs)**. Although the DEIR notes that the Coastal Act and certified LCPs are the applicable standard of review for project in the Coastal Zone, the EIR did not include an evaluation of the consistency with these relevant documents for the proposed land use and transportation scenarios. We suggest adding a table or discussion that identifies Coastal Act policies and LCP standards applicable to the projects. For example, regarding the sea level rise analysis in particular, a section that lays out the relevant LCP policies could be added that is similar to the section of relevant county General Plan policies that starts on page 2.5-26.

2) **Sea Level Rise.** Overall, we feel that the section on sea level rise could benefit from some additional detail and some clarifications. Most critically, the DEIR notes that implementation of the proposed Plan could result in an increase in transportation and land use development within areas regularly inundated by sea level rise by midcentury, stating 54-2

MTC Plan Bay Area 2040, RTP and SCS DEIR
June 1, 2017

that these impacts, or risks, are unavoidable and will be mitigated on a project-level through adaptation strategies. However, there does not appear to be a thorough discussion regarding alternatives that could avoid or even minimize risks associated with sea level rise. Thus, the analysis falls short of the Coastal Act requirement that new development be sited and designed in such a manner to avoid or minimize risks from coastal hazards over its anticipated lifetime. Although the Commission recognizes that in some cases it may not be possible to completely avoid coastal hazards, it is critical that a range of alternatives be considered and analyzed in the early planning stages so that sea level rise can be holistically and proactively addressed rather than simply relying on ad-hoc, project-by-project adaptation measures. Please provide additional detail regarding opportunities to avoid or minimize risks associated with sea level rise at this region-wide planning stage in addition to the project-specific adaptation measures included in the Appendix. 54-2 cont

Please also make the following additions or clarifications:

- As requested in our previous comment letter, please provide detail on the extent to which the various scenarios would or could alleviate impacts to existing transportation networks and housing stocks as sea levels rise. 54-3
- Provide information regarding state/regional projections of sea level rise through the year 2100 (in addition to the global projections that are already included, pg. 2.5-6). We suggest referencing both the projections form the 2012 NRC report, as directed by the State Sea Level Rise Guidance Document, as well as the April 2017 update, Rising Seas in California *(http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf)*. Including this additional detail provides important context for understanding that although the planning horizon for Plan Bay Area is only through 2040, sea levels will continue to rise. Thus the transportation decisions that are made today have important short and long-term consequences. 54-4
- The paragraph regarding the Coastal Commission's work as it relates to sea level rise states that "the agency is currently assessing how best to address sea level rise and other challenges resulting from climate change". However, the Commission has long addressed sea level rise within the context of ensuring that development will be safe from coastal hazards for its anticipated life as required by the Coastal Act. In addition, the Commission unanimously adopted its Sea Level Rise Policy Guidance (https://www.coastal.ca.gov/climate/slrguidance.html) in August 2015, which includes information and recommendations for how to address sea level rise in LCPs and Coastal Development Permit applications within the context of the Coastal Act. The Commission has also been actively working with counties and cities in the Bay Area and throughout the State to update their Local Coastal Programs to better address sea level rise. 54-5
- The DEIR references ongoing sea level rise work being completed by San Francisco, Solana, and Marin Counties. San Mateo County also has a sea level rise program, Sea Change SMC (http://seachangesmc.com/), which recently completed a draft vulnerability assessment, as does the City of Half Moon Bay (Plan HMB; 54-6

http://www.planhmb.org/). In addition, the City of Pacifica received a grant from the Coastal Commission to undertake sea level rise planning work. 54-6 cont

3) **Public Access**. We continue to request that the EIR evaluate the proposed project and alternatives for consistency with the public access policies of the California Coastal Act, particularly how the project would maximize access to the coast, including options for non-motorized, bicycle, and pedestrian routes and related amenities throughout the region. 54-7

In addition, while the California Coastal Act is listed in the 'Regulatory Setting' for Land Use, Climate Change and Biological Resources, it should also be listed as applicable to Visual Resources, Cultural Resources, and Public Services and Recreation. 54-8

If you have any questions, please do not hesitate to contact me.

Sincerely,

Shannon Fiala
Senior Transportation Program Analyst, California Coastal Commission
415.904.5266 | Shannon.fiala@coastal.ca.gov

CC:
Tami Grove, Caltrans Liaison
Nancy Cave, North Central Coast District Manager

Response 54	Shannon Fiala, California Coastal Commission June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

54-1 The commenter requests additional discussion and analysis of relevant Local Coastal Programs (LCP) policies and consistency of the proposed Plan and alternatives assessed in Draft EIR Section 3.1, "Alternatives to the Proposed Plan." The following text is added to Draft EIR page 2.3-30, prior to the discussion of impacts:

Local Coastal Plans

The following LCPs have been adopted in the Plan area. As described below, none of the adopted LCPs address sea level rise. Several LCPs are in the process of being updated and include policies aimed at addressing this issue. None of the updates have been adopted.

Sonoma County

The Sonoma County LCP was adopted in 2001 and did not address sea level rise. According to the Sonoma County website, a Draft of an update to the LCP will be released in the summer of 2017 (Sonoma County 2017a). Based on information posted on the County's website, sea level rise will be addressed in the update, but no policies were provided as of this writing (Sonoma County 2017b).

Marin County

The Marin County LCP was adopted in 1981 and has been undergoing an update since 2008. The County is working with the Coastal Commission on final modifications to the updated LCP, as of May 2017 (Marin County 2017). The 1981 LCP does not address sea level rise but the update includes Policy C-TR-3, which provides for consultation with Caltrans on sea level rise on Highway 1, and recommends structural and non-structural solutions, including relocating the highway (Marin County 2016).

San Francisco City and County

The City and County of San Francisco LCP was adopted in 1986 and did not consider sea level rise. A proposed amendment is expected to be considered by the Planning Commission Fall 2017. The amendment is expected to address sea level rise and coastal erosion as primary changes. Recommendations include rerouting a segment of the Great Highway and introducing a variety of coastal protection measures related to trails, dunes and bicycle/p[pedestrian access (City and County of San Francisco 2017).

San Mateo County

The San Mateo County LCP was approved in 1981 and updated through 2013. No specific policies are included to address sea level rise. (County of San Mateo 2013)

Daly City

Daly City adopted its General Plan Coastal Element in 1984, and it is the LCP for this area of coastline. This LCP does not address sea level rise (Daly City 1984).

City of Pacifica

The City of Pacifica adopted its LCP in 1980 and is in the process of updating it. The 1980 LCP did not address sea level rise (City of Pacifica 1980). The update to the LCP is comprehensively addressing sea level rise including transfer of development rights

from areas subject to sea level rise (policy NH-I-2), developing a model to project impacts from sea level rise (policy NH-I-24), and establishing policies to minimize risks associated with sea level rise (policy NH-G-3) (City of Pacifica 2017).

City of Half Moon Bay

The City of Half Moon Bay last amended its LCP in 1993. It does not address sea level rise. (City of Half Moon Bay 1993) According to the City website, an update to the LCP is underway with a Planning Commission Study Session planned June 27, 2017. No information regarding potential policies addressing sea level rise was available on the City website that is dedicated to the LCP update (City of Half Moon Bay 2017).

Because none of the adopted LCPs address sea level rise, and the draft policies in the LCPs undergoing update have not been adopted, no other changes to the Draft EIR are warranted.

54-2 The commenter states that the risks associated with sea level rise would be significant and unavoidable; however, the reasons for this conclusion were incorrectly interpreted. Draft EIR Mitigation Measures 2.5-4 (a), 2.5-4 (b), and 2.5-4(c) address impacts on transportation projects and the land use growth footprint within the area projected to be inundated by sea level rise. These measures include coordinating with agencies to conduct vulnerability and risk assessments and refer to *Adaptation Strategies*, an appendix to the Draft EIR, which provides a list of potential adaptation strategies that can mitigate the impacts of sea level rise. These measures would reduce impacts related to an increase in transportation projects and the project growth footprint within the area projected to be inundated by sea level rise to a less-than-significant level (see Draft EIR pages 2.5-44 through 2.5-48). Draft EIR Impacts 2.5-5 and 2.5-6 are determined to be significant and unavoidable only because MTC/ABAG cannot require local implementing agencies to adopt the listed mitigation measures, and it is ultimately the responsibility of a lead agency for a subsequent project to determine and adopt mitigation.

The commenter suggests that a range of alternatives be considered and analyzed to address sea level rise. As shown in Draft EIR Table 2.5-14, two percent of the total growth footprint (700 acres of 37,500 acres) is located within projected mid-century sea level rise inundation zones. Because the mitigation measures would reduce sea level rise impacts to a less-than-significant level, a project alternative that avoids or minimizes risk from sea level rise is not required. Further, it should be noted that the effects of the environment on a project are generally outside the scope of the California Environmental Quality Act (CEQA), as concluded by the California Supreme Court (see California Building Industry Association v. Bay Area Air Quality Management District [2015] 62 Cal.4th 369, 377 ["we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users."]). The impacts discussed in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases" related to sea level rise are effects of preexisting environmental hazards on structures built under the proposed Plan's projected land use development and the population located within the Plan area. Finally, the commenter implies that additional opportunities to avoid or minimize risks are available; however, no suggestions are provided. CEQA is required to consider a range of reasonable alternatives that would attain most of the basic objectives of the project, "…but would avoid or substantially lessen any of the significant effects of the project…" (CEQA Guidelines Section 15126.6(a)). This does not mean that alternatives need address all the significant effects of a project, and four alternatives have been considered in the Draft EIR that are targeted at avoiding or reducing a number of significant effects. Because of these considerations, no changes to the Draft EIR are warranted. Please see Master Response 6, Range of Alternatives, for a discussion of these issues.

54-3 The commenter requests details related to how each of the various scenarios would or could alleviate impacts to existing transportation networks and housing stocks as sea levels rise. The planning scenarios were used to develop alternatives to the proposed Plan. As discussed in the alternatives analysis on Draft EIR pages 3.1-50 through 3.1-51, impacts related to inundation of transportation and development projects from sea level rise would be significant and unavoidable and similar to the proposed Plan (Draft EIR Impacts 2.5-5 and 2.5-6, respectively). Please see response to comment 54-2 for a discussion of the significance conclusions for Draft EIR Impacts 2.5-5 and 2.5-6.

54-4 The commenter recommends that information is provided regarding state/regional projections of sea level rise through the year 2100, based on a report prepared by the California Ocean Protection Council Science Advisory Team Working Group. The following text has been added to Draft EIR page 2.5-6 and appears as the seventh and eighth paragraphs:

> The National Resources Council (NRC) has provided sea level rise projections along the California, Oregon, and Washington Coasts. The projected values vary by latitude, with the highest sea levels expected off the coast south of Cape Mendocino (4–30 cm for 2030, 12–61 cm for 2050, and 42–167 cm for 2100, relative to 2000) and the lowest sea levels expected off the coast north of Cape Mendocino (-4–23 cm for 2030, -3–48 cm for 2050, and 10–143 cm for 2100). The lower sea levels projected for Washington, Oregon, and northernmost California reflect coastal uplift and gravitational and deformational effects, which lower the relative sea level (NRC 2012).
>
> The State of California Sea-Level Rise Guidance Document, initially adopted in 2010 and updated in 2013, provides guidance to state agencies for incorporating sea-level rise projections into planning, design, permitting, construction, investment and other decisions. Updated guidance documents are currently under development and subject to a public engagement process through 2017. Public input will be integrated into the final guidance document update, which is scheduled for adoption by the California Ocean Protection Council in January 2018 (Griggs, et al 2017).

These changes do not affect the impact analysis presented in the Draft EIR.

54-5 The commenter notes errors in the description of how the Coastal Commission has addressed climate change, including sea level rise. In response to the commenter, the text in the second paragraph on Draft EIR page 2.5-20 has been modified as follows:

> The Coastal Commission's mandate extends to climate change, including sea level rise.~~; however, the agency is currently assessing how best to address sea level rise and other challenges resulting from climate change.~~ The Coastal Commission partners with local governments to form Local Coastal Programs (LCPs), transferring the power to regulate development within the coastal zone to cities and counties. Within the Bay Area, all of San Mateo, San Francisco, Marin, and Sonoma counties, along with the cities of Daly City, Pacifica and Half Moon Bay have certified LCPs. Any changes in the Coastal Commission's policies and/or regulations with respect to sea level rise may ultimately require revisions to LCPs.
>
> The Coastal Commission's *Sea Level Rise Policy Guidance* document was adopted on August 12, 2015. It provides an overview of the best available science on sea level rise for California and recommended methodology for addressing sea level rise in Coastal Commission planning and regulatory actions. It is intended to serve as a multi-purpose resource for a variety of audiences and includes a high level of detail on many subjects. Since the document is not specific to a particular geographic location or development intensity, readers should view the content as a menu of options to use only if relevant, rather than a checklist of required actions (California Coastal Commission 2015).

These changes do not affect the impact analysis presented in the Draft EIR.

54-6 The commenter notes that the Draft EIR does not mention sea level rise program that are under development for San Mateo County, the City of Half Moon Bay, and the City of Pacifica. The following text has been added to Draft EIR page 2.5-26, beginning as the fifth paragraph:

> Sea Level Rise Programs under Development
> Additional sea level rise programs under development in the Bay Area include:
> - San Mateo County initiated a countywide sea level rise vulnerability assessment in June 2015. The Assessment is part of a long-term resilience strategy to ensure our communities, ecosystems, and economy are prepared for climate change. The Draft Vulnerability Assessment was released on April 5, 2017 and was available for review and comment through May 15, 2017 (San Mateo County 2017).
> - The City of Half Moon Bay released its *Sea Level Rise Vulnerability Assessment* on April 2016 (Half Moon Bay 2016).
> - The City of Pacific has received a grant from the Coastal Commission to undertake sea level rise planning (noted in comment 54-6).

These changes do not affect the impact analysis presented in the Draft EIR.

54-7 The commenter requests an analysis of public access consistency with the California Coastal Act. Public access would be required to be addressed at the individual project stage, consistent with Coastal Act requirements. Please see Master Response 5, Programmatic EIR, for a discussion of these issues.

54-8 The commenter suggests that the California Coastal Act should be listed as applicable to Visual Resources, Cultural Resources, and Public Services and Recreation. While the Act is not listed separately in each of these sections, the description of the Act in Draft EIR Section 2.3, "Land Use and Physical Development," describes the Act as including policies that address issues related to recreation and visual resources, among others. It is acknowledged that the Act is applicable to visual resources, cultural resources, and recreation.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 55

June 1, 2017

Miriam Chion and Ken Kirkey
Metropolitan Transportation Commission
375 Beale Street
San Francisco, CA 94105
Email: eircomments@mtc.ca.gov

Re: Comments on Plan Bay Area and the associated Draft Environmental Impact Report

To Ms. Chion and Mr. Kirkey:

Thank you for the opportunity to review the Plan Bay Area 2040 (Plan) and associated Draft Environmental Impact Report (DEIR). This letter includes comments on the Bay Area Plan as well as on the associated DEIR from the City of Sunnyvale Community Development Department.

Comments on the Bay Area Plan

- The response to the City's comments on the Draft Preferred Scenario stated that the anticipated household and employment growth for the City of Sunnyvale listed in the Plan correctly reflects growth focused within Priority Development Areas (PDAs) and the Plan's performance targets. The City is concerned that the growth projections for Sunnyvale's PDAs may not have accounted for the existing stable development patterns.

  The City has a great record of supporting housing development, and has a history of modifying long-range plans to increase opportunities for housing. The City agrees that provision of adequate housing is a regional issue, and all communities need to contribute to the solution to ameliorate the housing crisis in the region.

  The City is currently studying the El Camino Real commercial corridor to identify appropriate sites for housing development. The site along El Camino Real corridor, currently zoned for commercial use, may be rezoned to allow mixed-use commercial with medium to very high density housing to create more housing opportunities where good transportation system and infrastructure can support increased population from the growth. However, the City does not anticipate any significant changes or growth in the existing low-density residential neighborhoods that are within the PDA boundary. Although they are part of the El Camino Real corridor PDA, they are well-established single-family home

55-1

neighborhoods that would be disruptive to recommend higher residential growth within those neighborhoods. Due to the limited areas for growth within the PDA boundaries, the estimation for housing growth for the City of Sunnyvale is less than the Plan anticipates.

However, we are exploring other potential housing growth areas, including areas within recently adopted specific and areas plans. Additional housing opportunities are currently and will be assessed within the Lawrence Station Area Plan, Downtown Specific Plan, and even Peery Park Specific Plan. The recently updated Land Use and Transportation Element (LUTE) identified Village Center sites where mixed uses with higher density residential would be allowed. The City also relaxed ADU regulations to be consistent with the recent State law changes, which opened more opportunities for housing even within low-density residential neighborhoods without disrupting community values, and is further evaluating ADU potential in the City.

The City has been preparing different PDA studies in the City, encouraging mixed-use development with higher residential density than what the current zoning allows to achieve sustainable development with the balance between job and housing. As mentioned previously, since the PDA study areas for the City are more compact than the official PDA boundaries, the City would not be able to accommodate more than the City's buildout projections and preserve stable single-family residential neighborhoods, even with higher density housing proposed in PDA study areas. Approximately 70 percent of the City's existing residential neighborhoods are low-density residential neighborhoods, where no changes are envisioned. Even with a few sites scattered around the City with higher residential density and higher density proposed for PDA study areas, the City would not be able to reach the projection the Final Scenario anticipates by 2040.

The City requests a review and reconsideration of the housing growth for the City of Sunnyvale to be consistent with the buildout projections by the City.

55-1 cont

Table 1: Growth Projection Comparison

Households (DU) for Target Year 2040			Employment for Target Year 2040		
Sunnyvale LUTE	Draft Scenario	Final Scenario	Sunnyvale LUTE	Draft Scenario	Final Scenario
72,460	**80,700**	**84,200**	**124,410**	**116,000**	**108,600**
	+8,240	+11,740		-8,410	-15,810

Comments on the DEIR Document:

- The DEIR identified a total of 78 impacts with the Plan, and almost half of the identified impacts (38) would remain significant and unavoidable if mitigation measures selected for the Plan are not implemented by local jurisdictions for future individual projects, because "MTC/ABAG cannot require local implementing agencies to adopt mitigation measures identified in this EIR."

55-2

The City of Sunnyvale is committed to improve and enhance regional issues with other partners in the Bay Area, and we are proud of our streamlined planning and building permit process. As stated in the DEIR, local implementing agencies are not required to implement mitigation measures. However, by implementing identified mitigation measures, local implementing agencies would be able to take advantage of streamlining environmental review process for individual projects in the future and tiering off from the certified EIR for the Plan.

The City of Sunnyvale would implement mitigation measures identified in the Plan whenever possible to contribute to reach the regional goals for the Bay Area, and assist project sponsors by streamlining individual projects in the future, if the DEIR gets certified. However, the City also retains authority to apply appropriate and feasible mitigation measures that are consistent with the City's goals and policies and general procedures and practices.

55-2 cont

Thank you for your consideration in this matter. Please contact Kelly Cha, Associate Planner, at (408)730-7408, if you have any questions or concerns about items discussed in this letter.

Sincerely,

Trudi Ryan
Director, Community Development Department

Response 55	Trudi Ryan, City of Sunnyvale June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

55-1 The commenter expresses concern about the proposed Plan's forecasted development pattern and resultant small geography household and jobs projections for the City of Sunnyvale. The proposed Plan's household and jobs projections for a given city, town, or Priority Development Area (PDA) may differ from local plans – this is largely based upon the demands of the overall growth projections of households and jobs. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy, which may lead to different growth projections than existing local General Plans. Please see Master Response 1, Population and Employment Forecasts, for a discussion on this issue. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

55-2 The commenter notes that the City of Sunnyvale would implement mitigation measures identified in the proposed Plan wherever possible and notes the streamlining review process advantage. The Draft EIR describes multiple streamlining benefits and requirements in Draft EIR Section 1.1, "Introduction." The commenter states that the City retains authority to apply appropriate and feasible mitigation measures that are consistent with the City's goals and policies and general procedures and practices. The commenter statements are consistent with the Draft EIR, which states that the region's cities retain local land use authority (see Draft EIR page 1.2-21).

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Marin Audubon Society

P.O. Box 599 | Mill Valley, CA 94942-0599 | marinaudubon.org

Letter 56

June 1, 2017

MTC Public Information
375 Beale Street, Suite 700
San Francisco, CA
Francisco, CA 494105
EIRcomments@mtc.ca.gov

RE: PLAN BAY AREA AND DRAFT PROGRAM ENVIORONMENTAL IMPACT REPORT (EIE)

Dear MRC:

The Marin Audubon Society appreciates the opportunity to comment on Plan Bay Area's Draft Program Environmental Impact Report (PEIR). Our focus is on protecting natural or biological resources which support people and wildlife, and are essential to a healthy community and quality of life for Bay Area residents. Our comments focus on natural resource protection which we find are virtually ignored in the Plan.

We support accommodating growth while focusing growth in already developed areas as a way of minimizing adverse environmental impacts. However, there is considerable potential for destruction of biological resources. We ask that the Draft PEIR address the following: 56-1

1. Inadequate Plan Goals. The stated goals of the Plan are insufficient. The only goal vaguely related to the environment is Agriculture and Open Space which is defined in the EIR as lands that are not in agriculture or timber. Open Space is also discussed in the one-page recreation section. These are not sufficient. This goal should be broadened to cover natural resources including water quality. Although clean air is touched on it is only discussed in terms of emissions. The importance of our biological resources, native vegetation, wetlands, streams, woodlands, grasslands etc. in providing clean air and water increasing resilience to climate change, should be discussed. 56-1

   The omission of natural resources in the goals is particularly striking considering their prominence and importance in the Resilience Actions: Expand the region's network of natural infrastructure....preserve and expand natural features that reduce flood risk, strengthen biodiversity, enhance air quality...." Water quality and quantity should be given the same standing as air quality. In order to protect the Bay Area from flooding the first line of defense, our tidal marshes, must be sustained and restored. 56-2

   We note that all of the adverse biological impacts of the Plan will remain significant even after mitigation. The EIR should discuss why, in spite of their recognized importance on the federal and state levels, and their importance to the region and its citizens and as reflected in the Biological Resources section of the PEIR, are biological resources not included as a Goal in Plan Bay Area? 56-3

A Chapter of the National Audubon Society

2. Regional Advanced Mitigation. The Transportation discussion in the Plan focuses on maintenance and modernization that it claims would minimize impacts, while recommending a Regional Advanced Mitigation Program to address impacts. This acknowledges the finding of the PEIR that the biological impact would remain significant. Modernization is defined as improving speeds, adding safe bicycle routes, installing new technologies to improve flow and redesigning interchanges. Even these projects would impact biological resources.

   As the DEIR describes, approximately 40% or 7,400 acres would be in TPAs and in addition PCA's face development under the proposed Plan, 84% of the land under growth footprints would occur in proximity to special.-status species habitat. These attest to the ineffectiveness of planning concepts and boundaries to limit or avoid adverse impacts. Additional habitat and species impacts identified include habitat fragmentation, increased human intrusion, introduction of invasive species, disruption of migratory corridors and regional reduction in biodiversity. In addition, transportation projects would cause additional noise and dust impacts during construction and erosion during and after construction. These impacts would adversely impact vegetative habitats and wildlife. And, 54 four transportation projects included in the proposed Plan intersect areas that are designated by USFW as critical habitat for some species. The Plan's suggested Regional Advanced Mitigation Program to address the significant adverse impacts, however, is not likely to improve conservation outcomes, as claimed. Nor is it clear how this approach would "strengthen conservation priorities" as claimed. The PEIR should discuss how securing off-site mitigation for multiple infrastructure projects in advance of environmental reviews would ensure beneficial conservation outcomes, would ensure similar habitat for species and communities that would lose wetlands. It sounds as though this program is a promotion for mitigation banks. See last paragraph, #6 below for further comments on mitigation banks.

56-4

3. Additional transportation projects. Discuss the addition of Highway 37 to the list of projects to be implemented. Congestion on this highway is a major impediment affecting employment and the environment. Discussions are underway to rebuild a portion and turn it into a toll road which could adversely impact employment and tidal and seasonal wetland habitats. Its condition will have to be addressed within the time frame of the plan. This is a major North Bay highway that is a critical connection between the west and east section of the North Bay and also to areas to the north. We strongly recommend that it be added to the list of transportation projects for regional and state consideration, and that the DEIR discuss adding it to the list. If it is not recommended, discuss why not?

56-5

4. Mitigation Approach. While the actual footprint not or details of transportation projects or even housing projects may not be known, the location of major transportation corridors are located adjacent to the Bay and this would generally inform a conclusion that significant wetland and Bay impact would occur with many proposed transportation projects at least those located in this area.

56-6

   The DEIR reports that transportation and housing projects as well as sea level rise are projected to have extensive impacts on natural resources. Transportation projects are projected to adversely impact 700 acres, Additional major areas would be inundated regularly under sea level rise and the mitigation strategy for areas of impact would be to adopt a range of adaptation strategies.

56-7

   However, the PEIR reports that these must be adopted by local jurisdictions because neither ABAG nor MTC have the authority to require local jurisdictions to adopt such policies. This approach is

carried throe in other impacts including Biological Resources. We recommend an additional mitigation measure be considered: withholding transportation funding as a way to influence local governments to adopt adaptation policies. 56-7 cont

5. Corrections/Additions to Biological Resources Section.
Grassland loss most significant habitat type nationwide
The name of the California Clapper Rail has been changed to Ridgway's Rail
The stream resource discussion has left out Lagunitas Creek which has one of the largest populations of endangered Coho Salmon and Steelhead in the state.
Add Northern spotted Owl to the list of species for which Critical Habitat has been designated in the Bay Area by the USFWS. The Critical Habitat includes woodlands in Marin and, we believe, Sonoma Counties.
Although it may not have been formally mapped, the Bay and its margins is and should be identified as an Essential Connectivity Area. 56-8

6. Mitigating Natural Resource Impacts. Mitigation by reducing or reconfiguring project designs is always the preferred alternative in CEQA. The goal of reducing and reconfiguring should be to avoid special status species and sensitive habitats particularly wetlands all of the time, not just when "practicable." Even when it is impractical, reduction and reconfiguring should be required to avoid localized and cumulative losses. What may appear to be small losses add up to be cumulatively significant. 56-9

Neither surveys nor monitoring lessen impacts and, therefore, should not be considered mitigation in themselves, but rather a preparation for mitigation. (Pager 2.9-36).These activities must blead to subsequent avoidance or significant minimization actions' 56-10

Significant tidal wetlands are in the path of transportation infrastructure including major highways around the Bay. The Plan language suggests that there would be no significant adverse impacts because urban development will be directed within the urban footprint and there will be no significant upgrading to highways and other transportation modes. This approach is being disproven right now in the North Bay by the consideration for expansion of Highway 37 and proposed expansion of bike paths into tidal marsh that is endangered species habitat in Corte Madera. The DEIR reports that 106 transportation projects have the potential to adversely affect wetlands and other waters. Clearly this is a significant impact. The Plan should provide an estimate for the amount of wetland losses along the Bay that would be caused by these projects. . 56-11

Transportation project impacts to natural resources would be significant. As discussed above, the Mitigation measure most effective would be to reduce and/or reconfigure projects to avoid adverse effects on protected species and habitats. There should be a strict standard that avoidance be the first consideration. 56-12

The EIR should address the need for in-kind mitigation and whether it will be assured. It is unclear that for example loss or other impacts to wetlands would be mitigated by restoring/enhancing the same kind of habitat. We additionally are concerned about mitigation for natural resource losses and other biological resource impacts by creating public access, this would result in even more significant impact. This could occur with direct mitigation for a project as well as through prior-approved of PCA's. We suggest policy recommendation in the Plan that requires mitigation for habitat loss to be in-kind. i.e. that tidal wetlands be mitigated by replacing with tidal wetlands, 56-13

agricultural losses be mitigated by restoring/protecting agricultural lands etc. and that mitigation be in the same in the same watershed as the site of impact.

Too often, project environmental review goes right to mitigation, particularly when a ready mitigation is available, such as with a mitigation bank. For this and other reasons, we object to the use of wetland mitigation banks. Banks make it too easy to lose wetlands and do not serve the communities and wildlife that lose habitat. If mitigation banks can be used at all, they should only serve a local watershed in which they are located.

As a mitigation measure, the DEIR preparers should create a model procedure or policy that would ensure avoidance is considered as the preferred mitigation. The policy should include guidance for acreage and the use of mitigation banks. 1; 1 mitigation ratio is insufficient wetlands particularly for preservation because it would result in a net loss. We agree that wetland loss and species impacts remain significant particularly in the light of MTC/ABAG's inability to require avoidance.

56-13 cont

7. Preferred Alternative. The preferred and environmentally superior alternative appears to be the Big City alternative because it would focus more development in already developed areas, has more beneficial biological affects and fewer adverse impacts when compared with the other alternatives, and scores well in all other areas. This would not mean adverse biological impacts would be avoided with this alternative because there are tidal and non-tidal wetlands, streams and native vegetative habitat that are in urban areas, but it would result in the fewest acres of wetlands and other biological impacts.

56-14

Thank you for considering our comments.

Sincerely,

Barbara Salzman
Conservation Committee

Response 56	Barbara Salzman, Marin Audubon June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

56-1 The commenter introduces the comment letter and states that the comments focus on natural resource protection, which the commenter claims is virtually ignored in the proposed Plan. The record does not support this suggestion. As described on Draft EIR page 1.2-15 in Section 1.2, "Project Description," key goals of the proposed Plan include protecting the environment for future generations, which is reflected in the goal and performance target related to open space and agricultural preservation. It is also reflected in the identification of priority conservation areas, which are open spaces that provide agricultural, natural resource, scenic, recreational, and/or ecological values and ecosystem functions (see Draft EIR page 1.2-18) The commenter states that the goals of the plan are insufficient. The project objectives are described in Draft EIR Section 1.2.4, "Project Objectives." The primary objectives are related to carbon dioxide (CO_2) emissions and regional housing projections. The goals related to the proposed Plan are associated with performance targets. Because the proposed Plan is an RTP/SCS, these objectives and goals are appropriate and consistent with the requirements of the proposed Plan.

The commenter incorrectly states that open space is discussed in the recreation section. Draft EIR Section 2.3, "Land Use and Physical Development," provides an overview of the existing open space in the Bay Area and describes loss of open space related to the proposed Plan.

56-2 The commenter expresses concerns related to Resilience Actions, stating that water quality and quantity should be given the same standing as air quality. This issue is related to opinions and recommendations for the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The commenter also expresses concerns related to sustaining and restoring tidal marshes to protect the Bay Area from flooding. Effects on riparian habitat, including marshlands, are addressed in Draft EIR Impact 2.9-2. Issues pertaining to flooding are addressed in Draft EIR Impact 2.8-8.

56-3 The commenter notes that all biological resource impacts would remain significant after mitigation, and questions why, if this is the case, that there is not a specific goal protecting biological resources in the proposed Plan. This commenter is partially correct regarding statements that biological resources impacts would remain significant and unavoidable. However, the commenters misinterpret post-significance conclusions and the effectiveness of the mitigation measures presented in the Draft EIR. Draft EIR Section 2.9, "Biological Resources," includes extensive mitigation for biological resources. After each mitigation measure, the Draft EIR concludes a discussion of "significance after mitigation." Within that discussion is the following sentence: "To the extent that an individual project adopts and implements all feasible mitigation measures described above, the impact would be less than significant with mitigation (LS-M). However, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of the lead agency to determine and adopt mitigation." Because of MTC/ABAG's limitations in requiring local agencies to implement these measures under the legal requirements of SB 375 review, the biological impacts are potentially significant and unavoidable.

The commenter expresses concern that biological resources are not included as a goal for the proposed Plan. The proposed Plan's forecasted development pattern focuses growth towards priority development areas (PDA) and away from PCAs. The MTC Commission/ABAG Executive Board adopted a performance target (objective) to protect open space (see Draft EIR Table 1.2-6). The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

56-4 The commenter correctly notes that the Draft EIR conclusions related to biological resources are significant and unavoidable. Please see response to comment 56-3 for a discussion of this post-mitigation conclusion.

The commenter notes that the proposed Plan includes approximately 7,400 acres of development in transit priority areas, which accounts for 40 percent of the land use growth footprint. The commenter also correctly states that 84 percent of the land use growth footprint would occur in proximity to special-status species habitat (see third paragraph on Draft EIR page 2.9-33). The commenter correctly states that implementation of the proposed Plan could result in habitat fragmentation, increased human intrusion, introduction of invasive species, disruption of migratory corridors and regional reduction in biodiversity (see Draft EIR Impact 2.9-1a). The comment attributes noise and dust impacts during construction and erosion during and after construction to transportation projects. Most of the transportation projects are concentrated along existing transportation corridors; for the most part, these types of impacts would be attributed to changes in projected land use; however, there would also be potentially significant impacts on biological resources related to transportation projects (see Draft EIR Impact 2.9-1a).

The commenter correctly notes that Regional Advanced Mitigation Planning (RAMP) is listed as a mitigation measure to reduce impacts to biological resources. For some biological resources impacts, RAMP is proposed in the Draft EIR as one of several potential mitigation options for consideration (see Draft EIR Mitigation Measures 2.9-1(a), 2.9-1(b), and 2.9-2). Implementing RAMP alone is not proposed as a mitigation requirement; rather, it is included in the range of feasible mitigation measures identified. As noted in these mitigation measures, "[c]ompensatory mitigation for unavoidable loss of habitat or other impacts to special-status species may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies." The appropriateness of a specific mitigation approach for an impact will depend on the project and would be refined during subsequent project-level environmental review of future specific projects. Please see Master Response 5, Programmatic EIR, for a further discussion of these issues.

56-5 The commenter expresses concern that investments to Highway 37 are not explicitly referenced in the proposed Plan and that the condition of Highway 37 will need to be addressed within the timeframe of the proposed Plan. The proposed Plan includes $24 million for a multi-county study that would develop a recommendation(s) for Highway 37 (RTPID 17-10-0037). It is expected that the multi-county study will lead to specific project recommendations for Highway 37, including a project description and cost to construct and maintain the project. The proposed Plan could be amended at a later time to add a specific project related to Highway 37, which would require subsequent or its own California Environmental Quality Act (CEQA) review to identify and disclose any potential impacts of the added project. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

56-6 The commenter states that although specific locations of transportation or development projects may not be known, the location of major transportation corridors would support a conclusion that impacts to wetlands would be significant. As described in Draft EIR Impact 2.9-

2, projected development and implementation of transportation projects have the potential to affect wetlands, which would be a potentially significant impact. Under CEQA, there is no substantive difference between a "potentially significant" and "significant" conclusion; both conclusions assume that the effect would be substantial and require mitigation. Draft EIR Mitigation Measure 2.9-2 is proposed to address any significant impact to wetlands. As discussed in the last paragraph on page 2.9-41, impacts could be reduced to a less-than-significant level through implementation of feasible mitigation measures. However, MTC/ABAG cannot require local implementing agencies to adopt the mitigation measure, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation, and thus, the impact is considered significant and unavoidable.

56-7 The commenter correctly characterizes anticipated sea level rise projections in the Bay Area (see Draft EIR Impacts 2.5-5 and 2.5-6). The commenter recommends a mitigation measure to withhold transportation funding as a way to influence local governments to adopt adaptation policies. See responses to comments 41-3, 47-26, and 50-1 for discussions of funding allocations and responses to suggestions to incentivize funding. Please also see Master Response 7, MTC/ABAG Role and Authority for a discussion of these issues.

56-8 The commenter provides considerations for, and recommends corrections and additions to, the Draft EIR related to various biological resources. The commenter states that grassland loss is the most significant type of habitat loss nationwide. The importance of grassland habitat in California and nationwide is understood; and, several special-status species addressed in the Draft EIR are associated with grassland habitats. The commenter does not raise a specific issue that requires additional discussion or analysis in the Draft EIR. Specific impacts to grassland habitats will be analyzed in more detail during subsequent project-level environmental review of future projects.

The commenter points out that the name of California clapper rail has been changed to "Ridgway's rail." The commenter is correct; and, while "Ridgway's rail" is used in the Draft EIR, "California clapper rail" was mistakenly used in one instance. The Draft EIR will be revised to reflect the correction. Please see Section 3.0, "Revisions to the Draft EIR," of this Final EIR for the text change to Draft EIR Section 2.9, "Biological Resources." The text on Draft EIR Page 2.9-11 has been revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

> Rare and endangered wildlife species that occur in tidal marshes of the Bay Area include ~~California clapper~~ Ridgway's rail (*Rallus ~~longirostris~~ obsoletus*), …

The commenter states that the discussion of stream resources does not include Lagunitas Creek, which supports one of the largest populations of endangered coho salmon and steelhead in the state. The importance and sensitivity of Lagunitas Creek are understood; and, special-status fish species and sensitive aquatic habitats are addressed at a program level in the Draft EIR. The commenter does not raise a specific issue that requires additional program-level analysis in the Draft EIR. Lagunitas Creek would be described and analyzed specifically during subsequent project-level environmental review of future projects that may affect Lagunitas Creek. Please see Master Response 5, Programmatic EIR, for a further discussion of nature of this EIR

The commenter recommends adding northern spotted owl to the list of species for which critical habitat has been designated in the Bay Area. Draft EIR Table 2.9-1 on page 2.9-21 lists northern spotted owl critical habitat as occurring in Marin, Sonoma, and Napa counties. Tables K-4 and K-5 in Appendix K summarize the amount of critical habitat that intersects growth footprints and transportation projects in the proposed Plan. None of the transportation projects or growth footprints intersect critical habitat for northern spotted owl.

The commenter states that although it may not have been formally mapped, the Bay area and its margins should be identified as an Essential Connectivity Area. The Draft EIR explains that the Bay Area encompasses large areas of wildlands that provide habitat for both common and rare plants and wildlife, and that some of these areas were mapped formally as Essential Connectivity Areas (ECAs) for the California Essential Habitat Connectivity Project (CEHCP). The CEHCP was commissioned by Caltrans and CDFW. Although the Draft EIR identifies and describes the ECAs, it does not assume that all areas important for local or regional habitat connectivity are limited to those within ECAs. Because ECA mapping is a formal product of a statewide mapping analysis, it would not be appropriate to modify this external dataset for the Draft EIR.

56-9 The commenter states that potential impacts on sensitive species and habitats should be avoided through project reconfiguration as a first step in all cases, not just when "practicable;" and that relatively small, localized effects can be cumulatively significant. MTC/ABAG understands the importance of prioritizing the minimization and avoidance of impacts to biological resources during project design and review, and recognizes this as part of best practices for planning and resource protection. However, complete avoidance of some sensitive biological resources while achieving project objectives related to other resources, public values, and needs is not always possible. Therefore, mitigation for potentially significant impacts to biological resources in the Draft EIR includes a range of options, including minimization and avoidance through project reconfiguration.

The commenter notes that small losses add up to be cumulatively significant. See Draft EIR Section 3.2.4, "Cumulative Impact," for more information on this topic. Also, note that the analysis in the Draft EIR, because it evaluates transportation and land use development throughout the Plan area, is cumulative in nature and addresses all of the changes expected to biological resources from overall implementation of the Plan.

56-10 The commenter states that biological surveys or monitoring alone do not reduce or mitigate impacts. In the Draft EIR, proposed mitigation for impacts to biological resources does not rely solely on surveys; rather, surveys are proposed to identify target resources that may be affected and subject to other requirements such as minimization, avoidance, and/or compensation for significant effects (for example see Draft EIR Mitigation Measures 2.9-1(a)). Also, please see Master Response 5, Programmatic EIR, for a further discussion of this issue.

56-11 The commenter expresses concern about effects of transportation projects on tidal marsh and other wetland habitats, and recommends that the proposed Plan estimate the amount of wetland losses as a result of the proposed Plan's implementation. Potential impacts of the proposed Plan's implementation on wetlands are discussed in Draft EIR Impact 2.9-2, including some quantification at a very coarse scale. Because of the large geographic scope of the proposed Plan and lack of project-specific detail, detailed quantification of impacts to wetland habitats is not possible. Please see Master Response 5, Programmatic EIR, for a further discussion of this issue. Impacts to wetlands will be quantified and analyzed in more detail during subsequent project-level environmental review of future projects that may affect wetlands.

56-12 The commenter states that impacts of transportation projects on natural resources would be significant and that avoidance should be the first consideration for mitigation. Draft EIR Section 2.9, Biological Resources," addresses several impacts that pertain to natural resources. For all potentially significant impacts described in this section, mitigation measures are provided to reduce impacts to a less-than-significant level. Avoidance of resources and the list of measures; for instance, see Draft EIR Mitigation Measure 2.9-1(a), which includes reconfiguring project designs, whenever practicable, to avoid special status species. Please see response to comment 56-9 regarding the use of avoidance as mitigation.

56-13 The commenter expresses the importance of in-kind mitigation for significant effects on wetlands and other biological resources, objects to the use of mitigation banks, and recommends that the Draft EIR include a procedure or policy that would ensure avoidance is considered as the preferred mitigation. Regarding avoidance of impacts, please see responses to comments 56-9 and 56-12. Regarding in-kind mitigation and use of mitigation banks, mitigation for potentially significant impacts to biological resources in the Draft EIR includes a range of options. The appropriateness of a specific mitigation approach for an impact will depend on the project (including opportunities and constraints for avoidance and on-site restoration/enhancement). Mitigation measures to reduce impacts from loss of farmland include: avoidance, expansion of protection, and compensation for conversion of land use. Draft EIR Mitigation Measure 2.9-2 contains mitigation measures that would reduce impacts to jurisdictional waster and other sensitive habitats. This include the use of mitigation banks and compensation at a minimum 1:1 ratio. These measures would require the sensitive habitat be avoided to the extent feasible and that sensitive habitats that cannot be avoided are restored following construction, or if the habitat cannot be restored, that the project proponent compensates for unavoidable losses in a manner that result in no net loss of sensitive habitats and meets applicable regulatory requirements. Mitigation measures implemented for individual projects would be based on project- and site-specific considerations. The commenter requests that avoidable should be considered as the preferred mitigation; however, MTC/ABAG cannot require local implementing agencies to adopt mitigation measures. No changes to the document are necessary.

56-14 The commenter states that the Big Cities Alternative is the preferred and environmentally superior alternative. The Big Cities Alternative is the environmentally superior alternative (see the first paragraph on Draft EIR page 3.1-91); CEQA does not designate environmentally superior alternatives as "preferred," rather the selection of the proposed Plan or an alternative would be determined by the MTC Commission/ABAG Executive Board, subject to findings that would be made regarding the feasibility of project alternatives. The commenter does not raise a specific comment or concern for which further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Pat Eklund
36 White Oak Way
Novato, CA 94949-7227

Letter 57

June 1, 2017

ABAG and MTC
375 Beale Street
San Francisco, CA 94105

SUBJECT: Comments on Plan Bay Area 2040 and Draft Environmental Impact Report

After reviewing the PBA, DEIR and many of the supporting documents, following are my major concerns, comments and suggestions:

1. Lack of information and analysis of water availability and reuse. In 2014, the Marin ABAG delegates and alternates requested the 2017update of PBA include information and an analysis of potable water availability and reuse of wastewater and storm water. Unfortunately, both the Draft PBA 2040 and DEIR do not include adequate information and/or analysis on these areas especially given the anticipated growth in population and jobs.
   SUGGESTION: Include a focus area in the "Plan of Action" that calls for a thorough analysis of the Bay Area's potable water availability long-term (especially given the statewide demand for water and the anticipated population and jobs growth) and the reuse of wastewater and storm water that would be included into the PBA update due in 2021. 57-1

2. Unrealistic assumptions. Some of the land use and transportation assumptions in the DEIR are unrealistic and cannot be implemented. Specifically,
   a. "The region will continue to receive historical levels of public funding for housing production." (page 31). With the elimination of Redevelopment Agencies, local governments do not have adequate tools available to generate public funds for housing. Without a sustainable fund in the State, it is unrealistic to assume there will be public funds available even for affordable housing in the Region.
      SUGGESTION: Eliminate this assumption.
   b. "Assign higher densities than currently allowed by cities in PDAs;" Cities and Counties self-nominate PDA's along with the applicable density. This assumption implies that either ABAG or MTC will 'assign' a higher density which is counter to the concept of local control and that PDA's are self-nominated.
      SUGGESTION: Eliminate this assumption.
   c. "Assume for-profit housing developments make 20 percent of units deed-restricted." Many cities and counties do not have inclusionary zoning requirements or even a requirement for 20% of the housing units to be affordable, but allow housing developers to pay 'in-lieu' fees which are inadequate to actually produce the housing units.
      SUGGESTION: Change this assumption to 50% of the cities and counties (or the actually percentage, if known) have 20% inclusionary zoning requirements.
   d. "Assume subsidies stimulate housing and commercial development within PDAs". It is unclear to me why this assumption is included especially for commercial development which usually is developed without subsidies. In addition, this assumption does not identify who provides the subsidies, what the

57-2

subsidies would be and whether they would be adequate to stimulate housing and commercial development.
SUGGESTION: Eliminate this assumption unless specific subsidies are identified, available and can demonstrate they are adequate and needed for both housing and commercial development.

57-2 cont

3. The Draft EIR and PBA does not adequately address the serious role of water quality and supply and health of San Francisco Bay and Estuary (including wetlands, habitat, etc..).. The goals and actions in the approved 2016 CCMP provide a comprehensive set of policies that should be included in the Plan Bay Area.
SUGGESTION: Include a specific objective in the Plan of Action focused on the goals and objective of the 2016 CCMP. In addition, the objective in the Plan of Action should outline how the goals, objectives and policies of the CCMP will be incorporated into the Plan Bay Area update in 2021.

57-3

4. In some parts of the Bay Area, sea level rise is already impacting transportation routes (e.g. Highway 37) and housing/commercial developments.
SUGGESTION: Since some PDA's and TPA's are within the 100-year flood zone and may be impacted by sea level rise, there needs to be a more detailed analysis of the feasible improvements and associated costs.

57-4

5. Highway and road improvements continue to lag primarily due to lack of funding.
SUGGESTION Consider devoting a higher percentage of funds to infrastructure improvements specifically for highway and local streets and road improvements.

57-5

6. UrbanSim model may not be appropriate for land use given its inability to incorporate specific zoning policies of the 101 cities & 9 counties in the Bay Area.
SUGGESTION: Work with the ABAG Regional Planning Committee to consider and evaluate other land use models that may be more appropriate and/or changes to UrbanSim to allow for more flexibility in the parameters.

57-6

Thank you for the opportunity to comment and make suggestions. I appreciate all of the hard work done to create a readable PBA and the 15+ specific technical documents including the DEIR. I hope that in the future, more time will be given to allow the public, local governments and stakeholders an opportunity to review and comment on the materials. I think that a timeline needs to be developed in 2017 for the 2021 PBA which incorporates more time for reviewing the draft and the final prior to adoption.

57-7

If you have any questions, please feel free to contact me at home (415) 883-9116.

Sincerely,

Pat Eklund
Council Member, City of Novato

Response 57	Pat Eklund June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

57-1 The commenter suggests that neither the proposed Plan nor the Draft EIR include adequate information or analysis of water availability and reuse and requests that Chapter 5, "Action Plan" of the proposed Plan include a focus area calling for a thorough analysis of the Bay Area's potable water availability long-term and the reuse of wastewater and storm water to be included in the next RTP/SCS. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts. Please see Master Response 3, Water Supply and Drought, for a discussion of these issues.

57-2 This comment questions assumptions in developing the proposed Plan's forecasted development pattern and resultant small geography growth projections. Please see response to comment 4-13 regarding this issue. To accommodate anticipated growth in a more sustainable manner, the proposed Plan influences the region's forecasted development pattern through its focused growth strategy. Please see Master Response 1, Population and Employment Forecasts, for additional discussion on this issue. The commenter provides opinions, but does not provide substantiation to support the recommendations to alter the assumptions.

57-3 The commenter suggests that the Draft EIR and proposed Plan do not adequately address the role of water quality and supply and health of San Francisco Bay and Estuary. See response to comment 18-4 for a discussion of this issue. The commenter addresses the proposed Plan but does not raise issues related to the Draft EIR and the analysis of environmental impacts.

57-4 This comment expresses concern about the impact of sea level rise on transportation routes and land use development and requests more detailed analysis of these topics. The Draft EIR describes a number of Sea Level Rise Action Plans and Programs and the City and County level, including the Marin Ocean Coast Sea Level Rise Vulnerability Assessment and key elements of the Marin Countywide Plan. Midcentury Sea Level Rise Inundation Zones and their potential effect on the proposed Plan are fully evaluated at a programmatic level in Draft EIR Section 2.5, "Climate Change and Greenhouse Gases." The Draft EIR concludes that these impacts are potentially significant, and outlines a number of mitigation measures.

57-5 This comment suggests devoting a higher percentage of the proposed Plan's forecasted funds to infrastructure improvements specifically for highway and local streets and road improvements. The proposed Plan's transportation investment strategy considers regional assessments to maintain and operate the region's existing transportation system, including highways and local streets and roads. The MTC Commission deliberated on several rounds of trade-off discussions whereby directing additional funding toward any one type of investment would require the removal of funding from another. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

57-6 The commenter questions the use of the UrbanSim land use model to generate the region's forecasted development pattern and resultant small geography projections. The California Transportation Commission's (CTC) RTP Guidelines suggests MTC use an integrated land use and travel forecasting model to develop and assess its RTP/SCS. The UrbanSim model incorporates zoning and/or general and specific plan information for all land parcels in the

region. The dozens of individual codes are generalized to represent the type and amount of development that can occur in each location. While the database does not include all types of policies impacting land development, the UrbanSim model has capacity to incorporate additional policies when provided by local jurisdictions. MTC is committed to the UrbanSim land use model, and continues to believe it is the best tool available for the task. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The commenter provides an opinion and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

57-7 The commenter expresses a preference that in the future more time be given to review and comment on the proposed Plan materials. MTC/ABAG complied with statutory requirements for public review of the Plan document and the Draft EIR. Specifically, in compliance with Government Code section 65080, the draft proposed Plan document was circulated for a 60-day review, and in compliance with Public Resources Code section 21091, the Draft EIR was circulated for a 45-day public review period. MTC/ABAG believe that by complying with these statutory requirements, adequate time has been provided to allow for review and comment on the proposed Plan and Draft EIR.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 58

June 1, 2017

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

Subject: Peninsula Corridor Joint Powers Board comments on the Draft Plan Bay Area 2040 and Draft Environmental Impact Report

Dear Mr. Noelting,

Thank you for the opportunity to comment on the draft 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. We look forward to continuing our close collaboration with MTC to ensure that our services and projects are coordinated within the regional planning context.

The JPB offers the following comments:

1. 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. As you know, the US Department of Transportation recently awarded the Full Funding Grant Agreement for $647 million dollars in Section 5309 Core Capacity funding, which completes the agreements needed to begin construction. 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

58-1

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

of the EMU fleet were submitted as projects to MTC as part of the Plan Bay Area 2040 Call for Projects. As a fully funded project, the PCEP should be acknowledged in Plan Bay Area 2040 as a significant project for regional mobility. Further, the JPB would like the second phases of PCEP acknowledged within the Plan. 58-1 cont

2. The cost projections for 2040 exclude the operations and maintenance costs associated with PCEP. PCEP is now a fully funded project and the long term operating and maintenance costs of the electrified system should be included in the Plan.

3. Thank you for including the requested analysis regarding the PCEP's air quality benefits. 58-2

4. We note that the analysis does 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) are adequately understood and disclosed. 58-3

Thank you again for the opportunity to comment on this important Plan. Should you have any questions please contact me at 650-295-6867 or scanlone@samtrans.com.

Sincerely,

Elizabeth Scanlon
Manager, Caltrain Planning

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

Response 58	Elizabeth Scanlon, Caltrain June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

58-1 This comment requests that the Peninsula Corridor Electrification Project (PCEP) be acknowledged in the proposed Plan as a significant project for regional mobility and that the second phases of PCEP be acknowledged within the proposed Plan. MTC confirms the project(s) in question are included in the proposed Plan's transportation investment strategy, and subsequently its impacts are fully evaluated at a programmatic level in the Draft EIR. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

58-2 The commenter thanks MTC for including the analysis of the PCEP air quality benefits. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

58-3 The commenter notes that the analysis considers and discloses existing and future transit crowding. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Alameda-Contra Costa Transit District

Letter 59

June 2, 2017

Ken Kirkey
Planning Director
Metropolitan Transportation Commission
(for MTC and the Association of Bay Area Governments)
375 Beale Street
San Francisco, Ca. 94105

Subject: Plan Bay Area 2040—Draft Plan and Environmental Impact Report—Plan Bay Area 2040.

Dear Mr. Kirkey:

Thank you for the opportunity to comment on the draft Plan and Environmental Impact Report (EIR) for **Plan Bay Area 2040.** AC Transit is pleased that the Plan continues the focus of the 2013 Plan Bay Area on compact growth-- in Priority Development Areas (PDAs), Transit Priority Areas (TPAs), and in the region's three big cities (San Francisco, San Jose, and Oakland). We also support the Plan's use and evaluation of policy targets in addition to numerical indicators. AC Transit has appreciated the opportunity to participate in discussing and reviewing the Plan at the Regional Advisory Working Group (RAWG) and in other forums. The Plan comes at a time when years of economic growth and population growth have resulted in heavy pressure on the Bay Area transportation system. Our comments concern the overall mode share of travel, the Transbay corridors, projected transit operating funding, and transit capital funding.

59-1

Plan Bay Area 2040 represents the nine County Bay Area's long term strategy for housing and employment growth, and for transportation facilities to serve that growth. It updates **Plan Bay** Area, which was approved in 2013. As the long term strategy, **Plan Bay Area 2040** is the broadest land use and transportation planning document for the region. The Plan is prepared by regional agencies: the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). The document is both the Sustainable Communities Strategy (SCS) required by SB 375 and the federally required Regional Transportation Plan (RTP). The RTP/SCS, and the Environmental Impact Report (EIR) on the document is prepared every four year.

Auto and Other Modes' Share of Bay Area Travel

AC Transit is very concerned with a fundamental overall parameter of the Plan. The Plan projects essentially no change in the overall pattern of Bay Area transportation. It projects (see Table 2.1-15 in the EIR) that drive alone trips in 2040 will still represent 46.6% of daily person

59-2

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Alameda-Contra Costa Transit District

trips in the 9 County Bay Area, down almost imperceptibly from the current 47.6%. The absolute number of drive alone trips daily on the region's roadways would increase by a disturbing 2.5 million trips daily. Transit's share of trips would increase minimally (by .5%), the walking share would be absolutely static, and the bike share would—in the face of ever-increasing bicycle activity—tick downward.

The Plan therefore misses its own transportation target: *Reducing the auto share of trips by at least 10%.* The Plan's static result is particularly distressing in a period when the state of California and many California cities are playing an increasingly active role in the global discussion of strategies to reduce greenhouse gas emissions and climate change.

Recommendation: MTC and ABAG should review the Plan structure and funding and modify the Plan to support greater share for sustainable non-auto modes: transit, walking, and biking.

59-2 cont

The Transbay Corridors

The Transbay corridors between East Bay cities and West Bay centers--San Francisco and Silicon Valley—are among the most stressed elements of the Bay Area transportation system. Transbay bridges, BART, and a number of AC Transit Transbay bus lines are carrying loads which are at or above their designed capacity. As a result, bridge congestion is increasing, BART delays are growing more common, and the quality of the commute is degrading. Because of the current commute pattern, Transbay transit service is very peaked in the commute direction, making it unusually expensive to operate.

There is an existing and worsening mismatch between jobs and housing on the two sides of the corridor which drives transit need. On the west side, San Francisco and Silicon Valley are rapidly adding jobs, but not (particularly in Silicon Valley) adding commensurate levels of housing. Overall, East Bay cities have been more willing to allow housing development, but have been less able to attract jobs than West Bay cities, especially in the core of our district. While the Bay Area will always have Transbay commuting, more balanced additions of jobs and housing would give more people the opportunity to live and work on one side of the Bay. This mismatch is particularly visible to AC Transit as major operators of Bay Bridge service, and as participants in the Dumbarton Bridge transit corridor study.

As a region-wide planning document, **Plan Bay Area 2040** is uniquely positioned to respond to this issue. The Plan does propose various transit improvements in the Transbay corridor, such as those in the Core Capacity Transit Study. However, the Plan does not recommend an overall approach to reduce travel and transit demand there. Growth in demand, and the concomitant need for costly new facilities, could be reduced, or at least slowed, if there was increased employment growth in the East Bay and/or housing growth in the West Bay.

59-3

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Alameda-Contra Costa Transit District

Transbay Corridors Recommendation: The Plan should incorporate strategies to increase housing in the West Bay and to increase jobs in the East Bay, in order to reduce Transbay demand and the cost of meeting that demand. 59-3 cont

Transit Operating Funds

The Plan projects that funding for transit operations will keep pace with operating costs over the next 24 years. This assumption is drawn partially from data provided by AC Transit. To bridge the funding gap that AC Transit projected, MTC assumes that AC Transit will receive $1.3 billion in AB 1107 and $2.1 billion in TDA funds over the 24 years. However, TDA funds in particular have been unstable in recent years. These funds will need to be closely monitored to assure that funding continues to match need.

The Plan anticipates only a modest overall increase in transit service (hours)—8% over the 24 year life of the plan. The Plan does not indicate where specifically these hours would be added. Regional population is anticipated to increase 27% over the period. If these projections prove out, there will be 15% *less* transit service hours per capita in 2040 than there are today. It is therefore not surprising that only minimal mode shift occurs.

In most of the region, transit service levels today are inadequate and should be improved, not maintained. There has been truncated night and weekend service, infrequent service, and areas that are simply not served at all. In San Francisco, MTA operated the highest level of (diesel and trolley) bus service per capita in the country, and has among the highest ridership in the country. But AC Transit operated less than half as much per capita, and VTA's per capita bus service was barely half of AC Transit's. Service in many suburban areas is lower still. Transit-reliant people, particularly the large low income populations in Oakland and Richmond, are impeded in their access to jobs, goods and services by these differences. These spatial and temporal gaps must be addressed both to address inequities and to shift regional travel patterns. 59-4

Recommendation: The Plan should be reviewed and modified to increase transit operating hours. If necessary, funding should be shifted from capital projects and/or roadway projects.

Transit Capital Funds

AC Transit appreciates the inclusion of a potential AC Transit Bus Rapid Transit (BRT) line on San Pablo Avenue between Oakland and Richmond in the Plan. In our Major Corridors Study we identified Adeline Street, East 14th Street/Mission Blvd. and Macarthur Blvd./Grand Ave. (Oakland) as additional potential year 2040 BRT corridors. We also identified Telegraph Avenue (Berkeley/Oakland) as a potential BRT or light rail corridor. These are long term planning projects—at this time we are only working on the East Bay (International Blvd.) BRT. We note 59-5

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Alameda-Contra Costa Transit District

that San Francisco MTA and Santa Clara County VTA have BRT projects in the Plan. We believe that BRT is likely to be a relatively efficient, cost effective investment transit mode for all the transit agencies which operate it. Given that capital need outstrips resources, all capital projects should demonstrate cost effectiveness.

Recommendation: Add the Adeline, East 14th/Mission, Grand/Macarthur, and Telegraph BRT projects as potential projects in the Plan.

59-5 cont

Conclusion

There is little consensus about the ultimate shape of American metropolitan transportation systems, but broad agreement that this is a period of change and upheaval. The places people live, the modes by which they travel, the agencies and companies which provide transportation services, and the technologies used on those trips are all changing. Some regions, such as Seattle, are aggressively implementing major changes to their transit system. Change in Los Angeles is so profound that many commentators speak of a transition from "Los Angeles 2.0" to "Los Angeles 3.0." In some regions, such as Washington, D.C., transit-oriented development has become the norm, not the exception.

Plan Bay Area 2040 could represent an opportunity to reshape the Bay Area land use and transportation system. It could show that the era of suburbanization, sprawl, and auto dependency has ended decisively here. Unfortunately, to date the Plan does not provide an adequate counterweight to these forces. We hope that can be improved.

59-6

Thank you for your attention to our comments.

Yours Sincerely,

Robert del Rosario
Director of Service Development and Planning

1600 Franklin Street • Oakland, CA 94612 • TEL (510) 891-4777 • www.actransit.org

Response 59	Robert Del Rosario, AC Transit June 2, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

59-1 The commenter provides a summary of the proposed Plan and its purpose. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

59-2 This comment expresses concerns related to Bay Area travel, in particular a concern with a lack of change in the region's forecasted mode share between 2010 and 2040. The proposed Plan focuses on creating more pedestrian and transit friendly neighborhoods by encouraging growth within the region's Priority Development Areas (PDAs). To support this focused growth pattern, the proposed Plan's transportation investment strategy dedicates $194 billion (64 percent) of the forecasted $303 billion towards public transit; including $173 billion towards operating, maintaining, and modernizing existing transit services and infrastructure, and $21 billion towards expanding and extending new services and infrastructure. In addition, the proposed Plan's transportation investment strategy dedicates $5 billion towards active transportation. The impacts of these transportation investments and resulting forecasted Bay Area travel patterns, including mode share, are fully evaluated at a programmatic level in Draft EIR Section 2.1, "Transportation," Section 2.2, "Air Quality," and Section 2.5, "Climate Change and Greenhouse Gases." The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

59-3 This comment expresses concerns related to the, "existing and worsening mismatch between jobs and housing" between East Bay and West Bay cities. Please see Master Response 1, Population and Employment Forecasts, for a discussion of these issues. The impacts of Bay Area travel patterns are fully evaluated at a programmatic level in Draft EIR Section 2.1, "Transportation," Section 2.2, "Air Quality," and Section 2.5, "Climate Change and Greenhouse Gas Emissions." The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

59-4 This comment expresses concern with the level of funding dedicated to transit service, noting that the proposed Plan anticipates an 8 percent increase in service hours over the next 24 years. This service increase is from the Transit Operating and Needs Assessment, which provides funding for a 7.5 percent increase in service over *Plan Bay Area* levels. This reflects the increase in existing service over the amount in 2011 and is an assumed condition in the No Project Alternative. While the Operating and Needs Assessment does not include increases in service, there are many projects within the Project List of the proposed Plan that would increase service. The Needs Assessment only estimates the costs to operate the existing service, which are included in "the Operations and Maintenance" investment strategy. The proposed Plan also includes $42 billion in transit modernization and expansion, all of which would increase service, make existing service more reliable, and purchase a significant amount of new vehicles that would be able to accommodate increases in ridership. The proposed Plan's transportation investment strategy impacts are fully evaluated at a programmatic level in the Draft EIR. Draft EIR Table 3.1-9 shows that the proposed Plan increases transit passenger seat-miles by 25 percent compared to the No Project. For AC Transit, $340 million for fleet expansion (and associated service increase) is included under RTPID 17-10-0001, "AC Transit Fleet Expansion and Major Corridors." Increased service along San Pablo BRT is also included in RTPID 17-10-0003, "San Pablo Avenue BRT." Please see response to comment 48-4 for additional information regarding this comment.

59-5 This comment requests inclusion of additional bus rapid transit (BRT) projects for AC Transit in the proposed Plan. In particular, the commenter requests addition of the Adeline, East 14th/Mission, Grand/Macarthur, and Telegraph BRT projects as potential projects in the proposed Plan. Projects seeking future, regional discretionary funding from the proposed Plan were evaluated for cost-effectiveness and support of the proposed Plan's regional goals and targets. The transit projects that were evaluated were submitted by CMAs and transit agencies in the Fall of 2015. Furthermore, only projects with costs of at least $100 million were evaluated. The projects identified in this comment were not part of the evaluation and were not subsequently included in the county-level investment plans. Although they are not listed individually in the proposed Plan, transit-supportive treatments along these corridors would be consistent with Alameda County's Minor Transit Improvements program (RTPID 17-01-0008) and Alameda County's Multimodal Streetscape Program (RTPID 17-01-0004). The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

59-6 The commenter makes general statements regarding metropolitan transportation systems and states that the proposed Plan could end suburbanization, sprawl, and auto dependency. The commenter provides opinions and recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-500

Letter 60

June 5, 2017

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105
E-Mail: eircomments@mtc.ca.gov

Re: Draft Plan Bay Area 2040

Zone 7 Water Agency (Zone 7) has reviewed the referenced Plan and Draft Environmental Impact Report (EIR) in the context of Zone 7's mission to provide water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. We have a few comments for your consideration:

1. The Draft Plan Bay Area 2040 document does not explicitly address the serious role of water management and the health of San Francisco Bay as a major priority for Bay Area communities. The recent drought, followed by severe storms in 2017 that damaged many homes and water management infrastructure, has demonstrated the importance of considering water supply and management in future planning scenarios. Housing, job growth, and transportation are inextricably linked to and influenced by management of our natural resources. This may be especially true in areas like eastern Alameda County where opportunities still remain for natural creeks, open space, and ecological richness. 60-1

2. The Livermore area has some of the last remaining open areas in the northern Alameda Creek watershed that can serve as natural attenuation for stormwater. Transit developments in the area should carefully consider not only the impacts of their immediate footprint, but also consider downstream impacts that so often result from urban development. The Arroyo de la Laguna in Pleasanton is the major waterbody carrying all stormwater out of the valley, and many would consider it to be in a state of over-stress. Please work with city and stormwater managers to fully assess the regional implications of major new developments. 60-2

3. As much as 90% of the valley's drinking water is imported from the State Water Project every year. Whenever possible, Zone 7 carefully releases water to local creeks, like Arroyo Mocho, Arroyo del Valle, and Altamont Creek, to fill the groundwater aquifer for use in future years. This is a critical source of local (and emergency) supply. It's imperative that major transit developments, that in turn lead to housing and job growth, carefully evaluate the impacts on the quality and quantity of groundwater resources that may occur as a result of developments near these and tributary arroyos. Please work with water supply and groundwater managers to fully assess the regional implications of major new developments. 60-3

4. In many cases, there will be an inherent disconnect between the local or regional implications on water supply, stomwater quality, and flood protection, and the agency responsible for mitigating project impacts. Regional or statewide agencies, like Caltrans or BART, could implement large 60-4

projects that result in a shift in housing and job growth as a result of this Plan. These agencies will likely only mitigate for site specific construction impacts, and it will be the cities and/or local water agencies that will be burdened with additional costs associated with the change in regional water supply and stormwater management. The EIR should acknowledge and assess how implementation of this Plan could result in local impacts on water supply and water management that will not be (immediately) mitigated.

60-4 cont

On behalf of Zone 7, I appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at erank@zone7water.com .

Sincerely,

Elke Rank

cc: Carol Mahoney, Amparo Flores, Joe Seto, file

Response 60	Elke Rank, Alameda County Flood Control and Water Conservation District, Zone 7 June 5, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

60-1 The commenter states that the proposed Plan does not address role of water management as a priority for the Bay Area and suggests that the proposed Plan include a focus area in Chapter 5, "Action Plan" for thorough analysis of long-term water availability. The commenter does not raise a specific suggestion or comment on the Draft EIR or the analysis of environmental impacts. Please see Master Response 3, Water Supply and Drought for a discussion of this issue. Please see also Master Response 5, Programmatic EIR, for a discussion of the level of detail required in the analysis of Plan impacts.

60-2 The commenter expresses concern related to development in the northern Alameda Creek watershed. As described in Master Response 5, Programmatic EIR, the EIR examines the proposed Plan at a programmatic level commensurate with its broad planning template. As Individual projects under the proposed Plan are contemplated, they would be subject to CEQA review by the local lead agency, which includes consideration of impacts related to stormwater. The Draft EIR describes, in Section 2.8, "Water Resources," a number of regulations and programs that would manager stormwater flow, including restricting post-development runoff; please see Draft EIR Impact 2.8-6.

60-3 The commenter expresses concern that major transit developments located near local creeks need to evaluate impacts on the quality and quantity of groundwater resources. The commenter recommends working with groundwater managers to assess regional impacts of major new developments. Effects of transportation projects on groundwater resources are evaluated in Draft EIR Impact 2.8-2 (Implementation of the proposed Plan could substantially interfere with or reduce rates of groundwater recharge because of the increased amount of impervious surfaces, such that there could be a net deficit in aquifer volume or a lowering of the groundwater table). This analysis concludes that transportation projects would increase the total amount of impervious surfaces in the region and, as a result, redirect precipitation that might otherwise recharge groundwater. However, existing regulatory requirements at the local, state, and federal level include measures to minimize any increases in offsite stormwater runoff by encouraging onsite infiltration, which would effectively minimize the potential reduction in groundwater recharge to an acceptable level. Further, Draft EIR Impact 2.12-1 (Implementation of the proposed Plan could result in insufficient water supplies available to serve development implemented as part of the Plan from existing entitlements and resources) evaluates water supply and considers the importance of groundwater recharge. Draft EIR Mitigation Measure 2.12-1(a) includes a requirement that sponsors of projects that could increase demand for water coordinate with the relevant water service provider to ensure that the provider has adequate supplies and infrastructure to accommodate the increase in demand.

60-4 The commenter expresses concern that state or regional agencies could implement large projects under the proposed Plan that result in a shift in housing or job growth, which in turn could require the local water or stormwater management agency to make mitigation commitment costly to local agencies. The purpose of the SCS is to project where changes in land use could occur based on SCS strategies to reduce GHG emissions and address other issues, as well as in coordination with transportation projects. This growth is analyzed under the "Impacts of Changes in Projected Land Use" subheading to every impact analysis.

The SCS does not shift responsibility for impacts or mitigation measures to local agencies. The mitigation measures associated with development are already the responsibility of local agencies, except as it relates to regional facilities. There would be no difference in the responsibility of local agencies regarding mitigating land use development with the SCS in place. The SCS recommends land uses that may or may not be consistent with local general plans, but the local agencies under which the land use project is proposed would have the option to approve or deny projects and an SCS-recommended land use is not binding on a local agency. Please see Master Response 1, Population and Employment Forecast, for a discussion of these issues.

As it relates to water supply, effects on water supply are discussed in Draft EIR Impact 2.12-1 (Implementation of the proposed Plan could result in insufficient water supplies available to serve development implemented as part of the proposed Plan from existing entitlements and resources). Draft EIR Mitigation Measure 2.12-1(a) would require, in part, that "project sponsors shall coordinate with the relevant water service provider to ensure that the provider has adequate supplies and infrastructure to accommodate the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements shall be identified in each project's CEQA documentation." Please see Master Response 3, Water Supply and Drought, for a discussion of these issues.

As it relates to stormwater, construction of new stormwater drainage facilities is discussed in Draft EIR Impact 2.12-3 (Implementation of the proposed Plan could require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts). This analysis concludes that development outside of urbanized areas could require the construction of new stormwater drainage systems, and this impact would be potentially significant. Draft EIR Mitigation Measure 2.12-3(a) would include a requirement that implementing agencies and project sponsors determine whether sufficient stormwater drainage facilities exist for a proposed project during the design and CEQA review of individual future projects. As explained in the measure, "[t]hese CEQA determinations must ensure that the proposed development can be served by its existing or planned drainage capacity. If adequate stormwater drainage facilities do not exist, project sponsors shall coordinate with the appropriate utility and service provider to ensure that adequate facilities could accommodate the increased demand, and if not, infrastructure and facility improvements shall be identified in each project's CEQA determination. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities."

In general, development projects are required to design and build project-specific on-site infrastructure that is sized appropriately for anticipated demand. Off-site infrastructure, including treatment facilities, are constructed by the service providers, but may be financed in part through development fees. The potential environmental effects of new or expanded off-site utilities would be considered by the utility provider through separate CEQA review. The program-level analysis of potential effects on water supply and water management associated with implementation of the Plan included in the Draft EIR is sufficient. Please also see Master Response 5, Programmatic EIR. No changes to the Draft EIR have been made in response to this comment.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 61

EIR Comments Received via MTC's Web Comment Tool					
Name	**County**	**Topic**	**Subject**	**Comments**	**Date**
marian paroo	Alameda	Other	All Topics		4/25/2017
Robin Furner	Marin	Other	Comments?	Hello, How can I officially submit a comment to the Draft EIR? Thanks!	5/7/2017
Robert Miltner	Marin	Other	Quality of Life in Marin	This plan is designed to transform Marin into a fully urbanized extension of San Francisco. As a 50 year property owner in residence of the area I resent the social engineering that is the real objective of your plan. People choose to live in Marin county for its high quality of life, and your plan degrades that.	5/28/2017

61-1

61-2

61-3

Response 61	Multiple (EIR Comment Webtool) Multiple 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

61-1 The comment is blank. No response can be provided.

61-2 The commenter asks how to submit a comment on the Draft EIR. MTC responded directly to this individual with instructions on how to comment on the Draft EIR.

61-3 The commenter states that the proposed Plan would transform Marin County into a fully urbanized extension of San Francisco. As shown in Draft EIR Table 1.2-8, the land use growth footprint under the proposed Plan in Marin County is 210 acres, which is a very small portion of the over 330,000 acres that make up Marin County. This commenter provides opinions and/or recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 62

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

May 31, 2017

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

Subject: Plan Bay Area 2040 RTP/SCS
SCH#: 2016052041

Dear Adam Noetlting:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 30, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 62-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2016052041
Project Title	Plan Bay Area 2040 RTP/SCS
Lead Agency	Metropolitan Transportation Commission
Type	EIR Draft EIR
Description	Plan Bay Area 2040 is the Regional Transportation Plan/Sustainable Communities Strategy for the Bay Area, developed pursuant to federal regulations and state SB 375. The region includes nine counties.

Lead Agency Contact

Name	Adam Noelting		
Agency	Metropolitan Transportation Commission		
Phone	415-778-5366	**Fax**	
email			
Address	375 Beal Street, Suite 800		
City	San Francisco	**State** CA	**Zip** 94105

Project Location

County	San Francisco			
City				
Region				
Lat / Long				
Cross Streets				
Parcel No.				
Township	**Range**	**Section**	**Base**	

Proximity to:

Highways	
Airports	
Railways	
Waterways	
Schools	
Land Use	

Project Issues	Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Coastal Zone; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Solid Waste; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 3; Delta Protection Commission; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Caltrans, Division of Transportation Planning; Department of Housing and Community Development; Native American Heritage Commission; Delta Stewardship Council; State Water Resources Control Board, Division of Water Quality; Air Resources Board, Transportation Projects

Date Received 04/14/2017 **Start of Review** 04/14/2017 **End of Review** 05/30/2017

62-1 cont

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response 62	Scott Morgan, California State Clearinghouse May 31, 2017

Thank you for your comment. Your interest is appreciated and your comment is now a part of the official record on the proposed Plan.

62-1 The commenter acknowledges that the Draft EIR was submitted to the State Clearinghouse, but states an incorrect date for the closure of the review period. The public review period for the Draft EIR ended on June 1, 2017, as indicated on the Notice of Availability for the Draft EIR.

The members of the MTC Commission/ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter 63

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

June 1, 2017

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

Subject: Plan Bay Area 2040 RTP/SCS
SCH#: 2016052041

Dear Adam Noetlting:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 30, 2017. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

63-1

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2016052041) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

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5-30-17
E

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
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www.dot.ca.gov

Making Conservation a California Way of Life

Governor's Office of Planning & Research

May 31, 2017

JUN 01 2017

STATE CLEARINGHOUSE

SCH# 2016052041
GTS # 04-ALL-2017-00022
BAG055

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

Dear Mr. Noelting:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Plan Bay Area 2040 RTP/SCS. Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR) dated April 2017, followed by comments on the Plan Bay Area (PBA) 2040 Draft Plan. To reference our comments on the DEIR Notice of Preparation please refer to our June 15, 2016 comment letter. 63-2

DEIR

Executive Summary
Based on the MTC *Goods Movement Land Use Study*, we suggest to add the following bullet under the Areas of Controversy section (Page ES-10): "Shortages in industrial land result in outward dispersion of industrial activities and related employment." Reductions in industrial land may result in increased truck vehicle miles traveled (VMT), trip shifts, pressure for longer truck routes, additional trucks on the highways and local streets, increased emissions, wear and tear on the surface transportation system, higher overall transportation costs, and job displacement outside the Northern California Mega Region.

The passage of Senate Bill (SB) 1 and any resulting changes to the regional revenue estimate should be addressed in the Project Overview (ES-6).

Climate Change and Greenhouse Gases
Caltrans is concerned that implementation of PBA 2040 "could substantially conflict with the SB

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

32 goal of reducing Greenhouse Gas emissions to 40 percent below 1990 levels by 2030." (Impact 2.5-3). We urge MTC to explore all available mitigation strategies and look forward to continuing efforts with your agency and other regional stakeholders in the advancement of climate resiliency strategies and corridor planning efforts, especially in light of the new requirements outlined within SB 1 and the Congested Corridors Program (Mitigation Measure 2.1-3-3[a]).

Pedestrian and Bicycle Infrastructure
Plan Bay Area 2040 sets the target of increasing non-auto mode shares by 10 percent. Although PBA 2040 outlines how transit infrastructure and service will be improved, it lacks a strategy for increasing pedestrian and bicycle mode share. We encourage MTC to develop a comprehensive active transportation plan as a future action item; PBA 2040 should allocate funding for the development of a regionally connected active transportation network. Such a plan, led by MTC, can support network continuity across jurisdictional boundaries. The Regional Bicycle Plan for the San Francisco Bay Area was last updated by MTC in 2009. Caltrans District 4 is currently developing a bicycle plan for the Bay Area district, but this plan will be limited to the STN.

Sea Level Rise
Plan Bay Area 2040 could result in a net increase in transportation projects within areas vulnerable to sea level rise by midcentury. While we agree that more work is needed to identify vulnerabilities and risks to the transportation system, and look forward to continuing our partnerships with MTC and the Bay Conservation and Development Commission in developing those assessments, more needs to be done to mitigate against these impacts to ensure that any new transportation project, especially those with design lives of 50 to 75 years and longer, are resilient to increasing sea level rise and other climate change impacts (Impact 2.5-5).

63-2 cont

Highway Operations
The RTP/SCS should clarify that lead agencies should consult with Caltrans on whether a safety analysis is needed for specific local land use projects. Potential safety concerns are not exempt from analysis under the California Environmental Quality Act.

System Planning
With the enactment of SB 743 and to meet our Strategic Management Plan Targets, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development. In order to maximize efficiency in the transportation network, Caltrans supports efforts by the Association of Bay Area Governments (ABAG) and MTC focused on dense, walkable and transit-oriented neighborhoods rather than sprawl pattern development when addressing the region's housing needs. We look forward to continuing efforts with MTC and other regional stakeholders in the advancement of corridor planning efforts, especially in light of the new requirements outlined within SB 1 and the Congested Corridors Program (Mitigation Measure 2.1-3-3[a]).

Please note, the I-80 ICM is already operational, not "Planned" (Proposed Expansion to Transportation System Capacity, Page 2.1-22).

Please specify which agency operates each high-occupancy toll lane segment not planned to be operated by MTC (Proposed Expansion to Transportation System Capacity, Page 2.1-24).

Goods Movement

Please add State Routes (SR) 13 (ALA) and 84 (SM, ALA, SOL) to the listing of Major Limited-Access Highways in the Bay Area as both of these facilities feature significant limited-access segments (Table 2.1-1, Page 2.1-2).

I-580 does not terminate in Tracy. The route terminates closer to the San Joaquin/Stanislaus county line to the south in unincorporated San Joaquin County (Table 2.1-1 Major Limited-Access Highways in the Bay Area, Page 2.1-2).

SR 160 does not actually go through Solano County. It crosses from Contra Costa County into Sacramento County at the Antioch Bridge and continues northward on the Sacramento County side of the Sacramento River (Table 2.1-1 Major Limited-Access Highways in the Bay Area, Page 2.1-2).

The sentence, "These seaports are supported by freight railroad services operated by Union Pacific and Burlington Northern Santa Fe" should be revised to, *"These seaports are supported by Class I freight rail services and intermodal yards operated by the Union Pacific Railroad and the BNSF Railway."* This revision aligns with current corporation titles (Seaports and Airports, Page 2.1-6).

Similarly, Caltrans suggests rephrasing the sentence, "The regional goods movement infrastructure includes… major rail lines and terminals operated by Union Pacific and Burlington Northern Santa Fe Railway, and highways that carry high volumes of trucks (MTC 2016c)" to *"...major rail lines and terminals operated by Union Pacific Railroad and BNSF Railway, and trade corridors that carry high volumes of trucks (MTC 2016c)* (Page 2.1-6, Goods Movement). 63-2 cont

Minor edits

- Page 1.2-3, Regional Location and General Setting: South Bay, Santa Clara County: The 1,782,000 county population seems low given the 1.8 million figure from the 2014 US Census. Please verify population numbers for all cities and counties.
- Page 2.1-2, Table 2.1-1: *Major Limited Access Highways in the Bay Area.* Add SR 84 to the table.
- Page 2.1-6, Figure 2.1-3: *Bicycle Facilities*: The map seems to show the Posey Tube between Alameda and Oakland as a bicycle trail, but it is actually a pedestrian trail, and bicyclists may walk their bikes here. Please revise accordingly.
- Page 2.1-10, *Mode Share and Daily Trips*: Text states, "Napa County residents have the longest average one-way commute distance (18.2 miles)" yet Table 2.1-6 shows Solano commute distance as 20.2 miles; please resolve this discrepancy.
- Page 2.1-11 & 12: Table 2.1-7 shows 2015 Bike share at 4%, while Table 2.1-8 shows 2015 Bike Share of 2%; please resolve.
- Page 2.1-26, Table 2.1-15 *Typical Weekday Daily Person Trips:* Please verify the number of bicycle trips. The numbers and percentage seem low considering the increase in bicycling to work reported early in the document as well as various plans and efforts to promote bicycle travel at State, regional and local levels.
- Page 2.3-4: *"Of these approximately 2.3 million acres of agricultural land, over 70*

percent...are used for grazing. Field crops...represent approximately 62 percent of Bay Area agricultural land..." One of these figures appears to be wrong (grazing 70% + field crops 62% = 132%).

PBA 2040

General

Caltrans appreciates MTC's analysis of State Highway Needs in the *Draft Local Streets and Roads, Bridges, and State Highway Needs Assessment* supplemental report of the draft RTP and we look forward to collaborating with MTC to address these needs.

Caltrans recognizes that PBA 2040 is a limited and focused update, however an evaluation of the previous PBA approach and its contribution to the current housing crisis would help identify needed modifications in the current PBA 2040 to address housing needs (Page 25).

Please discuss the California Transportation Plan 2040 (CTP 2040), specifically how PBA 2040 is consistent with the CTP 2040's goals and policies, and how local, regional and State governments can work together to achieve state-wide performance targets (Page 26).

Please clarify what the two congestion pricing projects in San Francisco are that are mentioned on Page 49.

Aeronautics

Plan Bay Area 2040 does not mention anything about airport planning or airport access, despite the requirement in Government Code. Section 65081.1, where it states: "*Regions that contain a primary air carrier airport (defined by the Federal Aviation Administration as an airport having at least 10,000 annual scheduled passenger boardings) shall work collaboratively to include an airport ground access improvement program with the RTP. This program shall address airport access improvements projects, including major arterial and highway widening and extension project, with special consideration given to mass transit.*"

63-2 cont

Airports are missing from all maps in the document and the planned improvements on page 50. Are there any planned improvements around the region's airports? Could airport projects be identified as ground access improvements?

Plan Bay Area 2040 excludes any mention of airport land use compatibility considerations within the airport influence area, which is defined as a two-mile radius around an airport, or is designated by local land use agencies. Such planning is needed to protect both on- and off- airport uses, and is addressed in various sections of the Public Utilities, Government, Education, Public Resources, and Business, and Professions Codes.

While the action plan section mentions the region's vulnerability to natural disasters, the contribution airports provide to disaster recovery and regional resilience is omitted (Chapter 5, Page 70-77). ABAG's *2014 Cascading Failures Study* provided an in-depth look at the region's airport capabilities and vulnerabilities; please include mention of their value in this section. The

study is available online at: http://resilience.abag.ca.gov/projects/transportation_utilities_2014/.

The discussion on climate adaptation does not mention any of the regions six airports that are vulnerable to sea level rise (SLR). The airports are: San Francisco and Oakland International Airports, Rio Vista Municipal, Hayward Executive, Gnoss Field, and Moffett Federal Airfield, and should be referenced (Chapter 5, Page 78).

Travis Air Force Base is a major military installation for both incoming and outgoing troop and military cargo movements; the PBA 2040 does not include any mention or discussion of this important west coast military gateway. A brief mention of this Department of Defense installation, and its needs should be summarized.

RTP Checklist

Consultation/Cooperation
The *Public Engagement Report* should summarize the Port of Oakland, major airports, and the goods movement industry's (i.e., trucking and rail) involvement in the development of the draft RTP and also reference the *Freight Emissions Reduction Action Plan*.

Programming/Operations
The RTP Checklist refers to the *Investment Strategy Report* (Page 3) for a discussion of the federal Congestion Management Process required pursuant to Title 23 Code of Federal Regulations (CFR) Part 450.320. The report provides a brief description of the State's voluntary Congestion Management Program; however, the State's Congestion Management Program differs from the federal Congestion Management Process. Please clarify whether the federal requirement is satisfied.

Environmental
The RTP Checklist refers to the Environmental Impact Report (Pages ES-11 to 49) for a discussion of potential mitigation activities. As specified in Title 23 CFR Part 322(f)(7), the RTP shall include: "*A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities. . .The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.*" Please summarize potential mitigation activities to satisfy this federal requirement.

63-2 cont

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jean Finney, Deputy District Director, Transportation Planning and Local Assistance, at (510) 286-6196 or jean.finney@dot.ca.gov.

Sincerely,

BIJAN SARTIPI
District Director

c: State Clearinghouse
Mr. Art Dao, ACTC
Mr. Randell Iwasaki, CCTA
Ms. Dianne Steinhauser, TAM
Ms. Kate Miller, NCTPA
Ms. Tilly Chang, SFCTA
Ms. Sandy Wong, C/CAG
Ms. Nuria Fernandez, SCVTA
Mr. Daryl Halls, STA
Ms. Suzanne Smith, SCTA

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

Response 63	Scott Morgan, California State Clearinghouse June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

63-1 The commenter acknowledges that the Draft EIR was submitted to the State Clearinghouse, but states an incorrect date for the closure of the review period. The public review period for the Draft EIR ended on June 1, 2017, as indicated on the Notice of Availability for the Draft EIR.

63-2 The comment is a reproduction of Letter 34. Please see responses to comment letter 34 for the responses to the comments attached to this letter.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 64

June 1, 2017

Ellen Griffin, Principal, Public Participation
Metropolitan Transportation Commission (MTC)
375 Beale St., Suite 800
San Francisco, CA 94105

Leah Zippert, Communications Officer
Association of Bay Area Governments (ABAG)
375 Beale St., Suite 700
San Francisco, CA 94105

Dear Ms. Griffin and Ms. Zippert,

Thank you for the opportunity to review and provide comments on the Plan Bay Area 2040 Draft Plan ("the Plan"). Please extend our thanks to staff for all the effort expended to provide the supporting technical information and context for action. Without all the very hard work that went into this document and its public presentations, we and other members of the public would not have been able to comment as meaningfully or participate as fully in the policy process. You will find attached a copy of this letter.

350 Bay Area is a climate action organization that works to reduce greenhouse gas (GHG) emissions regionally and statewide, with the goal of conserving a stable and healthy future for the Bay Area's children and grandchildren. With this mission in mind, we offer the following high-level comments and suggestions toward reframing and strengthening the broad vision put forth in the Plan and ensuring that the Bay Area truly becomes a more sustainable region. These comments are based on MTC's May 18, 2017 presentation to the Bay Area Air Quality Management District's (BAAQMD's) Climate Protection Committee; MTC and ABAG's joint May 12, 2017 public hearing on the Plan in San Francisco; MTC and ABAG's joint open house and presentation in Mill Valley on May 20, 2017; and the documents available online at 2040.planbayarea.org. We were also in attendance at workshops on May 10, 2017 in Walnut Creek and May 17, 2017 in San Francisco.

I. MTC Must Participate Fully in Regional Climate Planning

Our primary concern is that the Plan must lead the region to do its part in reducing GHG emissions from the transportation sector sufficiently to keep warming below 2° Celsius, and it falls well short of doing so.

The Plan states that it will lower per-capita GHG emissions 15% by 2035 and will reduce mobile source GHG emissions 35% by 2040 (with the bulk of this 35% figure proposed to come from the California Air Resources Board's Clean Car Standards and similar legislation, and not from land use and transit decisions by MTC). The Plan does not indicate, however, where mobile source GHG emissions actually need to be by 2040 in order to meet established state climate targets. This requirement should be the basis of the Plan. The failure to frame the scale of the challenge with respect to GHGs, much less to solve it, is the primary shortcoming in MTC and ABAG's planning efforts. Without the correct long-range target in mind, it's impossible to plan your way there. 64-1

As it turns out, GHG emissions from the transportation sector will need to be 60% below 1990 levels by 2040 in order to be on target to meet the critical 2050 goal, as is clearly stated on page 2.5-43 of the Plan's Draft EIR. Needless to say, a 35% reduction from current levels, as the Plan proposes to achieve, falls staggeringly short of where the region needs to be to do its part. All future iterations of Plan Bay Area will fall similarly short of directing planning toward what the region actually needs to achieve until MTC adopts the state's 2050 GHG emission reduction targets (i.e., 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050) as agency policy, as BAAQMD did in 2013, and commits to developing a program to achieve them, in concert with BAAQMD's Clean Air Plan/Regional Climate Protection Strategy (CAP).

350 Bay Area P.O. Box 18762 Oakland, CA 94619

350 Bay Area comments on Plan Bay Area 2040 Draft Plan

BAAQMD's Board of Directors adopted a Climate Protection Resolution in 2013, which integrated state GHG targets directly into agency planning efforts and led to the adoption in April 2017 of a first-in-the-nation, multi-sectoral, metropolitan-scale plan to decarbonize industry and transportation and eliminate fossil fuel combustion. The transportation sector makes up approximately 40% of regional GHG emissions—the largest single component—and the CAP's 23 Transportation Control Measures, developed with the participation of MTC, will require MTC to act with the full measure of its power, responsibility, and authority, as BAAQMD cannot implement these measures alone. The region needs MTC to get serious about reducing GHGs.

MTC's Commissioners need to adopt state climate targets as agency policy, as BAAQMD did, in order to properly frame Plan Bay Area planning efforts going forward. An enabling resolution should be introduced and passed by the end of this calendar year. Integration of long-range GHG emission reduction mandates into MTC planning efforts will ensure the agency's robust participation as quickly as possible in the decarbonization and electrification of the transportation sector that is necessary in order for regional emission reduction to be successful. As the entity with primary authority over regional transportation emissions, it is MTC's responsibility to lead.

64-1 cont

For example, full electrification of Bay Area transit systems will be required to reach the carbon-free 2050 that's necessary to do our part to preserve a stable climate. The Plan's Investments going forward need to be focused on expanding, streamlining, and electrifying transit, in conjunction with the BAAQMD CAP's Control Strategy. Supporting electrification of public vehicle fleets should also be a priority.

The Plan's Draft EIR states, "There are no additional land use strategies available to feasibly bridge the gap between the proposed Plan GHG emissions and 2030 (and beyond) targets," and we understand that most GHG reductions from transportation will need to come from cleaner vehicles. Nonetheless, MTC should voice its strong support for the 80% reduction goal and pledge to do its utmost to ensure its achievement. MTC should be a leader in the state and the nation in pledging to make transportation carbon-free.

II. The EEJ Alternative Is the Right Direction for the Region

We were intrigued to see the Alternatives to the Proposed Plan, and we favor Alternative 4: EEJ. In addition to what is provided in the Proposed Plan, the EEJ Alternative "emphasizes investment in local bus operations in suburban high-opportunity areas to serve lower-income residents, and reduces funding for highway expansion and modernization." Compared to the Proposed Plan, the EEJ Alternative includes the expansion of transit service to "provide access to increasingly dispersed job centers," eliminates roadway expansion funding, increases roadway and transit maintenance funding, and pursues innovative GHG reduction strategies, using funding from a two-cent-per-mile VMT tax on higher-income travelers. These priorities are central to what is actually needed in a strategic transportation and housing plan for the whole Bay Area. Pigeonholing them into an "environment and equity" box and setting them aside does a disservice to the whole region, nearly all of which is impacted by congestion, inadequate public transit, and insufficient and astonishingly expensive housing.

64-2

In looking at the 13 Performance Targets used to judge the Plan Alternatives, your analysis shows that the EEJ Alternative performs equivalently to the Proposed Plan in six out of 13 of them (46%) and *better than the Proposed Plan* in four out of 13 (31%), underperforming the Proposed Plan on only three measures (23%). Two of the EEJ Alternative's three shortcomings compared with the Proposed Plan are relatively insignificant in scale, between 1-4% off the target. The one shortcoming worthy of note is on the ease of goods movement, where the EEJ Alternative did not provide benefits as significant, "due to increased congestion related to greater suburb-to-suburb commuting and elimination of all highway expansion projects." That being said, the Comparative Impact Analysis of Alternatives states for the EEJ Alternative that "the impacts associated with

goods movement would be less than significant because the thresholds for goods movement would not be exceeded."

All policy choices involve trade-offs. We believe the EEJ Alternative's focus on GHG reduction, affordability, and increasing mode share are the right path forward for the region to become a truly "Sustainable Community."

64-2 cont

III. The Proposed Plan Perpetuates and Worsens Unhealthy Transportation Patterns

The Plan's top-line numbers are incredibly grim. With all the great data that we have at our disposal, with all the unparalleled economic prosperity of our region, with all the best and brightest minds working on this planning exercise, housing and transportation costs for low-income households are nonetheless projected to rise from an already unlivable 54% of household income up to an unthinkable 67% of household income. This cannot be the best that our region can do. This cannot be our preferred Strategy to becoming a "Sustainable Community." If so, we are failing.

Part of the problem appears to be the way the Plan allocates housing units and jobs around the region, which simply locks in, or even *worsens*, the current unsustainable norm of people traveling to a distant location in the region and back every weekday—from Contra Costa or Sonoma to Marin, or from Marin or Alameda to San Francisco, or from San Francisco to San Mateo or Santa Clara, and so forth, as your Vital Signs dataset illustrates clearly—instead of working actively to rectify it. The Plan envisions further conversion of our vibrant cities into bedroom communities for commuters to distant jobs rather than the creation of complete, diverse, walkable communities. If, according to Vital Signs data, one-third of Bay Area residents currently work outside the county they live in, regional planning should be working to reduce that daily churn, which is responsible for GHG and air pollution emissions as well as strain on transportation and transit infrastructure. Unfortunately, the Plan may only exacerbate our transportation woes.

The Plan shows that just one unit of housing was built in the region for every eight jobs created from 2011-2015. This figure represents an inhumane and unwinnable game of "musical chairs" for housing, a grotesque failure to meet a basic human need. This reality puts our region into the world's newspapers as a poster child for stark displacement, income inequality, and unsustainable living. And Plan data shows that the situation in the Bayside Cities and Towns is truly egregious—just one housing unit was built for every *15 jobs* created during the same period. One much-decried consequence of this severe imbalance has been the extremely rapid cultural, economic, and demographic changes in San Francisco and Oakland, where the placement of corporate shuttles headed to jobs down the Peninsula is closely tied in city and stakeholder analyses to rent spikes and also to evictions, while congestion on thoroughfares connecting these cities to Silicon Valley jobs reaches epic proportions.

64-3

Yet despite sustained international attention to the metropolitan growth challenges that have savaged our cities and our region, the Plan proposes that the proportion of regional jobs in the Bayside Cities and Towns remain the same in 2040 that it was in 2010 (41%), while the proportion of regional housing in that subregion actually *declines*, from 40% to 38%. Increases in congested delay and average commute time in the region are heavily correlated with the current boom of the Silicon Valley tech industry. Therefore, if reducing vehicle-miles-traveled (VMT), time spent commuting, and strain on transportation and transit infrastructure are goals of regional planning, it is simply not defensible to place 46% of new households through 2040 in the Big 3 Cities and just 33% in the Bayside Cities and Towns while keeping the distribution of jobs the same. This will only *worsen* our already-infamous Big City-to-Bayside VMT, commute, and congestion problems.

Regional housing must be built where regional jobs are—it is fundamentally unsustainable to count on a few communities carrying such a disproportionate share of the region's housing and congestion burden, and it is

fundamentally unsustainable to shuttle an increasing number of millions of residents over increasing distances between home and work using a finite transportation and transit infrastructure. This is particularly the case given that only 10% of the Plan's Investments are dedicated to expanding roadway and transit networks: We will largely only have the infrastructure that we have now to handle an increasing population. Yet if we're planning for 45% of the 1.3 million new jobs added through 2040—a full 585,000 jobs—to be added outside of priority development areas (PDAs), it's not as though we are keeping those areas pristine and undeveloped. More housing and transit needs to be added near job centers to prevent needless and senseless driving to and from these jobs. If that means more such areas need to be designated as PDAs, MTC should aggressively pursue that change.

64-3 cont

The region needs a true strategic transportation plan that addresses both our currently overloaded transportation infrastructure as well as the expected 1.3 million new residents who will be here by 2040. The Proposed Plan's allocation of growth around the region does not amount to one.

IV. A "Transit First" Orientation and Other Innovative Transit Improvements Are Needed

The Plan foresees adding 1.3 million new jobs to the region through 2040—a 17% increase in population—yet only 10% of the Plan's Investments are dedicated to expanding transportation infrastructure, which is already at or beyond capacity in many cases. How is this feasibly going to happen, much less create a more "Sustainable Community"?

Certainly, as we add such a large number of new residents to the region through 2040, we need to be ensuring that as many trips as possible are getting people out of private cars and using alternative modes of transportation: foot, bicycle, or transit. We note that approximately 60% of the very limited infrastructure expansion budget is dedicated to transit. Given the emergent need to reduce emissions of GHG and fine particulate matter (PM) from the transportation sector, and the enormous economic benefits (through avoided health costs) which result from doing so, this allocation needs to be much higher. We support the elimination of roadway expansion funding entirely, with all funding for infrastructure expansion going to transit, as included in Alternative 4 to the Proposed Plan—Environment, Equity, and Jobs (EEJ). This balance of funding represents a reasonable commitment to a sustainable, transit-focused future.

64-4

In MTC's presentation of the Plan to BAAQMD, staff noted the difficulty of doing comprehensive and effective regional transit planning when the region has 27 separate transit agencies operating with their own prerogatives, purviews, and pay scales. We echo the comments of several members of BAAQMD's Board of Directors: There is a clear need for some level of integration of the Bay Area's transit agencies into a regional body or agency, which incorporates fair practices and livable wages for all transit employees. An action plan based around this integration should be an element of the region's strategic transportation plan. To the extent state legislation is needed to achieve this, any number of governmental and community stakeholders stand ready to join with you to achieve a sustainable vision for the Bay Area.

Additionally, one of BAAQMD's Directors noted that the very successful Portland, Oregon transit system is funded largely through a 0.73% employer tax, rather than the sales tax that is commonly used for funding in the Bay Area. Employers in the Bay Area are generating their capital thanks to the resources and connectivity of the region, and they should be contributing correspondingly to their surrounding community. The Plan should envision and propose an employer tax to fund Bay Area public transit needs and perhaps to support desperately needed investments in housing as well. This policy could be implemented through a nine-county ballot measure. Again, a plethora of stakeholders stands ready to support you in providing for a robust future for the region.

V. Conclusion

64-5

350 Bay Area comments on Plan Bay Area 2040 Draft Plan

We at 350 Bay Area look forward to working together with MTC and ABAG to achieve the region's critical climate and public health needs. To that end, we recommend:

1) Adopting the state GHG emission reduction targets of 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050 as your regulatory mandate.
2) Prioritizing the full electrification of transit networks and public vehicle fleets.
3) Moving forward with implementing the EEJ Alternative in lieu of the Proposed Plan.
4) Reallocating housing and jobs around the region to reduce, rather than worsen, extant geographical imbalances that engender private vehicle use, congestion, air pollution, and climate disruption.
5) Devoting all infrastructure expansion funds to transit.
6) Integrating the region's transit agencies into an effective, streamlined regional body.
7) Proposing an employer tax to provide increased funding for transit and housing improvements around the region.

64-5 cont

Together, we must ensure a stable and healthy future for Bay Area residents.

Sincere regards, on behalf of 22,000 members of 350 Bay Area,

Jed Holtzman
Senior Policy Analyst

Response 64	Jed Holtzman, 350 Bay Area June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

64-1 The commenter states several of the goals associated with greenhouse gas (GHG) emissions in the Bay Area. The commenter expresses concern regarding MTC/ABAG's overall policies to target the State's 2050 goal of reducing emissions by 80 percent below 1990 levels by 2050. The commenter does not address the adequacy or accuracy of the analysis of GHG emissions in the Draft EIR. The commenter notes that the 35 percent reduction in transportation GHG emissions by 2040, shown in Draft EIR Table 2.5-11, do not meet the GHG reduction targets shown in Draft EIR Table 2.5-12. This is consistent with the findings in the Draft EIR (see Impact 2.5-3), except that, apart from regional per capita GHG emissions reduction goals under SB 375, the California Air Resources Board (ARB) has not identified the reduction targets that should be achieved specifically by the transportation sector to meet 2050 targets. Also, the 2040 target shown in Draft EIR Table 2.5-12 is based on an interpolated target between 2030 and 2050 targets established by SB 32 and B-30-15, respectively. Meeting the 2040 target would indicate a trajectory toward meeting the 2050 target, but it is not specifically required. Nevertheless, the intent of Draft EIR Mitigation Measures 2.5-3 is to further reduce emissions in the region to meet the long-term goals in 2030 and 2050. No changes to the GHG analysis are necessary.

Note that attaining SB 375 targets, as established by ARB, is a key piece in the overall puzzle of actions needed to attain SB 32 goals; the State does not assume the land use and transportation planning sector, the focus of SB 375 and the proposed Plan, will be able to meet the 40 percent below 1990 GHG emissions targets by 2030. Rather, a number of actions are being considered by the State. Please see Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of this issue.

64-2 The commenter expresses support for the EEJ Alternative. The commenter provides opinions and does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

64-3 The commenter expresses concerns related to the proposed Plan's forecasted development pattern and transportation investment strategy. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. Please see Master Response 1, Population and Employment Forecast, for a discussion of these issue.

The commenter states that the distribution of employment and housing under the proposed Plan would adversely affect vehicle miles traveled (VMT), commute, and congestion problems. Impacts related to traffic are addressed in Draft EIR Section 2.1, "Transportation." Per-trip commute travel time is addressed under Draft EIR Impacts 2.1-1 and 2.1-2; and per-capita vehicle miles traveled (VMT) is addressed under Draft EIR Impacts 2.1-3 and 2.1-4. As discussed in Draft EIR pages 2.1-26 through 2.1-34, impacts associated with per-trip commute travel time (Draft EIR Impacts 2.1-1 and 2.1-2) and increase in per capita VMT compared to existing conditions (Draft EIR Impact 2.1-4) would be less than significant. There would be potentially significant impacts to the increase in per capita VMT on facilities already experiencing level of service (LOS) F (Draft EIR Impact 2.1-3). These impacts would be reduced to a less-than-significant level; however, MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures (Draft EIR Mitigation Measures 2.1-3-3(a) and 2.1-

3-3(b)) and thus, this impact would be significant and unavoidable (see Draft EIR discussion in the third paragraph on page 2.1-33).

The discussion and conclusions presented under Draft EIR Impacts 2.1-1, 2.1-2, and 2.1-4 generally indicate that traffic conditions would not be worsened by the project. While VMT would be increased where the existing conditions are already experiencing LOS F, mitigation measures are available to reduce these impacts. The commenter does not address the accuracy of the analysis of transportation impacts in the Draft EIR. No changes to the document are required.

64-4 The commenter questions the proposed Plan's ability to create a sustainable community given the large increase in population and employment and small amount of funds dedicated to expanding transportation infrastructure. Sustainable, in this context refers to the Sustainable Communities Strategy (SCS) required by SB 375. The region's SCS is an official requirement of the region's RTP, and is described in Draft EIR Section 1.2, "Project Description." The region's SCS must house the region's forecasted population and do so in a way that when combined with transportation investments and strategies reduces per capita GHG emissions. Draft EIR Section 2.5, "Climate Change and Greenhouse Gas Emissions" discloses that the proposed Plan's forecasted growth pattern and supportive transportation investment strategy fully meets its SB 375 mandate. To support the proposed Plan's focused growth strategy, the transportation investment strategy directs $194 billion (64 percent) of the forecasted $303 billion towards public transit; including $173 billion towards operating, maintaining, and modernizing existing transit services and infrastructure, and $21 billion towards expanding and extending new services and infrastructure. In addition, the proposed Plan's transportation investment strategy dedicates $5 billion towards active transportation. The commenter provides opinions and recommendations related to the proposed Plan and does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

64-5 The commenter provides a series of recommendations for the proposed Plan. Item 1 pertains to GHG emissions reduction targets. See Master Response 4, SB 375 and Greenhouse Gas Emissions Analysis, for a discussion of the targets included in Senate Bill 32 and the process of the California Air Resources Board to update the Scoping Plan to reflect passage of SB 32. Items 2 and 4 through 7 pertain to recommendations for the proposed Plan and do not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. Please see Master Response 7, MTC/ABAG Role and Responsibility, for a discussion of MTC/ABAG's authority to influence land use decisions, fund specific transportation projects, and condition transportation funding. The commenter also recommends moving forward with the EEJ Alternative under Item 3. The commenter's recommendation is noted.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 65

From: Denise Louie
Sent: Thursday, June 1, 2017 2:14 PM
To: info@PlanBayArea.org
Subject: Plan Bay Area 2040 Comments

Dear Plan Bay Area 2040 Ladies and Gentlemen:

Plan Bay Area 2040 (the Plan) focuses on accommodating continued growth, leaving the environment as a challenge to overcome. In my view, this is unacceptable. Protecting our environment should be the focus. 65-1

California was an extraordinary gift of nature. However, since the 1800s, in just 200 years, our population numbers, our activities for daily life and economic gain and now climate disruption have destroyed over 95% of our native redwood forests, 95% of our native grasslands, and so on. California is one of 36 internationally recognized biodiversity hotspots. We are blessed with an abundance of native plant species and wildlife that co-evolved with them; yet, many species are at risk of extinction due to human activities. 65-2

The most obvious thing you can do is to stand up and say we must manage our population numbers and many of our activities. I hear our State needs 1.8 million more housing units by 2025. You can explain to decision makers that we have already exceeded earth's carrying capacity in California; we are degrading our environment with our population numbers and our lifestyles. Overpopulation is the underlying cause of many of the big issues in our State. I urge you as individuals and as a group to support the State Water Board's water plan and urge them to promise us 60% unimpaired flow from the Tuolumne River to the Bay. Because scientists have warned us that anything less than 60% risks species extinctions and ecosystem collapse along and around these waterways. For example, in a recent report from California Trout and UC Davis*, it is clear that salmon and trout species are in trouble; they need clean, cool water to survive as species. The report cites population growth and global warming as two of the major factors threatening our fish. The SF Bay and Delta is a Wetland of International Significance; this fact is worth a thousand words.

The next most obvious thing you can do is to stop urban sprawl right away. If you have visited the Diablo range, for example, you might know that undeveloped areas are havens for native plant communities. Grasslands are my favorite, because this is the habitat where wildflowers grow. 65-3

The List of California Terrestrial Communities and CNDDB are mentioned at the top of the Plan, p. 2.9-22. It would be most informative to include a map of these Special Status natural communities in the Plan. 65-4

The California Native Plant Society (CNPS) has identified over 6300 species of plants native to California, and over 1/3, or over 2100, species occur in the wild nowhere else. In San Francisco County alone, CNPS has identified 402 CEQA taxa.** Of the CEQA taxa, 188, or 47%, are already extirpated; this means 214 taxa should all be included in the Plan. In the East Bay, 816, or 63%, of the 1303 native taxa are considered CEQA-worthy. While watch lists for the two areas include 111 taxa that are not "significant" pursuant to CEQA, these taxa are, indeed, worthy of special attention and Special Status.*** These are examples of the kinds of species the Plan should incorporate, particularly in view of the fact that plant species are facing increasingly difficult challenges.

At ebcnps.org, I gained access to the East Bay Chapter's database of rare, unusual and significant East Bay native plant species. I counted 61 plant species (6% of the 1014 total) that can no longer be found and are now presumed extirpated. Colleagues and I have watched species go extinct due to human activities.

According to a CNPS conservationist, native plants worthy of Special Status include: 65-5

1. All FESA / CESA listed plants
2. All CRPR 1B and 2 plants
3. All CRPR 4 plants that show local or regional significance
4. All rare plant alliances identified by CDFW's Vegetation Maps

Additions should be made to the few Special Status species mentioned in the Plan to include all of the above 1-4. In my own opinion, the Plan should require each county to work with local groups when it comes to identifying and protecting Special Status plant species and Special Status natural plant communities, especially for land development.

65-5 cont

The Plan should include all species listed at USFWS's Information for Planning and Consultation; see https://ecos.fws.gov/ipac/. For example, Marin's endangered Short-tailed Albatross and Myrtle's Silverspot Butterfly are omitted from but belong in the Plan. USFWS also has lists of threatened species and critical habitats; please ensure these are included in the Plan; e.g., add Marin's threatened Yellow-billed Cuckoo and Southern Sea Otter. These examples demonstrate the need for the Plan to address complete USFWS information on all 9 Bay Areas counties.

65-6

Regarding urban sprawl and water use, on my first, recent visit to the Diablo range beyond Mt. Diablo, I was appalled by the lush green lawns of Clayton. The Plan should encourage such enclaves to outlaw lawns or publicly highlight the profligate use of water and toxic synthetic chemicals. These properties have already supplanted precious habitat of native, wild, sensitive species.

Regarding use of pesticides, San Francisco's Department of the Environment has eliminated the most toxic pesticides from its list of acceptable chemicals. And our Recreation and Park Department has reduced its use of pesticides to a minimal amount. Meanwhile, ordinary citizens can buy and use any commercially available pesticide. A few weeks ago, a longtime biologist from SF State University told an audience that compared to historical records, the City is missing 4 or 5 (I can't remember which) native bumblebee species. Whatever harm pesticides are perpetrating on honey bees, they are also perpetrating on our native pollinators. The Plan should encourage local governments to ban, minimize or control the sale, purchase, use and or collection of pesticides, including at a minimum neonicotinoids and chlorpyrifos.

As a member of CNPS, I urge you to consider habitat restoration as a top priority. CNPS, with its 35 chapters, and other community groups have volunteers doing habitat restoration in conjunction with private or public landowners. And habitat restoration really does work. Visit sites in the Presidio of San Francisco to see the return of wildlife at restored sites. In our Sunset District, Nature in the City succeeded in connecting previously isolated communities of the Green Hairstreak Butterfly by enlisting neighbors, public agencies, schoolchildren and volunteers to plant native nectar and host plants for the rare and endangered butterfly. The Plan should encourage the entire Bay Area to be invested in habitat restoration.

65-7

Hong Kong is one of my favorite models. Millions of people live on a very small footprint. The government has built transportation infrastructure to get people where they need to go in an efficient manner. Beyond the high rises are green, open spaces. We would do well to consider saving our open spaces for local native plants. In the Bay Area, we are lucky to have green spaces as well as CNPS chapters with expertise and local native plants for sale. The Plan should connect government agencies, schools, developers and citizens with the Yerba Buena Chapter (SF), the Marin Chapter, the Willis Linn Jepson Chapter (Solano County), the Milo Baker Chapter (Sonoma County), the East Bay Chapter and the Santa Clara Valley Chapter. Government agencies should be propagating and planting local native plants, as does the SF Recreation and Park Department. Schools should be training future gardeners and landscapers to use local native plants and to avoid invasive plants; for example, the City College of SF (CCSF) Sustainability Plan says we shall remove and avoid invasive plants, and we shall plant native plants. On the other hand, a landscaper planted invasive non-native plants in my San Francisco neighbor's garden two years ago, because that's what he had been taught decades ago. Government agencies and schools would do well to adopt policies like CCSF's; the Plan should encourage them.

The Plan should encourage individuals and private and public entities to use plants that are native to their location, especially for locations near open spaces. For example, the Golden Gate National Parks Conservancy returns propagated plants to the same side of the same hill in the Golden Gate National Recreation Area. When Cal Trans introduced a certain native plant from Southern California to the central coast some years ago, a local native plant was outcompeted and extirpated. Volunteers were able to remove the non-local plant and to reintroduce the local native. Also, Monterey pine and cypress are native to Monterey, but are considered invasive in San Francisco. Moreover, local natives have a

2

local pedigree or heritage. Introducing non-local plants that can cross-pollinate with local plants will muddy unique local gene pools that evolved over millennia. CNPS chapters propagate and sell local native plants. Big-box and hardware stores and commercial nurseries sell "native plants" whose pedigree is almost certainly not local.

Saving open spaces includes saving faraway desert habitat from solar installations. The Plan should encourage communities to require or subsidize rooftop solar.

65-7 cont

Education should be part of the Plan. Include schools, posters at BART stations, exhibits at each terminal of our airports, and tabling at community events. Teach residents and visitors that California is a biodiversity hotspot and that each individual can mitigate negative impacts and improve positive impacts of his or her life. Because ALL SPECIES LIVES MATTER.

Now I'll change hats. I don't want to dilute my environmental message. But I'm a taxpayer and resident, too. In Environmental Geology class, I learned that population growth includes more people living in hazardous areas. It just seems ridiculous that even though we know this, more and more people have come to live on or near major earthquake fault lines and along our coast and shorelines. San Francisco has retrofitted public and private masonry and public soft-story buildings. Private soft-story buildings are currently being retrofitted. If this is not happening in other Bay Area counties, it should be part of the Plan. I urge you to stop further population growth and construction on or near major earthquake fault lines. Where possible, return the land to farming or grassland.

65-8

Regarding sea level rise, it seems ridiculous to me that we build according to predictions of sea level rise out to 2040 or the end of the century. I seriously doubt sea level will stop rising at 2040 or 2100. The Plan should prohibit building more structures that may likely become flood problems for future generations or for the environment. In short, I urge you to stop further population growth and construction in areas subject to flooding due to high sea level rise.

65-9

Thank you for your outreach. I hope you'll take my comments to heart. Eyes around the world are watching what we do here. Even Pope Francis reminds us to take care of our environment. And Saint Francis, for whom the City and Bay Area are named, is our patron saint of the environment.

Sincerely,
Denise Louie
native San Franciscan
member, California Native Plant Society
member, City College of San Francisco Sustainability Committee

* http://caltrout.org/sos/download-sos-ii/

** Follow links via http://www.cnps-yerbabuena.org/experience/index.html
Or take a short cut to https://www.wood-biological.com/san-francisco-plant-checklist/locally-significant-plants-of-sf/

*** For more information, contact Mike Wood at mike@wood-biological.com

Response 65	Denise Louie June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

65-1 The commenter states that the proposed Plan focuses on accommodating continued growth, but should instead focus on protecting the environment. The primary objectives of the proposed Plan are related to Senate Bill (SB) 375 mandates related to reducing greenhouse gas (GHG) emissions and to accommodate projected population growth (see Draft EIR pages 1.2-15 – 1.2-16). The Draft EIR addresses the environmental impacts associated with the proposed Plan and provides mitigation measures to reduce potentially significant effects. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

65-2 The commenter provides general information related to changes to California's environment that have occurred since the 1800s. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

65-3 The commenter describes adverse effects related to urban sprawl, such as the potential for development to affect native plant communities, water resources, and salmon and trout. The core strategy of the proposed Plan is to focus growth in existing communities along the existing transportation network (Draft EIR page 1.2-19). The proposed Plan will not, in itself, create household or job growth. The regional forecast projects overall changes in economic activity, population growth and composition for the region as a whole, as well as household growth and composition. This projected level of growth is reasonably expected to occur in absence of the proposed Plan and can generally be accommodated in the existing general plans of the nine counties and 101 cities of the Bay Area. As required under state law, and pursuant to the role of a regional planning body, the proposed Plan provides a regional blueprint or strategy to better accommodate the region's projected growth in an equitable and efficient manner and in partnership with local governments who still retain local land use control, through coordinated land use and transportation policies, projects, and pubic investments. As stated on Draft EIR page 3.2-7, "…this growth is projected to occur under any alternative" and concludes that "…rather than fostering population growth and the construction of housing, the plan accommodates and manages that growth." The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. However, with respect to water resources and the Delta, please see Master Response 3: Water Supply and Drought as well as response to comment 18-4.

65-4 The commenter requests that the Draft EIR include a map of the special-status natural communities identified by the California Department of Fish and Wildlife (CDFW) and the California Natural Diversity Database (CNDDB). Although the types of natural communities identified by the CDFW and the CNDDB as special-status are valid and analyzed as such for CEQA purposes, the geographic mapping of these communities statewide in the CNDDB has not been consistently updated or maintained, and is of limited value for analysis at the large geographic scale of the Plan area. The Draft EIR includes exhibits showing the occurrences of special-status species throughout the Bay Area region as documented by the CNDDB (see Draft EIR Figures 2.9-1 through 2.9-4) and exhibits of the locations of critical habitat units (see Draft EIR Figures 2.9-5 through 2.9-8). The presence of sensitive communities that may be affected would be verified and mapped, based on site-specific assessments, during subsequent project-level review of future projects.

65-5 The commenter provides an overview of native plant species that are present in the Bay Area. Draft EIR Section 2.9, "Biological Resources," contains an overview of the existing conditions in the Bay Area, including the types of special-status plants that may occur within natural communities. Draft EIR Impacts 2.9-1a and 2.9-1b addresses potential impacts on special-status species. Mitigation measures are included that would reduce these impacts to a less-than-significant level, including surveys of individual project sites to determine the local distribution of sensitive species (see first bullet under Draft EIR Mitigation Measure 2.9-1(a)). Please see Master Response 5, Programmatic EIR, for a discussion of the programmatic nature of this EIR.

65-6 The commenter expresses the opinion that the proposed Plan should include all federally-listed species and designated critical habitats listed in the U.S. Fish and Wildlife Service's Information, Planning, and Conservation System (IPaC) for the nine Bay Area counties, including southern sea otter, yellow-billed cuckoo, short-tailed albatross, and Myrtle's silverspot butterfly. With the exception of short-tailed albatross, these species are included in Table K-1, "Special-Status Species Evaluated for Plan Bay Area 2040," in Appendix K, "Biological Resources Data Tables." In response to this comment and based on a current review of IPaC data for the nine Bay Area Counties, Table K-1 of the Draft EIR is revised to include short-tailed albatross and other species. Species added to Table K-1 are listed below.

- Behren's silverspot butterfly,
- Conservancy fairy shrimp,
- longhorn fairy shrimp,
- Delta green ground beetle,
- giant gartersnake,
- leatherback sea turtle,
- blunt-nosed leopard lizard,
- short-tailed albatross,
- marbled murrelet,
- least Bell's vireo,
- California condor, and
- Point Arena mountain beaver.

The text of the Draft EIR will be revised to reflect the preceding clarification (please also see Section 3.0, "Revisions to the Draft EIR," of this Final EIR). The following text has been added to Table K-1 in Appendix K of the Draft EIR (new text is <u>underlined</u>):

Table K-1 Special-Status Species Evaluated for Plan Bay Area 2040

Common Name	*Scientific Name*	Status				Habitat Associations
		FESA	CESA	CRPR	Other	
Invertebrates						
Behren's silverspot butterfly	*Speyeria zerene behrensii*	E	—	—	—	Coastal prairie. Restricted to the Pacific side of the Coast Ranges, from Point Arena to Cape Mendocino, Mendocino County. Inhabits coastal terrace prairie habitat. Foodplant is Viola sp.
Conservancy fairy shrimp	*Branchinecta conservatio*	E	—	—	—	Valley and foothill grassland, vernal pool, wetland. Endemic to the grasslands of the northern two-thirds of the Central Valley; found in large, turbid pools. Inhabit astatic pools located in swales formed by old, braided alluvium; filled by winter/spring rains, last until June.
Longhorn fairy shrimp	*Branchinecta longiantenna*	E	—	—	—	Valley and foothill grassland, vernal pool, wetland. Endemic to the eastern margin of the Central Coast mountains in seasonally astatic grassland vernal pools. Inhabit small, clear-water depressions in sandstone and clear-to-turbid clay/grass-bottomed pools in shallow swales.
Delta green ground beetle	*Elaphrus viridis*	T	—	—	—	Vernal pool, wetland. Restricted to the margins of vernal pools in the grassland area between Jepson Prairie and Travis Air Force Base. Prefers the sandy mud substrate where it slopes gently into the water, with low-growing vegetation, 25-100 percent cover.
Amphibians and Reptiles						
Giant gartersnake	*Thamnophis gigas*	T	T	—	—	Marsh and swamp, riparian scrub, wetland. Prefers freshwater marsh and low gradient streams. Has adapted to drainage canals and irrigation ditches. This is the most aquatic of the garter snakes in California.
Leatherback sea turtle	*Dermochelys coriacea*	E	—	—	—	Pelagic, living in the open ocean and occasionally entering the shallower water of bays and estuaries.
Blunt-nosed leopard lizard	*Gambelia sila*	E	E	—	FP	Chenopod scrub. Resident of sparsely vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows, under shrubs or structures such as fence posts; they do not excavate their own burrows.
Birds						
Short-tailed albatross	*Phoebastria albatrus*	E	—	—	SSC	Requires remote islands for breeding habitat. Known to breed on only two remote islands in the western Pacific Ocean. Species forages at sea over large areas.
Marbled murrelet	*Brachyramphus marmoratus*	T	E	—	—	Lower montane coniferous forest, old growth, redwood. Feeds near-shore; nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz. Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas-fir.
Least Bell's vireo	*Vireo bellii pusillus*	E	E	—	—	Riparian forest, riparian scrub, riparian woodland. Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.
California condor	*Gymnogyps californianus*	E	E	—	FP	Chaparral, valley and foothill grassland. Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. Forages up to 100 miles from roost/nest.

Table K-1 Special-Status Species Evaluated for Plan Bay Area 2040

Common Name	*Scientific Name*	Status				Habitat Associations
		FESA	CESA	CRPR	Other	
Mammals						
Point Arena mountain beaver	*Aplodontia rufa nigra*	E	—	—	SSC	Coastal scrub, meadow and seep. Coastal areas of Point Arena with springs or seepages. North-facing slopes of ridges and gullies with friable soils and thickets of undergrowth.

Status:

Federal Endangered Species Act (FESA):
C = Candidate
E = Endangered
T = Threatened

California Endangered Species Act (CESA):
CE = Candidate Endangered
D = Delisted
E – Endangered
R = Rare
T = Threatened

California Rare Plant Rank (CRPR) category descriptions:
1A = Plants presumed extinct in California and rare/extinct elsewhere
1B = Plants considered rare or endangered in California and elsewhere
2A = Plants presumed extirpated in California, but more common elsewhere
2B = Plants considered rare or endangered in California, but more common elsewhere.
3 = Plants about which more information is needed (a review list); and
4 = Plants of limited distribution (a watch list).

CRPR Threat Ranks:
.1 Seriously threatened in California (>80% of occurrences threatened and/or high degree and immediacy of threat)
.2 Moderately threatened in California (20 to 80% of occurrences threatened/moderate degree and immediacy of threat)
.3 Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

Other:

CDFW WL = California Department of Fish and Wildlife Watch List

FP = California Department of Wildlife Fully Protected

SSC = California Department of Fish and Wildlife Species of Special Concern

Source: CNDDB 2017

This revision does not alter the conclusions of the Draft EIR with respect to the significance of the proposed Plan on biological resources.

Regarding critical habitat, Tables K-4 and K-5 in Appendix K summarize the type (species) and amount of critical habitat that intersects growth footprints and transportation projects in the proposed Plan; and, Draft EIR Figures 2.9-5 through 2.9-8 display the locations of critical habitat units throughout the Bay Area. GIS data of mapped critical habitat were obtained from USFWS and used in the Draft EIR.

65-7 The commenter provides a series of recommendations for the proposed Plan, including lawn maintenance in Clayton, recommendations regarding the use of pesticides, prioritization of habitat restoration, open space conservation, native plant landscaping, and public education campaigns. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

65-8 The commenter expresses concern regarding development near major earthquake fault lines. Risks related to proximity to fault lines is discussed under Draft EIR Impacts 2.7-1 and 2.7-2. As discussed under these impacts, regulatory requirements specify mandatory actions that must occur during project development to address risks associated with earthquakes. The primary objectives of the Plan are related to Senate Bill 375 mandates related to carbon dioxide emission reductions and projection population growth accommodation. The proposed Plan would does not drive increased population growth (see Draft EIR pages 1.2-15 – 1.2-16). The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided. However, it should be noted that the Plan, by promoting compact development prioritizes development in and near urban cores, also prioritizes the maintenance of open space areas. See the discussion of priority development areas and priority conservation areas on page 1.2-18 of the Draft EIR.

65-9 The commenter expresses concerns related to development in areas that may become inundated due to sea level rise. This issue is addressed in Draft EIR Impacts 2.5-5 and 2.5-6. As discussed, there is potential that development associated with the proposed Plan could occur within areas regularly inundated by sea level rise. See response to comment 54-2 regarding sea level rise. As explained in response to comment 54-2, a project alternative that avoids or minimizes risk from sea level rise is not required because mitigation measures included in the Draft EIR would reduce sea level rise impacts to a less-than-significant level. Please also note the proposed Plan will be updated again in four years (see Draft EIR section 1.2, “Project Description”). The commenter provides opinions and/or recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments in their overall consideration of the proposed Plan.

LIVERMORE
CALIFORNIA

Letter 66

June 1, 2017

Ken Kirkey, MTC
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 Draft Plan Bay Area 2040 and associated Draft Environmental Impact Report (EIR). The City of Livermore submitted comments letters in September 2015 (along with other Tri-Valley Mayors), June 2016, and October 2016. The following comments build upon these previous letters.

Overall Support

The City supports the vision of Plan Bay Area to focus growth in areas served by regional transit and existing infrastructure to protect open space, reduce emissions, maintain quality of life, and support social equity. We are pleased to see that the Draft Plan retains the Priority Development Area (PDA) framework established in the original Plan Bay Area. PDAs are useful tools as they provide predictability, are voluntarily designated, and align with local planning efforts, increasing the chances of achieving the regional vision.

We are also appreciative of MTC staff for addressing our concerns with the growth forecasts for Livermore. As noted in our October 2016 letter, it is important for the forecast to reflect approved projects and those nearing approval (as of 2016), the Regional Housing Needs Allocation for Livermore, and adopted land use plans for PDA areas – at a minimum.

The City supports the Draft Plan's focus on housing production within the Bay Area as a critical component of the strategy to reduce greenhouse gas emissions while improving quality of life and economic vitality. While we support the overall vision and strategy of Plan Bay Area, regional stakeholders must not lose sight of actual growth patterns. Livermore is concerned that the strong emphasis on housing production within the Bay Area and "fix it first" strategies downplay the role of interregional dynamics and transit expansions in addressing regional challenges and global climate change.

66-1

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Draft Plan

The Draft Plan makes some acknowledgement of the interregional dynamics and trade-offs associated with a "fix it first" emphasis. For example:

- "Barring action by policymakers, "in-commuting" by individuals — those who commute into the region from surrounding areas but might otherwise live closer to their jobs if they were able to find housing to suit their needs — could increase by as many as 53,000." (page 33)
- Housing affordability challenges in the Bay Area are driving many people to move east to the San Joaquin Valley and Sacramento metro area every year. Goods movement hubs have also increasingly chosen to locate farther east, taking advantage of lower land prices and wages while remaining close to the residents, businesses, and trade infrastructure of the Bay Area. "These two trends — combined with limited transportation capacity — have resulted in growing congestion, especially at the Interstate 580 Altamont Pass gateway in eastern Alameda County… neighboring counties are taking on housing and commercial development unable to occur in the highly regulated, high-cost Bay Area development market… Plan Bay Area 2040 plans for enough housing to accommodate not only the initial forecast of households but also the additional increment of projected in-commuters. At the same time, MTC is working collaboratively with the Sacramento and San Joaquin regions to improve transportation connectivity and boost the competitiveness of the 'megaregional' economy." (Page 14, "Beyond the Bay Area") 66-2
- "Plan Bay Area 2040's "fix it first" emphasis means that only 10 percent of the plan's investments are directed toward expanding capacity-constrained freeways and transit lines. This resulted in limited performance improvements for travel mode shift and public health." (page 64)

The Plan also falls short of the performance target with respect to increasing access to jobs, which is also related to the minimal attention towards transit expansions. The City appreciates these acknowledgements in the Draft Plan and suggests additional detail to elaborate on these challenges and trends, as follows.

Realities of Intra-Regional Growth and Megaregional Dynamics

The Draft Plan calls for 46 percent of the region's household growth and 44 percent of its job growth to occur in the three big cities of San Francisco, San Jose, and Oakland. This much growth in the Big Cities may be unrealistic and result in insufficient attention to where growth is actually occurring. In addition, the Plan forecasts a similar rate of growth between the Inland/Coastal/Delta and the Bayside subregions (26 and 23 percent respectively). The three Tri-Valley cities in Alameda County are expected to grow at a faster rate more comparable to the Big Cities (40 percent), adding a total of 27,600 households from 2010 to 2040. 66-3

If historic trends continue, however, the Inland/Coastal/Delta subregion will grow at faster rates than forecasted (due to the availability of relatively cheaper land for housing

development). This pattern is apparent on Map 1.2 of the Draft Plan. The Draft Plan should emphasize that the growth projections are somewhat aspirational and contingent upon voluntary/discretionary measures implemented by all cities such as rezoning for higher densities in PDAs and capping office space in job-rich places (page 41). In most cases, the projected levels of housing run counter to actual trends as housing construction has lagged behind job growth and fallen short of RHNA targets throughout the Bay Area (page 7-11).

Regardless of the growth scenario, the Draft Plan's distribution of major public transit investments favors the Bayside region, with a much smaller share to the Inland/Coastal/Delta. For example, the population of the Tri-Valley is already more than half the size of the city of Oakland and larger than the city of Fremont, but currently lacks a commensurate level of transit access, service, and connectivity. Projected growth further increases the demand for transit and other transportation infrastructure.

While Plan Bay Area 2040 must plan to meet the housing demand and assume that regional in-commuting will not increase, it is nevertheless vital to address the worsening reality of the regional in-commute, especially from the San Joaquin Valley, and the externalities these in-commuters create. As long as trends continue and Bay Area workers seek more affordable housing options in adjacent regions, in-commuting will increase. The other half of the solution must be increasing transit connectivity.

66-3 cont

EIR Assumptions

As previously commented, the transportation and land use model driving Plan Bay Area needs to reflect market realities and local land use plans - as well as the regional vision. Relying on the visionary scenario entirely makes it difficult to rely on the land use assumptions, transportation model, and EIR overall 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.

66-4

Long-term Transit Investments and Innovation

The City supports the Plan's dedication of funding for transit operations and would also support additional resources for innovative transit solutions at the *local* level, particularly for providing connections to/from rail stations. In the Tri-Valley context, additional local bus service will not meet the existing and growing demand for *regional* job access to and from the Tri-Valley. LAVTA's recent streamlining of the bus connections to the existing BART stations have helped increase ridership, but these improvements only directly serve a small share of the population along rapid lines. For everyone else, an additional travel mode and transfer makes taking the bus to BART an unviable option. Expanding the regional rail system and increasing interregional rail connectivity will have the largest beneficial effect by far.

66-5

Interregional Coordination

66-6

A major step towards the goal for interregional rail connectivity would be a direct link between BART and ACE in Livermore, as envisioned under the *2007 Regional Rail Plan*. The Altamont Regional Rail Working Group, which includes Livermore, is working across regional lines to advance the vision for an interregional rail connection. This effort demonstrates the collaboration and innovation necessary to reach common goals. The Working Group looks forward to reaching consensus with MTC, ABAG, and other stakeholders to develop a cost-effective solution and take concerted actions as quickly as possible.

66-6 cont

Livermore's Efforts

In addition to these efforts, Livermore is demonstrating its commitment to this strategy by planning for over 4,000 new housing units around the planned BART station at Isabel Avenue. In 2016, 64 percent of new housing units built in Livermore were townhome and condominium units at the moderate income level (based on density). These units offer a relatively affordable option for people to live within the Bay Area, which is important for meeting regional housing goals.

66-7

While increasing the housing supply in the Bay Area is a critical component of the long-term vision, catching up to the job supply will take decades. In the face of urgent transportation constraints, it is essential to increase viable transit options that connect people to jobs.

Conclusion

Plan Bay Area understandably has a focus on "fix it first," but we must not overlook the immense need to plan for and invest in transit connectivity at the regional and interregional levels. This is essential with respect to sustainable long-term development, greenhouse gas reduction goals, and megaregional goods movement. Ongoing planning efforts and the next update to Plan Bay Area must fully acknowledge the need for long-term transit investments.

66-8

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

Sincerely,

Marc Roberts
City Manager

Response 66	Marc Roberts, City of Livermore June 1, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

66-1 The commenter expresses support for the proposed Plan and the retention of the priority development area (PDA) framework. The commenter expresses concern that the emphasis on housing production within the Bay Area and "fix it first" strategies downplay the role of interregional dynamics and transit expansions in addressing regional challenges and global climate change. With regard to housing production, as required under state law, and pursuant to the role of a regional planning body, the proposed Plan provides a regional blueprint or strategy to better accommodate the region's projected growth in an equitable and efficient manner and in partnership with local governments who still retain local land use control, through coordinated land use and transportation policies, projects, and pubic investments. With regard to the proposed Plan's transportation investment strategy, while the proposed Plan does include a large portion of funding towards operating and maintaining the existing system, the proposed Plan directs $194 billion (64 percent) of the forecasted $303 billion towards public transit; including $173 billion towards operating, maintaining, and modernizing existing transit services and infrastructure, and $21 billion towards expanding and extending new services and infrastructure. In addition, the proposed Plan's transportation investment strategy directs $5 billion towards active transportation. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

66-2 The commenter summarizes discussion in the proposed Plan related to interregional dynamics and the achievement of the performance target with respect to increasing access to jobs. As explained in Master Response 2, Displacement and Affordable Housing, in this Final EIR, MTC/ABAG recognize the key role of the public transportation system in meeting the mobility and access needs of the region's low-income, minority, and other transportation-disadvantaged populations, and the proposed Plan directs almost 64 percent of the forecasted plan revenues, or about $194 billion of $303 billion, to the operations, modernization and expansion of public transportation. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

66-3 The commenter expresses the opinion that the proposed Plan should emphasize that the growth projections are somewhat aspirational and contingent upon voluntary/discretionary measures implemented by all cities, such as rezoning for higher densities in PDAs and capping office space in job-rich places. Please see the discussions under "Land Use Strategies" and "Local Control" in the Draft EIR (see Draft EIR page 1.2-21) for a discussion of this issue.

The commenter suggests that the proposed Plan's distribution of major transit investments favors the Bayside regional although the Tri-Valley area population is also substantial and projected growth will increase the need for more transit. The proposed Plan's investment strategy includes a set aside for BART to Livermore/ACE Project Development and Construction Reserve (RTP ID# 17-01-0062) for a future fixed guideway transit service. In addition, the proposed Plan's transportation investment strategy identifies numerous investments along the I-580, I-680, and other arterial corridors in the Tri-Valley area. The commenter provides opinions related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The commenter addresses issues related to increases to in-commuting that may result from growth patterns and the distribution of major public transit investments. The proposed Plan's housing targets are derived from the Regional Housing Control Total (RHCT) per the 2014 settlement agreement signed with the Building Industry Association (BIA), which increases the housing forecast by adding the number of housing units necessary to accommodate potential growth in in-commuters from outside the region. The RHCT estimates the total number of units needed to accommodate the projected population of the region without an increase in-commuting. Please see Master Response 1, Population and Employment Forests, for a discussion of these issues.

66-4 The commenter states that land use models used to develop the proposed Plan need to reflect market realities and local land use plans. MTC/ABAG have identified the UrbanSim land use model as the best tool to address market realities when creating the proposed Plan's forecasted development pattern. UrbanSim's Real Estate Developer Model is a pro forma model designed to replicate development decisions the same way they are made in the real world. The pro forma combines information on costs and income over a proposed project's lifetime, allowing an assessment of overall profitability. The model examines all parcels each year and tests various project concepts allowed under the site's zoning constraints. The developer chooses the project that maximizes profit and builds the project if it is profitable. Planning assumptions related to development of the proposed Plan included economic, demographic, and financial considerations. See the *Land Use Modeling Report* in the proposed Plan's draft supplemental report library for a discussion of these issues. These assumptions and modeling efforts are described in detail in Draft EIR pages 1.2-12 through 1.2-15. Please see Master Response 1, Population and Employment Forests, for a discussion of these issues.

66-5 The commenter expresses support for dedication of funding for transit operations and makes recommendations for funding for projects at the local level. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

66-6 The commenter makes recommendations for interregional rail connectivity in the City of Livermore. See response to comment 66-3. The commenter provides recommendations related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

66-7 The commenter provides an overview of recent and planned development in the City of Livermore. As discussed in Draft EIR Section 1.2, "Project Description," the goals and performance targets for the proposed Plan include the provision of adequate housing for the Bay Area's projected growth, which is consistent with the commenter's statement that increasing the Bay Area's housing supply is a critical component of the long-term vision. See also the discussion under "Housing Stock" on Draft EIR page 2.3-3. Regarding transit, the proposed Plan directs $42 billion towards transit modernization and expansion projects, all of which would increase service, make existing service more reliable, and purchase a substantial number of new vehicles that would be able to accommodate increases in ridership. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

66-8 The commenter summarizes points made within this letter. Please see responses to comment 66-1 through 66-8.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter 67

DELTA STEWARDSHIP COUNCIL
A California State Agency

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SACRAMENTO, CALIFORNIA 95814
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June 2, 2017

Metropolitan Transportation Commission/Association of Bay Area Governments
MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA 941105
Submitted via email: info@PlanBayArea.org

RE: Support for Draft Plan Bay Area 2040 and Request for Additional Engagement in Resilience Actions

Thank you for the opportunity to review the Draft Plan Bay Area 2040 (Plan) and Draft Environmental Impact Report (Plan DEIR).

Established by the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1), the Council is an independent state agency charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan and its regulatory portions of which became effective on September 1, 2013. As stated in the Delta Reform Act of 2009 (Delta Reform Act), the State has "'Coequal goals' (which) means 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" (Water Code section 85054).

Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain activities that take place in whole or in part in the Delta and Suisun Marsh, which are referred to as "covered actions". The Council exercises that authority through development and implementation of the Delta Plan. State and local agencies are required to be consistent with the 14 regulatory policies of the Delta Plan when carrying out, approving, or funding a "covered action". The Delta Reform Act established a certification process for such covered actions to demonstrate their compliance with the Delta Plan (Water Code section 85022). Although the Delta Plan provides exemptions for Regional Transportation Plans/Sustainable Communities Strategies from the covered action review process, there are areas within Solano, Alameda, and Contra Costa counties that are covered by the Draft Plan Bay Area 2040, that also fall within the planning area of the Delta Plan and are of interest to the Council.

67-1

"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

We would like to acknowledge the significant effort and extensive analysis that has gone into to the Plan Bay Area, originally adopted in 2013, and this updated and revised Plan. The Plan Bay Area 2040 thoroughly analyzes the transportation and land use strategies that will need to be implemented in a consistent manner across the next two decades to support ongoing and long-term regional challenges. The Plan's provision for over 660,000 new jobs and housing units within the existing urban footprint and priority development areas, along with creating strong incentives for preservation of open space and agricultural lands is consistent with our own approach to protect and enhance the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The viability of working lands is under constant threat – the Plan has identified some of these risks – gentrification, urban expansion, and climate change resiliency, but these lands will continue to be at risk from other drivers. We would like to encourage Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) to continue to work with local communities to identify and plan for priority conservation areas with the Delta and Suisun Marsh that would assist property owners and local jurisdictions as they plan for the long-term economic viability and resiliency of working lands and restored habitats.

The Council has been and will continue to act as a leader in long-range planning for the Delta. We work with a range of local, State, and federal agencies, as well as non-governmental, academic and other stakeholders on the implementation of the Delta Plan, including facilitation of the semi-annual Delta Plan Interagency Implementation Committee. We currently have a memorandum of understanding in place with the Bay Conservation and Development Commission to coordinate in the development of policies related to sea level rise and other climate change impacts and to jointly participate in forums with other State and federal agencies, scientists and stakeholders to develop climate change adaptation strategies. We have recently renewed our involvement in other regional planning initiatives such as the Implementation Committee for the Comprehensive Conservation and Management Plan (CCMP) or Estuary Blueprint, and are finding value in increased coordination and collaboration with our partners in the Bay Area. Please consider the Delta Stewardship Council as a partner in implementation of the Plan's Resilience Actions (page 78) including: development of a regional governance strategy for climate adaptation projects; providing stronger policy leadership on resilient infrastructure; creating new funding sources for adaptation and resilience; establishing and providing a resilience technical services team; and expanding of the region's network of natural infrastructure.

We welcome the opportunity to discuss how our current projects and programs are supporting the Plan's resiliency actions. We are in a position to be a strong support for these actions, and look forward to the opportunity to work closely with MTC/ABAG to pursue long-term sustainability of the region. If you would like to discuss further, or have any questions, please contact me at (916) 445-0258 or Cassandra.enos@Deltacouncil.ca.gov.

67-1 cont

Sincerely,

C Enos-Nobriga

Cassandra Enos-Nobriga

Deputy Executive Officer, Planning and Performance Division
Delta Stewardship Council

Response 67	Cassandra Enos-Nobriga, Delta Stewardship Council June 2, 2017

Thank you for your comments. Your interest is appreciated and your comments are now a part of the official record on the proposed Plan.

67-1 The commenter provides an overview of the authority of the Delta Stewardship Council and expresses general support for the proposed Plan. Please see response to comment 18-4 for a discussion of the Delta and the *Delta Plan*. The commenter does not raise issues related to the Draft EIR or the analysis of environmental impacts for which a further response can be provided.

The members of the MTC Commission/ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

3 REVISIONS TO THE DRAFT EIR

The following section identifies proposed errata, changes, and clarifications to the Draft EIR. The revisions are listed in the order of the EIR sections in which the text appears. These are minor changes that merely clarify, amplify, or make insignificant modifications to the Draft EIR. These text revisions make corrections and/or address comments, and do not result in substantive changes that would rise to the level of "significant new information" requiring recirculation.

Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (CEQA Guidelines, § 15088.5).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is intended to avoid "endless rounds of revision and recirculation of EIRs" (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132). "Recirculation was intended to be an exception, rather than the general rule" (*Ibid*).

CEQA case law emphasizes that "'[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal'" (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11). "'CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process" (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936).

The following pages list the text revisions to the Draft EIR. Each text revision lists the Draft EIR page number and references the origin of the revision (either completed by MTC/ABAG staff or in response to a comment on the Draft EIR. New text is <u>underlined</u> and deleted text is shown in ~~strikeout~~. These revisions merely amplify and clarify text in the Draft EIR. The revisions and corrections do not alter the conclusions of the Draft EIR.

Executive Summary

Page ES-6 -- The text in the first bullet on page ES-6 has been revised as follows by MTC/ABAG staff:

- Describes where and how the region can accommodate 666,000 new projected households and Page ~~668,000~~ 688,000 new jobs between 2015 and 2040;

Page ES-11 – An updated version of Table ES-2, Summary of Impacts and Mitigation Measures, using strike out and underline format, is provided as Appendix B of this FEIR.

Section 1.2 Project Description

Page 1.2-3 -- The text on page 1.2-3, second paragraph, of the Draft EIR has been revised as follows by MTC/ABAG staff:

> Marin County covers an area of approximately 518 square miles of land, containing 11 incorporated cities: Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon~~)~~; and 8 unincorporated communities.

Page 1.2-3 -- The text on page 1.2-3, eighth paragraph, of the Draft EIR has been revised as follows by MTC/ABAG staff:

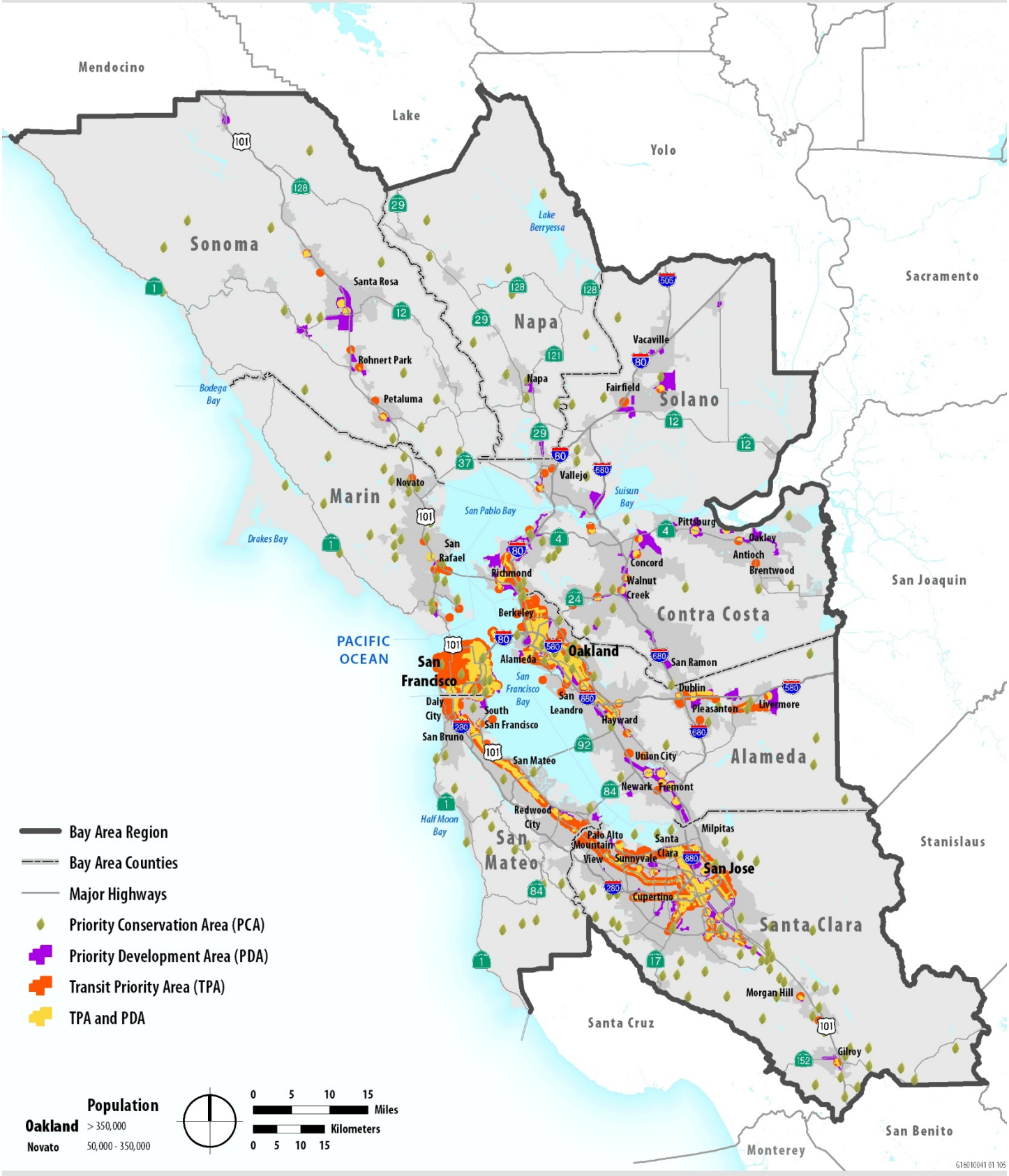
> San Francisco County and the City of San Francisco cover the same physical area, covering approximately 48 square miles of land.

Page 1.2-16 -- The text on page 1.2-16, first bullet, of the Draft EIR has been revised as follows by MTC/ABAG staff:

- Describes where and how the region can accommodate 666,000 new projected households and ~~668,000~~ 688,000 new jobs between 2015 and 2040;

Page 1.2-20 -- The text on page 1.2-20, Figure 1.2-2 of the Draft EIR has been revised as follows by MTC/ABAG staff:

Revised Figure 1.2-2
Transit Priority Areas, Priority Development Areas, and
Priority Conservation Areas



Map Data Sources: Metropolitan Transportation Commission (MTC), 2016 and 2017; Tom Tom North America, 2015.

Section 2.1, Transportation

Page 2.1-2 - As explained in response to comment 34-7, the text on page 2.1.-2, in Table 2.1-1 of the Draft EIR has been revised as follows:

Table 2.1-1 Major Limited-Access Highways in the Bay Area

Route	Highway Limits[1]		Bay Area Counties Served[2]
Interstate 80	San Francisco	Teaneck, NJ	SF, ALA, CC, NAP, SOL
Interstate 280	San Francisco	San José	SF, SM, SCL
Interstate 380	San Bruno	South San Francisco	SM
Interstate 580	San Rafael	~~Tracy~~ Unincorporated San Joaquin County	MRN, CC, ALA
Interstate 680	Fairfield	San José	SOL, CC, ALA, SCL
Interstate 780	Vallejo	Benicia	SOL
Interstate 880	Oakland	San José	ALA, SCL
Interstate 980	Oakland	Oakland	ALA
Interstate 238	San Leandro	Castro Valley	ALA
Interstate 505	Dunnigan	Vacaville	SOL
U.S. Route 101	Olympia, WA	Los Angeles	SON, MRN, SF, SM, SCL
State Route 1	Leggett	Dana Point	SON, MRN, SF, SM
State Route 4	Hercules	Markleeville	CC
State Route 12	Sebastopol	San Andreas	SON, NAP, SOL
State Route 13	Oakland	Berkeley	ALA
State Route 17	San José	Santa Cruz	SCL
State Route 24	Oakland	Walnut Creek	ALA, CC
State Route 29	Upper Lake	Vallejo	NAP, SOL
State Route 37	Novato	Vallejo	MRN, SON, NAP, SOL
State Route 84	San Gregorio	West Sacramento	SM, ALA, SOL
State Route 85	Mountain View	San José	SCL
State Route 87	San José	San José	SCL
State Route 92	Half Moon Bay	Hayward	SM, ALA
State Route 160	Sacramento	Antioch	~~SOL,~~ CC
State Route 237	Mountain View	Milpitas	SCL
State Route 242	Concord	Concord	CC

Notes:

[1] Reflects the overall route limits, rather than the limits of the limited-access segment.

[2] County abbreviations used: ALA (Alameda), CC (Contra Costa), Marin (MRN), NAP (Napa), San Francisco (SF), San Mateo (SM), Santa Clara (SCL), Solano (SOL), and SON (Sonoma).

Page 2.1-6 -- As explained in response to comment 34-7, the text in paragraph two on page 2.1-6 of the Draft EIR has been revised as follows:

> These seaports are supported by Class I freight rail~~road~~ services and intermodal yards operated by the Union Pacific Railroad and the Burlington Northern Santa Fe Railway.
>
> The regional goods movement infrastructure includes … major rail lines and terminals operated by Union Pacific Railroad and Burlington Northern Santa Fe Railway, and ~~highways~~ trade corridors that carry high volumes of trucks (MTC 2016c).

Page 2.1-10 -- As explained in response to comment 34-7, the text in paragraph two on page 2.1-10 of the Draft EIR has been revised as follows:

> ~~Napa~~ Solano County residents have the longest average one-way commute distance (~~18.2~~20.2 miles)

Page 2.1-2 - As explained in response to comment 34-7, the text on page 2.1.-11, in Table 2.1-7 of the Draft EIR has been revised as follows:

Table 2.1-7 Bay Area Resident Workers Categorized by Means of Transportation to Work (1990-2015)

Year	1990 Number (Percent of Total)	2000 Number (Percent of Total)	2010 Number (Percent of Total)	2015 Number (Percent of Total)
Drive Alone	2,105,000 (68%)	2,248,000 (68%)	2,243,000 (68%)	2,413,500 (65%)
Carpool	400,000 (13%)	427,000 (13%)	354,000 (11%)	374,200 (10%)
Transit	294,000 (10%)	321,000 (10%)	333,000 (10%)	447,100 (12%)
Walk	112,000 (4%)	106,000 (3%)	112,000 (3%)	~~69,100 (2%)~~ 135,200 (4%)
Bike	32,000 (1%)	36,000 (1%)	50,000 (2%)	~~135,200 (4%)~~ 69,100 (2%)
Other	37,000 (1%)	36,000 (1%)	35,000 (1%)	34,100 (1%)
Work at Home	105,000 (3%)	133,000 (4%)	194,000 (6%)	210,700 (6%)
Total Workers	**3,086,000 (100%)**	**3,306,000 (100%)**	**3,321,000 (100%)**	**3,683,900 (100%)**

Source: U.S. Census Bureau 1990 and 2000, American Community Survey 2010 and 2015

Page 2.1-22 -- As explained in response to comment 34-7, the text in paragraph two on page 2.1-22 of the Draft EIR has been revised as follows:

> As part of the Freeway Performance Initiative, a range of "smart" roadway projects are planned for I-880 between San Jose and Oakland~~, I-80 in Alameda and Contra Costa counties,~~ and U.S. 101 in San Mateo County, to supplement the existing Integrated Corridor Management (ICM) system implemented on I-80 in Alameda and Contra Costa counties. Projects include activating metering lights on freeway on-ramps, improving incident detection and response, enhancing operations and traffic signal coordination, and closing gaps in the region's carpool lane network

Page 2.1-24 -- As explained in response to comment 34-7, the text in paragraph two on page 2.1-24 of the Draft EIR has been revised as follows:

> A major component of the proposed roadway capacity increases are Bay Area Express Lanes, which would develop a 550-mile network of express lanes on the state highway system~~ operated by the California Department of Transportation (Caltrans)~~. Development of the Bay Area Express Lanes network is a cooperative effort. Bay Area Express Lanes are operated by MTC, Alameda County Transportation Commission, and Santa Clara Valley Transportation Authority. Additional partners

helping to develop, implement, and operate Bay Area Express Lanes include: FasTrak, California Highway Patrol, Caltrans, Contra Costa Transportation Authority, and Solano Transportation Authority.

Page 2.1-32 -- As explained in response to comment 49-3, the text on page 2.1-32 of the Draft EIR has been revised as follows:

The proposed Plan would minimize congestion through a number of regional policies and investment strategies, including:

- Implementation of transit capacity increases along fixed guideways to provide congestion-immune alternatives to freeway and arterial corridors (including projects such as BART Metro, BART Silicon Valley Extension to San José and Santa Clara, T-Third Central Subway, Van Ness Avenue Bus Rapid Transit, Geary Boulevard Bus Rapid Transit, Geneva-Harney Bus Rapid Transit, San Pablo Bus Rapid Transit, Caltrain Electrification/Frequency Improvements and Transbay Transit Center/Downtown Extension, and East Bay Bus Rapid Transit);

Section 2.2, Air Quality

Page 2.2-53 – As explained in response to comment 39-5, the text of Mitigation Measure 2.2-5(a) in the first paragraph on page 2.2-53 of the Draft EIR has been revised as follows:

2.2-5(a) When locating sensitive receptors in TAC risk areas, as identified in Figures 2.2-3 to 2.2-13, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to the following:

Page 2.2-56 – As explained in response to comment 39-5, the text of Mitigation Measure 2.2-6(d) in the fifth paragraph on page 2.2-56 of the Draft EIR has been revised as follows:

2.2-6 (d) Implement measure 2.2-5(a).

Page 2.2-55 -- As explained in response to comment 39-6, the text on page 2.2-55, in Table 2.2-15 of the Draft EIR has been revised as follows:

Table 2.2-15 Percent Change in On-Road Mobile Source Exhaust Emissions, Years 2015 - 2040

County	CARE Status	Exhaust Emissions				Total $PM_{2.5}$[1]	VMT
		Exhaust Only $PM_{2.5}$	Diesel PM	Benzene	1, 3 Butadiene		
Alameda	CARE Community	-87%	-93%	-63%	-64%	<1%	24%
	Remainder of County	-87%	-93%	-66%	-66%	2%	23%
Contra Costa	CARE Community	-84%	-91%	-64%	-65%	7%	25%
	Remainder of County	-87%	-93%	-68%	-68%	-3%	14%
Marin	Entire County[2]	-88%	-94%	-70%	-69%	-6%	13%
Napa	Entire County[2]	-88%	-93%	-72%	-73%	2%	22%
San Francisco	CARE Community	-89%	-94%	-55%	-58%	-6%	24%
	Remainder of County	-86%	-94%	-59%	-60%	0%	23%
San Mateo	Entire County[2]	-89%	-94%	-48%	-45%	-7%	14%
Santa Clara	CARE Community	-85%	-92%	-63%	-64%	7%	27%
	Remainder of County	-85%	-92%	-63%	-64%	8%	29%
Solano	CARE Community	-87%	-93%	-63%	-63%	-2%	17%
	Remainder of County	-84%	-93%	-60%	-59%	9%	25%

Table 2.2-15 Percent Change in On-Road Mobile Source Exhaust Emissions, Years 2015 - 2040

County	CARE Status	Exhaust Emissions				Total $PM_{2.5}$[1]	VMT
		Exhaust Only $PM_{2.5}$	Diesel PM	Benzene	1, 3 Butadiene		
Sonoma	Entire County[2]	-88%	-94%	-73%	-74%	4%	24%
Regional Total	CARE Community	-86%	-93%	-62%	-63%	3%	25 %
	Remainder of Region	-87%	-93%	-63%	-63%	2%	22 %
	Total	-86%	-93%	-63%	-63%	2%	23 %

Notes: CARE = Community Air Risk Evaluation, $PM_{2.5}$ = fine particulate matter, PM = particulate matter, VMT = vehicle miles travelled

Numbers rounded to nearest whole number

Source: Metropolitan Transportation Commission 2017

[1] Total $PM_{2.5}$ includes vehicle exhaust, re-entrained road dust, tire and brake wear.

[2] County does not have CARE-designated areas

Section 2.3, Land Use and Physical Development

Page 2.3-27 -- The text on page 2.3-27 of the Draft EIR has been revised as follows by MTC/ABAG staff:

Mitigation Measures

2.3-1 Implementing agencies and/or project sponsors shall implement, where feasible and necessary, the mitigation measures described throughout this EIR to address the effects of displacement that could result in the construction of replacement housing, including Mitigation Measures 2.2-2 (air quality); 2.3-2, 2.3-4, and 2.3-5 (land use); 2.5-5<u>4</u> (sea level rise); 2.6-1, 2.6-5, and 2.6-6 (noise); 2.9-1 through 2.9-5 (biological resources); 2.10-1 and 2.10-3 through 2.10-5 (visual resources); 2.11-1 through 2.11-5 (cultural resources); and 2.13-4 (hazards).

Page 2.3-30 -- As explained in response to comment 54-1, the following text has been added to page 2.3-30 of the Draft EIR prior to the discussion of impacts:

<u>Local Coastal Plans</u>

<u>The following LCPs have been adopted in the Plan area. As described below, none of the adopted LCPs address sea level rise. Several LCPs are in the process of being updated and include policies aimed at addressing this issue. None of the updates have been adopted.</u>

<u>Sonoma County</u>

<u>The Sonoma County LCP was adopted in 2001 and did not address sea level rise. According to the Sonoma County website, a Draft of an update to the LCP will be released in the summer of 2017 (Sonoma County 2017a). Based on information posted on the County's website, sea level rise will be addressed in the update, but no policies were provided as of this writing (Sonoma County 2017b).</u>

<u>Marin County</u>

<u>The Marin County LCP was adopted in 1981 and has been undergoing an update since 2008. The County is working with the Coastal Commission on final modifications to the updated LCP, as of May 2017 (Marin County 2017). The 1981 LCP does not address sea level rise but the update includes Policy C-TR-3, which provides for consultation with Caltrans on sea level rise on Highway 1, and recommends structural and non-structural solutions, including relocating the highway (Marin County 2016).</u>

San Francisco City and County

The City and County of San Francisco LCP was adopted in 1986 and did not consider sea level rise. A proposed amendment is expected to be considered by the Planning Commission Fall 2017. The amendment is expected to address sea level rise and coastal erosion as primary changes. Recommendations include rerouting a segment of the Great Highway and introducing a variety of coastal protection measures related to trails, dunes and bicycle/p[pedestrian access (City and County of San Francisco 2017).

San Mateo County

The San Mateo County LCP was approved in 1981 and updated through 2013. No specific policies are included to address sea level rise. (County of San Mateo 2013)

Daly City

Daly City adopted its General Plan Coastal Element in 1984, and it is the LCP for this area of coastline. This LCP does not address sea level rise (Daly City 1984).

City of Pacifica

The City of Pacifica adopted its LCP in 1980 and is in the process of updating it. The 1980 LCP did not address sea level rise (City of Pacifica 1980). The update to the LCP is comprehensively addressing sea level rise including transfer of development rights from areas subject to sea level rise (policy NH-I-2), developing a model to project impacts from sea level rise (policy NH-I-24), and establishing policies to minimize risks associated with sea level rise (policy NH-G-3) (City of Pacifica 2017).

City of Half Moon Bay

The City of Half Moon Bay last amended its LCP in 1993. It does not address sea level rise. (City of Half Moon Bay 1993) According to the City website, an update to the LCP is underway with a Planning Commission Study Session planned June 27, 2017. No information regarding potential policies addressing sea level rise was available on the City website that is dedicated to the LCP update (City of Half Moon Bay 2017).

Section 2.5, Climate Change and Greenhouse Gases

Page 2.5-6 – As explained in response to comment 54-4, the following text has been added to page 2.5-6 of the Draft EIR and appears as the seventh and eighth paragraphs:

The National Resources Council (NRC) has provided sea level rise projections along the California, Oregon, and Washington Coasts. The projected values vary by latitude, with the highest sea levels expected off the coast south of Cape Mendocino (4–30 cm for 2030, 12–61 cm for 2050, and 42–167 cm for 2100, relative to 2000) and the lowest sea levels expected off the coast north of Cape Mendocino (-4–23 cm for 2030, -3–48 cm for 2050, and 10–143 cm for 2100). The lower sea levels projected for Washington, Oregon, and northernmost California reflect coastal uplift and gravitational and deformational effects, which lower the relative sea level (NRC 2012).

The State of California Sea-Level Rise Guidance Document, initially adopted in 2010 and updated in 2013, provides guidance to state agencies for incorporating sea-level rise projections into planning, design, permitting, construction, investment and other decisions. Updated guidance documents are currently under development and subject to a public engagement process through 2017. Public input will be integrated into the final guidance document update, which is scheduled for adoption by the California Ocean Protection Council in January 2018 (Griggs, et al 2017).

Page 2.5-20 – As explained in response to comment 54-5, the text beginning in the second paragraph on page 2.5-20 of the Draft EIR has been revised as follows:

The Coastal Commission's mandate extends to climate change, including sea level rise.~~; however, the agency is currently assessing how best to address sea level rise and other challenges resulting from~~

~~climate change.~~ The Coastal Commission partners with local governments to form Local Coastal Programs (LCPs), transferring the power to regulate development within the coastal zone to cities and counties. Within the Bay Area, all of San Mateo, San Francisco, Marin, and Sonoma counties, along with the cities of Daly City, Pacifica and Half Moon Bay have certified LCPs. Any changes in the Coastal Commission's policies and/or regulations with respect to sea level rise may ultimately require revisions to LCPs.

The Coastal Commission's *Sea Level Rise Policy Guidance* document was adopted on August 12, 2015. It provides an overview of the best available science on sea level rise for California and recommended methodology for addressing sea level rise in Coastal Commission planning and regulatory actions. It is intended to serve as a multi-purpose resource for a variety of audiences and includes a high level of detail on many subjects. Since the document is not specific to a particular geographic location or development intensity, readers should view the content as a menu of options to use only if relevant rather than a checklist of required actions (California Coastal Commission 2015).

Page 2.5-26 -- As explained in response to comment 54-6, the following text has been added to page 2.5-26 of the Draft EIR, beginning as the fifth paragraph:

Sea Level Rise Programs under Development

Additional sea level rise programs under development in the Bay Area include:

- San Mateo County initiated a countywide sea level rise vulnerability assessment in June 2015. The Assessment is part of a long-term resilience strategy to ensure our communities, ecosystems, and economy are prepared for climate change. The Draft Vulnerability Assessment was released on April 5, 2017 and was available for review and comment through May 15, 2017 (San Mateo County 2017).

- The City of Half Moon Bay released its *Sea Level Rise Vulnerability Assessment* on April 2016 (Half Moon Bay 2016).

- The City of Pacific has received a grant from the Coastal Commission to undertake sea level rise planning (noted in comment 54-6).

Page 2.5-36 -- As explained in response to comment 41-9, the text of Table 2.5-6 on page 2.5-36 of the Draft EIR has been revised as follows:

Table 2.5-6 Plan Bay Area 2040 Climate Policy Initiatives and Reductions

Strategy	2020		2035		2040	
	Daily Reductions (tons CO_2)	Annual Reductions (tons CO_2)[1]	Daily Reductions (tons CO_2)	Annual Reductions (tons CO_2)[1]	Daily Reductions (tons CO_2)	Annual Reductions (tons CO_2)[1]
Commuter Benefits Ordinance	-300	-90,000	-330	-99,000	-340	-102,000
Trip Caps	-120	-36,000	-690	-207,000	-860	-258,000
Regional Electric Vehicle Charger Network	-250	-75,000	-1,190	-357,000	-1,290	-387,000
Feebate Program	0	0	-680	-204,000	-450	-135,000
Vehicle Buyback Program	0	0	-360	-108,000	-230	-69,000
Targeted Transportation Alternatives	-950	-285,000	-1,600	-480,000	-1,580	-474,000
Car Sharing	-1,710	-513,000	-1,930	-579,000	-1,900	-570,000
Smart Driving	0	0	-680	-204,000	-670	-201,000
Vanpool Incentives	-60	-18,000	-170	-51,000	-170	-51,000
Employer Shuttles	-160	-48,000	-160	-48,000	-160	-48,000
Bike Infrastructure	-20	-6,000	-50	-15,000	-50	-15,000

Bike Share	-20	-6,000	-20	-6,000	-20	-6,000
Total	**-3,600**	**-1,080,000**	**-7,860**	**-2,358,000**	**-7,720**	**-2,316,000**

Note: Figures may not sum because of independent rounding. Estimates calculated using EMFAC2014, adjusted to EMFAC2007 equivalents based on ARB guidance.

Climate Initiatives reductions calculations are located in Appendix A, Off-Model Emission Reduction Estimates, of the proposed Plan's draft supplemental report library, *Travel Modeling Report*

[1] Emissions are annualized by multiplying by 300 to take account for the fact that there is less traffic on weekends. A ratio of 1.00:1.02 was applied to all EMFAC2014 generated CO_2 estimates for conversion to CO2E.

Source: MTC 2017

Page 2.5-37 -- The text on page 2.5-37, Table 2.5-7, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 2.5-7 SB 375 Target Analysis of Passenger Vehicle and Light Duty Truck CO_2 Emissions[1]

Year	Population	VMT	Modeled GHG Emissions (tons CO_2/day)	Climate Policy Initiatives Reduction relative to 2005 (tons CO_2/day)	Emissions per Capita (lb CO_2)[2]	Percent Reduction in Per Capita CO_2 Emissions Relative to 2005[2]	
						Proposed Plan with Climate Initiatives Program	SB 375 Target
2005	6,979,000	149,164,000	63,500	0	18.2	0	NA
2020	7,890,000	164,346,000	65,200	-3,600	15.6	-14.3%	-7%
2035	9,076,000	185,930,000	77,700	-7,900	15.4	-15.5%	-15%
2040	9,561,000	191,529,000	80,200	-7,700	15.2	-16.7%	NA

Note: "—" = not applicable, lb = pound, CO_2 = carbon dioxide, NA = not available, SB = Senate Bill, VMT = vehicle miles travelled

[1] Estimates calculated using EMFAC2014, adjusted to EMFAC2007 equivalents based on ARB guidance.

[2] Figures may not sum because of independent rounding.

Source: MTC 2017

Page 2.5-40 -- The text on page 2.5-40 has been revised as follows by MTC/ABAG staff:

The proposed Plan would result in the operation of new transportation projects, as well as the Climate Initiatives Program, aimed at reducing GHG emissions from mobile sources. Overall, as a result of the growing number of residents and jobs in the region, total on-road transportation GHG emissions would be expected to increase over time if no standards were put in place. However, this analysis incorporates implementation of Pavley regulations over the life of the proposed Plan. As shown in Table 2.5-10, when these standards are considered, overall on-road vehicle GHG emissions decline by 36 percent for passenger vehicles. Because Pavley standards only affect passenger vehicles and light duty trucks, regardless of the standard, emissions would decline by 21 percent for buses and by seven percent for "Other Vehicles." Emissions from trucks, accounting for 20 percent of total GHG emissions in 2015, are anticipated to increase by 20 percent between 2015 and 2040. Despite this increase, the annual GHG emissions from all mobile sources with reductions from MTC's Climate Initiatives Program are expected to decrease by over 8 $MMTCO_2e$ from 2015 to 2040 under the proposed Plan, a 35 percent decline. Pavley regulations also contribute a reduction of 9 $MMTCO_2e$ relative to a 2015 baseline without Pavley regulations. As discussed above, CARB removed LCFS from the 2014 EMFAC model.

Page 2.5-40 – The text on page 2.5-40, Table 2.5-10, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 2.5-10 Existing and Forecasted Annual Transportation GHG Emissions by Vehicle Source ($MTCO_2e$)[1]

Emissions Source	2015 Baseline	2040 Proposed Plan	Change from Existing[1]	Percent Change from Existing[2]
Without Pavley Regulations				
Passenger Vehicles	19,358,000	23,418,000	4,060,000	21%
Trucks	4,484,000	5,361,000	877,000	20%
Buses	599,000	475,000	-124,000	-21%
Other Vehicles	122,000	113,000	-9,000	-7%
MTC Climate Initiatives Program	0	-2,350,000	-2,350,000	–
Total (without Pavley regulations)	**24,563,000**	**27,017,000**	**2,454,000**	**10%**
With Pavley Regulations				
Passenger Vehicles	18,222,000	11,715,000	-6,507,000	-36%
Trucks	4,484,000	5,361,000	877,000	20%
Buses	599,000	475,000	-124,000	-21%
Other Vehicles	122,000	113,000	-9,000	-7%
MTC Climate Initiatives Program	0	-2,350,000	-2,350,000	–
Total (with Pavley regulations) [1]	**23,427,000**	**15,314,000**	**-8,113,000**	**-35%**
Emission Reductions because of Pavley regulations	**1,136,000**	**11,703,000**	**10,567,000**	–

Notes: $MTCO_2e$ = metric tons of carbon dioxide equivalent, MTC = Metropolitan Transportation Commission, "—" = not applicable

[1] Estimates calculated using EMFAC2014. MTC applied a ratio of 1.00:1.02 to all EMFAC2014 generated CO_2 estimates for conversion to CO_2e. Emissions were annualized by multiplying by 300 to take account for the fact that there is less traffic on weekends.

[2] Figures may not sum because of independent rounding.

Source: MTC 2017

Page 2.5-41 – The text on page 2.5-41, Table 2.5-11, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 2.5-11 Annual GHG Emissions from Projected Land Use and Transportation Sources ($MTCO_2e$/year)[1]

Sources	2015	2040	Net Change in $MTCO_2e$/year between 2015-2040	Percent Change in $MTCO_2e$/year between 2015-2040
Land Use	28,140,000~~2~~[2]	29,604,400~~3~~[3]	1,464,400	5%
Transportation	23,427,000~~4~~[4]	15,314,000~~4~~[4]	-8,113,000	-35%
Regional Emissions Total	**51,567,000**	**44,918,400**	**-6,648,600**	**-13%**

Note: $MTCO_2e$ = metric tons of carbon dioxide equivalent

[1] Figures may not sum because of independent rounding.

[2] Based on emissions from electricity consumption, building energy usage (e.g., natural gas, propane), and waste management emissions from BAAQMD's 2015 Bay Area GHG Inventory (BAAQMD 2017:Table3-2).

[3] Calculated by adding net change to 2015 values. Calculations assume residential and non-residential land uses built between 2015 and 2040 would be built to 2016 building energy efficiency standards.

[4] Calculated by MTC using EMFAC2014.

Source: BAAQMD 2017, MTC 2017, Data compiled by Ascent Environmental 2017

Page 2.5-46 -- The text on page 2.5-46 of the Draft EIR has been revised as follows as explained in response to comment 23-1 and by MTC/ABAG staff:

Conclusion

Because the proposed Plan would result in portions of some transportation projects being constructed in areas projected to be inundated by sea level rise, this impact is considered **potentially significant (PS)**. Mitigation measures 2.5-54(a) through 2.5-54(c) are outlined below.

Mitigation Measures

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:

2.5-54(a) MTC and ABAG shall continue coordinating with BCDC, in partnership with the ~~Joint Policy Committee~~ Bay Area Regional Collaborative and regional agencies and other partners, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC and BCDC's Adapting to Rising Tides ~~studies focused in several Bay Area counties~~ Program projects. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted. The *Adaptation Strategies* (see Appendix F of this Draft EIR) includes a list of potential ~~adaptation~~ strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation projector land use development project, and the implementation of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC and ~~ABAG~~ BCDC conduct vulnerability and risk assessments for the region's transportation infrastructure, the *Adaptation Strategies* should serve as a guide for selecting adaptation strategies, and should be expanded as additional strategies are identified.

2.5-54(b) Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to, coordination with BCDC, Caltrans, local jurisdictions (cities and counties), Park Districts, and other transportation agencies to develop Transportation Asset Management Plans that consider the potential impacts of sea level rise over the life cycle of threatened assets.

2.5-54(c) Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise, changes in precipitation and storm events on specific local transportation and land use development projects, where feasible, based on project- and site-specific considerations. Potential adaptation strategies are included in the *Adaptation Strategies* (see Appendix F of this Draft EIR).

Page 2.5-48 -- The text on page 2.5-48 of the Draft EIR has been revised as follows by MTC/ABAG staff:

Conclusion

As shown in **Table 2.5-14,** the proposed Plan would result in an increase of nearly 700 acres of projected land uses to be located in areas that would be regularly inundated by sea level rise by midcentury. This impact is considered **potentially significant (PS)**. Mitigation measures 2.5-54(a) through ~~and~~2.5-54(c~~b~~) are outlined for Impact 2.5-5.

Mitigation Measures

Implement Mitigation Measures 2.5-54(a) through ~~and~~ 2.5-54(c~~b~~) under Impact 2.5-54.

Section 2.8, Water Resources

Page 2.8-22 -- As explained in response to comment 39-11, the text of the second paragraph on page 2.8-22 of the Draft EIR has been revised as follows:

> Activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Further, as discussed above under Impact 2.8-1, Provision C.3 of the NPDES program requires new development in the region that would introduce 10,000 or more square feet of new impervious surfaces to incorporate LID strategies, including onsite infiltration, as initial stormwater management strategies. Therefore, the potential for land use projects to interfere with groundwater recharge from implementation of the proposed Plan at the regional and local level is considered less than significant (LS) for Impact 2.8-2.

Section 2.9, Biological Resources

Page 2.9-11 -- As explained in response to comment 56-8, the text on page 2.9-11 of the Draft EIR has been revised as follows:

> Rare and endangered wildlife species that occur in tidal marshes of the Bay Area include ~~California clapper~~ Ridgway's rail (*Rallus ~~longirostris~~ obsoletus*), …

Section 2.12, Public Utilities

Page 2.12-8 -- As explained in response to comment 52-1, Figure 2.12-3 of the Draft EIR has been updated as follows:

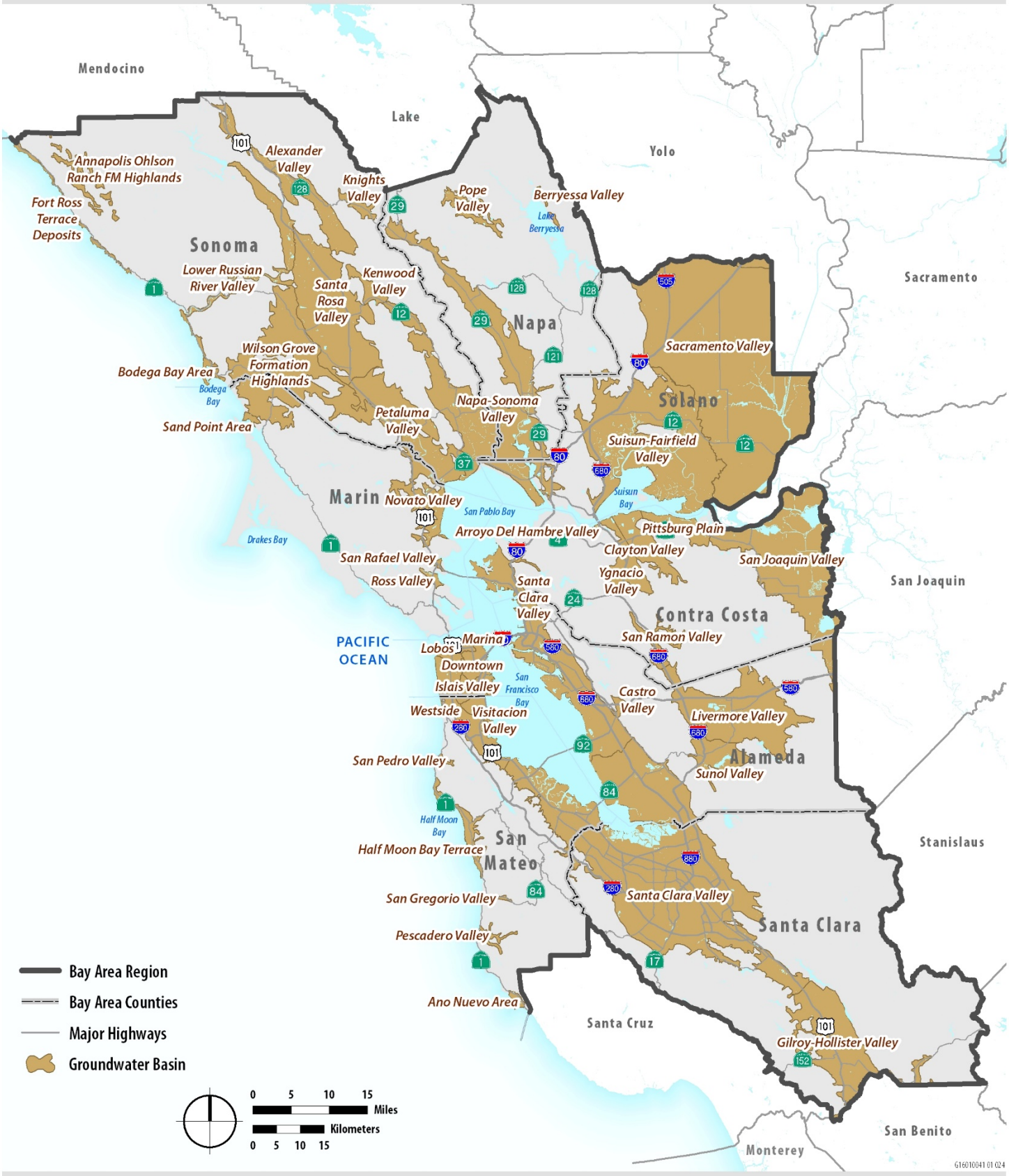
Page 2.12-3 -- In response to comment 52-2, the text on page 2.12-3 of the Draft EIR has been revised as follows:

> ### Alameda County Water District
> The Alameda County Water District (ACWD) serves the cities of Fremont, Newark, and Union City. ACWD is a retail water purveyor that allocates 67 percent of its water to residential customers and approximately 33 percent to commercial, industrial, institutional, and large landscape customers. In the 2014-2015 fiscal year, it provided water for a total of 83,007 customers, or over 344,300 individuals (ACWD 2016). ACWD also manages groundwater through comprehensive programs that protect and improve water supplies. ACWD is the exclusive Groundwater Sustainability Agency for the portion of the Niles Cone Groundwater Basin that underlies ACWD's statutory area.

Page 2.12-3 -- As explained in response to comment 44-2, the following text has been added to page 2.12-3 of the Draft EIR between the second and third paragraphs:

> ### Bay Area Water Supply & Conservation Agency
> The Bay Area Water Supply & Conservation Agency (BAWSCA) was created on May 7, 2003 and represents 26 water suppliers that purchase water from the San Francisco Regional Water System on a wholesale basis and deliver water to 1.7 million people, businesses, and community organizations in San Mateo, Santa Clara, and Alameda counties. BAWSCA's goals are to ensure a reliable water supply, high-quality water, and a fair price for its customers. BAWSCA has the authority to coordinate water conservation, supply, and recycling activities for its agencies; acquire water and make it available to other agencies on a wholesale basis; finance project including improvements to the regional water system; and build facilities jointly with other local public agencies or on its own to carry out the agency's purposes. It should be noted that the other water agencies discussed herein contain members of BAWSCA.

Revised Figure 2.12-3
Bay Area Groundwater Basins



Map Data Sources: Department of Water Resources, State of California, 2016; Metropolitan Transportation Commission (MTC), 2016; Tom Tom North America, 2015.

Page 2.12-4 -- In response to comment 39-12, the text in the fifth paragraph on page 2.12-4 of the Draft EIR has been revised as follows:

> "The primary water source for San Mateo County is the SFPUC's Regional Water System ~~Peninsula System~~. In addition to supplies from Hetch Hetchy, T~~t~~he system uses ~~utilizes~~ two reservoirs in San Mateo County, Crystal Springs and San Andreas, which collect runoff from the San Mateo Creek Watershed. Crystal Springs Reservoir also receives water from the Hetch Hetchy System. Water from the Pilarcitos Reservoir, on Pilarcitos Creek, directly serves one of the wholesale customs, the Coastside County Water District (which serves Half Moon Bay, Miramar, Princeton By The Sea, and El Granada), and can also deliver water to Crystal Springs and San Andreas Reservoirs. San Mateo County ~~W~~wholesale customers of the SPFUC ~~Peninsula System~~ include: the cities of Brisbane, Burlingame, Daly City, East Palo Alto, Menlo Park, Millbrae, San Bruno, Redwood City, the Town of Hillsborough, the Coastside County Water District, the Cordilleras Mutual Water Association, the Estero Municipal Improvement District, the Guadalupe Valley Municipal Improvement District, the Mid-Peninsula Water District, ~~and~~ the North Coast County Water District, and the Westborough Water District. ~~It~~ The SFPUC also serves the California Water Service Company Bear Gulch Bayshore Districts."

Page 2.12-4 -- As explained in response to comment 42-6, the text in the third paragraph on page 2.12-4 of the Draft EIR has been revised as follows:

> "The Tuolumne River watershed on the western slope of the central Sierra Nevada, which provides water to the RWS, is comprised of three regional water supply and conveyance systems—the Hetch Hetchy System, the Alameda System, and the Peninsula System. The amount of Tuolumne River supplies delivered depends on annual water conditions. In normal years, approximately 80 to 85 percent of SFPUC water supply is provided by runoff from the upper Tuolumne River watershed (RMC 2006). This percentage may increase up to 93 percent ~~be reduced~~ in dry years, based on the severity and timing of drought conditions."

Page 2.12-4 -- As explained in response to comment 39-13, the text beginning in the sixth paragraph on page 2.12-4 of the Draft EIR has been revised as follows:

> "The Santa Clara Valley Water District (SCVWD) is the county's primary water provider, serving Santa Clara County's population of 1,918,044 (U.S. Census 2015). Notably, the SCVWD and SFPUC's wholesale service areas overlap. The SCVWD encompasses all of the county's 1,300 square miles and serves its 15 cities. Eight retailers in San Clara County have contracts with SFPUC to receive water from the SPFUC Regional Water System. The eight retailers, considered to be wholesale customers of SFPUC include the cities of Palo Alta, Mountain View, Sunnyvale, Santa Clara, San Jose, and Milpitas; Purissima Hills Water District; and Stanford University. SCVWD does not control or administer SFPUC supplies in the County, but the supply reduces the demands on SCVWD sources of water supply. ~~Although the City of Palo Alto and the Purissima Hills Water District are located within the County of Santa Clara and SCVWD's service area, most of the current water supply to these two agencies is from SFPUC.~~ These eight retailers ~~Both agencies~~, however, benefit from the comprehensive water management programs and services provided by SCVWD."

Page 2.12-7 -- As explained in response to comment 44-8, the text in the second paragraph on page 2.12-7 of the Draft EIR has been revised as follows:

> "Together, surface water and ground water currently supply approximately 31 percent of Bay Area water (Kennedy/Jenks Consultants 2013). Surface water from local rivers and streams (including the Delta) is an important source for all Bay Area water agencies, but particularly so in the North Bay counties, where access to imported water is more limited because of infrastructure limitations. The Bay Area has 28 primary groundwater basins, which underlie approximately 30 percent of the region (see **Figure 2.12-3**). The basins that are most intensively used for water supply are the Santa Clara, Napa-Sonoma Valley, Petaluma Valley, Niles Cone, and Livermore Valley basins (DWR 2013). Ground

water is also an important local supply source for ACWD, BAWSCA member agencies, SCVWD, SFPUC, and Sonoma CWA."

Page 2.12-7 -- As explained in response to comment 39-14, the text on page 2.12-7 of the Draft EIR has been revised as follows:

"In 2003, the ACWD opened the Newark Desalination Facility, the first brackish water desalination facility in Northern California, with a capacity of 5 mgd and it doubled the production to 10 mgd for a total blended production of 12.5 mgd to the distribution system. ~~The five largest water agencies in the Bay Area (CCWD, EBMUD, SFPUC, SCVWD, and Zone 7) are currently studying the feasibility of constructing a 10 to 20 mgd desalination facility at CCWD's Mallard Slough Pump Station in eastern Contra Costa County. The proposed Bay Area Regional Desalination Project (BARDP) would operate continuously in all year types (i.e., wet and drought), with the possibility of storing water (including by exchange or transfer) in CCWD's Los Vaqueros Reservoir when demand from the parties is less than plant capacity.~~

~~"Storage in Los Vaqueros Reservoir could provide flexibility to optimize the BARDP yield. Based on studies conducted, the agencies have determined the BARDP is technically feasible. The next step is to revisit the role of the project within the context of each agency's changing water supply and demand picture through 2030 (BARDP 2016).~~ Eight water agencies in the Bay Area (ACWD, BAWSCA, CCWD, EBMUD, MMWD, SFPUC, SCVWD, and Zone 7 Water Agency) are working together to investigate opportunities for collaboration. The purpose of this planning effort, known as Bay Area Regional Reliability (BARR), is to identify projects and processes to enhance water supply reliability across the region, leverage existing infrastructure investments, facilitate water transfers during critical shortages, and improve climate change resiliency. Projects to be considered will include interagency interties and pipelines, treatment plan improvements and expansion, groundwater management and recharge, potable reuse, desalination, and water transfers. While no specific capacity or supply has been identified, this program may result in addition of future supplies that would benefit Bay Area Customers (Brown and Caldwell 2017)."

Page 2.12-9 -- As explained in response to comment 39-15, the text in the second paragraph on page 2.12-9 of the Draft EIR has been revised as follows:

"Reducing water demand through conservation is a key component of improving water supply reliability in the Bay Area. All of the ten major water agencies in the region are members of the California Water Efficiency Partnership, formally known as the California Urban Water Conservation Council, which promotes the development and implementation of conservation best management practices (BMPs) such as metering, public information programs, conservation pricing, and washing machine rebates. Many local water agencies are also implementing conservation projects and programs that extend beyond these baseline BMPs. It is anticipated that regional water agencies will see more than 150,000 AFY of conservation-related savings by 2020 (RMC 2006)."

Page 2.12-9 -- As explained in response to comment 44-9, the text in the first paragraph on page 2.12-9 of the Draft EIR is revised as follows:

"Water transfers allow suppliers with excess water supplies to sell their water to those agencies in need. In addition, agriculture-to-urban transfers can allow agricultural districts with marginal lands to be fallowed (taken out of production). Water transfers also provide reduced vulnerability to water shortages resulting from drought, catastrophic events, and system security breaches. ~~Bay Area water agencies have a number of transfer agreements to improve water supply in the region.~~ Several Bay Area Regional water agencies, including ACWD, CCWD, EBMUD, SCVWD, SFPUC, Solano CWA, and Zone 7, have participated in various types of water transfers to supplement their existing water supplies. Historic and existing water transfer arrangements occurring in the region include, but are not limited to, the following (Kennedy/Jenks 2013):

- **CCWD Long-Term and Short-Term Water Transfers.** CCWD has long-term agreements that enable it to purchase up to 12,000 acre feet per year (AFY) from East Contra Costa Irrigation District (ECCID) during droughts.

- **SFPUC Water Transfers.** The SFPUC participated in the DWR Drought Bank to help meet demands during the 1987-1992 drought, and has also purchased water from the Kern County Water Bank. SFPUC is also investigating the possibility of a dry-year water transfer in the Tuolumne River basin with Modesto Irrigation District/Turlock Irrigation District for 2 million gallons per day (mpg).

- **SCVWD Short-Term Water Transfers.** SCVWD participates in water transfers and exchanges on a routine basis. For example, in 2003 when CVP and SWP allocations initially were low, SCVWD purchased 28,000 AF through six separate transactions."

Page 2.12-9 -- As explained in response to comment 44-10, the text in the third bullet point on page 2.12-9 of the Draft EIR is revised as follows:

- **Hetch Hetchy Aqueduct.** The ~~156~~ 167-mile Hetch Hetchy Aqueduct roughly parallels the Tuolumne River, conveying San Francisco Public Utilities Commission supplies from the Hetch Hetchy Reservoir across the San Joaquin River and San Francisco Bay~~,~~. Upon reaching the Bay Area near the city of Fremont, the Hetch Hetchy Aqueduct splits into the four Bay Division Pipelines. Pipelines 1 and 2 cross the San Francisco Bay to the south of the Dumbarton Bridge, while pipelines 3 and 4 run to the south of the Bay. Water from Hetch Hetchy is stored in local facilities including Calaveras Reservoir, ~~up the peninsula and into Upper~~ Crystal Springs Reservoir, and San Antonio Reservoir ~~located north of Redwood City~~. Hetch Hetchy provides water to 2.4 million residential, commercial, and industrial customers in San Francisco and the Greater Bay Area.

Page 2.12-10 -- As explained in response to comment 42-6, the text to Table 2.12-2 on page 2.12-10 of the Draft EIR has been revised as follows:

Table 2.12-2 Projected Normal Year Supply and Demand (AF/YEAR)

	Current Supply (2020)	Current Demand (2020)	Future Supply (2040)	Future Demand (2040)
Alameda County WD	78,000	63,400	78,000	70,300
Contra Costa WD	329,200	264,000	362,800	303,900
East Bay Municipal Utility District	243,000	243,000	258,000	258,000
Marin Municipal WD	151,000	42,000	153,000	42,000
City of Napa[1]	52,000	14,000	52,000	15,000
San Francisco PUC[2]	280,000 ~~87,000~~	280,000 ~~87,000~~	295,000 ~~101,000~~	295,000 ~~101,000~~
Santa Clara Valley WD	390,000	376,000	442,000	435,000
Solano County WA[1]	255,000	255,000	255,000	255,000
Sonoma County WA	66,000	66,000	76,000	76,000
Zone 7 WA[1]	79,000	72,000	100,000	93,000

Note:

[1] Future supply and demand projections are for the year 2030.

[2] Projected supply and demand includes retail customers and wholesale customers.

Sources: ACWD 2016, CCWD 2016, EBMUD 2016, MMWD 2016, City of Napa 2011, SFPUC 2016, SCVWD 2016, SCWA 2011, SMCWA 2016, Zone 7 2016

Page 2.12-13 -- As explained in response to comment 39-16, the text in the first sentence of paragraph two on page 2.12-13 of the Draft EIR has been revised as follows:

> "In May 2015, SWRCB adopted an emergency ~~a~~ water conservation regulation in response to historic drought conditions and an executive order issued by the Governor in April 2015."

Page 2.12-13 -- As explained in response to comment 39-17, the text in the third paragraph on page 2.12-13 of the Draft EIR has been revised as follows:

> "During the winter of 2016-2017, an atmospheric river deposited precipitation substantial enough to exceed the historical averages of several reservoirs through the state (i.e., Trinity, Shasta, Oroville, Melones, Don Pedro, McClure, Castaic, and San Luis) (DWR 2017). This level of precipitation lessened the severity of the recent drought (2012-2016) and the SWRCB amended the previous May 2016 regulation in February 2017. The amended regulation allows certain suppliers the opportunity to submit or resubmit their water supply reliability assessments by March 15, 2017 and it does not require mandatory conservation unless water suppliers determine there would be a shortfall. In April 2017, Governor Brown ended the drought State of Emergency in most of California in Executive Order B-40-17, which lifted the drought emergency in all California counties except Fresno, Kings, Tulare, and Tuolumne counties. Executive Order B-40-17 also rescinds two emergency proclamations from January and April 2014 and four drought-related Executive Orders issued in 2014 and 2015. Further, on April 26, 2017, SWRCB rescinded the water supply stress test requirements and remaining mandatory conservation standards for urban water suppliers."

Page 2.12-23 -- As explained in response to comment 39-18, the text on page 2.12-23 of the Draft EIR has been revised as follows:

> "These sections of the Water Code, enacted as SB X7-7—The Water Conservation Act of 2009, set water conservation targets and efficiency improvements for urban and agricultural water suppliers, Sections 10608.16 and Sections 10608.48, respectively. The legislation establishes a State-wide target to reduce urban per capita water use by 20 percent by 2020. Urban retail water suppliers are required, individually or on a regional basis, to develop an urban water use target by December 31, 2010, to meet their target by 2020, and to meet an interim target (half of their 2020 target) by 2015. Urban water suppliers cannot impose conservation requirements on process water (water used in production of a product) and are required to employ two critical efficient water management practices—water measurement and pricing. Urban retail water suppliers must include in a water management plan, to be completed by July 2011, the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use. Notably, new water use efficiency targets that go beyond those established under this Act will be developed as part of a long-term conservation framework for urban water agencies per Executive Order B-37-16, described below."

Page 2.12-23 -- As explained in response to comment 39-18, the following discussion pertaining to Executive Order B-37-16 has been added to the Draft EIR on page 2.12-23 following the discussion under the heading, "The Water Conservation Act of 2009":

> "**Executive Order B-37-16**
>
> On May 2016, Governor Brown issued Executive Order B-37-16, which aims to bolster the state's climate and drought resilience. Built on the temporary statewide emergency water restriction, Executive Order B-37-17 directs five state agencies to establish a long-term water conservation framework that will enhance the resiliency of California communities as a whole against climate change and drought. The Executive Order aims to eliminate water waste, use water more wisely, strengthen local drought resilience, and improve agricultural water use efficiency and drought planning."

Page 2.12-25 -- As explained in response to comment 39-19, the text on page 2.12-25 of the Draft EIR has been revised as follows:

> "The California Model Water Efficient Landscape Ordinance (MWELO) sets restrictions on outdoor landscaping. ~~Because the City of Lincoln is a~~ The Bay Area contains several "local agencies ~~agency~~" under the MWELO, which ~~it must~~ require project applicants to prepare plans consistent with the requirements of the MWELO for review and approval by the City. The MWELO was most recently updated by DWR ~~the Department of Water Resources~~ and approved by the California Water Commission on July 15, 2015. All provisions became effective on February 1, 2016. The revisions, which apply to new construction with a landscape area greater than 500 square feet, reduced the allowable coverage of high-water-use plants to 25 percent of the landscaped area. The MWELO also requires use of a dedicated landscape meter on landscape areas for residential landscape areas greater than 5,000 square feet or non-residential landscape areas greater than 1,000 square feet, and requires weather-based irrigation controllers or soil-moisture based controllers or other self-adjusting irrigation controllers for irrigation scheduling in all irrigation systems. Local agencies may adopt local ordinances under the criteria that the ordinance is at least as effective in conserving water as MWELO."

Page 2.12-25 -- As explained in response to comment 39-20, the text in the last paragraph on page 2.12-25 of the Draft EIR has been revised as follows:

> ### ~~Governor's~~ Executive Order B-29-15 ~~issued on April 1, 2015~~
> Key provisions of Executive Order B-29-15 included ordering the SWRCB ~~State Water Resources Control Board~~ to impose restrictions to achieve a 25-percent reduction in potable urban water usage through February 28, 2016; directing DWR to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes, and directing the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. The key provisions and goals of Executive Order B-29-15 have been expanded through the issuance of Executive Order B-37-16 which sets forth numerous directive to target long-term water use efficiency, as described above."

Page 2.12-27 -- As explained in response to comment 39-21, the text on page 2.12-27 of the Draft EIR has been revised as follows:

> "Locally, as shown in **Tables 2.12-2** and **2.12-3**, land development through 2040 served by the Contra Costa Water District, Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, or Zone 7 Water Agency would have adequate water supplies in both regular and single dry years. However, at a regional level, changes in land use projected development from the proposed Plan may result in insufficient water supplies requiring the acquisition of additional water sources and the imposition of conservation requirements. Further, as discussed in Section 2.12.1, "Environmental Setting," California, including the Plan area, may face future water supply challenges associated with climate change-related periods of drought. Additionally, federal and state regulatory actions and permits may affect future water supply in way and amounts that currently remain unknown. Municipal and agricultural water demand may be superseded for the preservation of aquatic ecosystems and species. Therefore, t~~T~~he increase in population-, household-, and jobs-related demand on water supply coupled with potentially reoccurring drought conditions and future federal and state regulatory actions may result in insufficient water supply to serve the Plan area. For these reasons, these impacts are considered potentially significant (PS)."

Page 2.12-28 -- As explained in response to comment 39-22, the text in Table 2.12-7 on page 2.12-28 of the Draft EIR has been revised as follows:

Table 2.12-7 Projected Service Area Population of Major Bay Area Water Agencies

Agency	Projected 2040 Population[1]
Alameda County Water District	416,000
Contra Costa Water District	654,000
East Bay Municipal Utility District	1,751,000
Marin Municipal Water District	211,000
City of Napa Water Department	94,000
San Francisco Public Utilities Commission[32]	3,330,000
Santa Clara Valley Water District	2,424,000
Solano County Water Agency	548,000
Sonoma County Water Agency[3]	531,000
Zone 7 Water Agency	286,000
TOTAL	9,883,000

Notes:

[1] Except where noted, projections are from 2013 ABAG population projections.

[2] Sum of population figures from Table 3-3 and Table 3-4 of the SFPUC UWMP.

[3] Sonoma County Water Agency is a wholesale water provider to MMWD. However, the agencies' service populations are listed separately. California Department of Finance 2015; projected 2040 population.

Sources: ACWD 2016, CCWD 2016, EBMUD 2016, MMWD 2016, City of Napa 2011, SFPUC 2016, SCVWD 2016, SCWA 2011, SMCWA 2016, Zone 7 2016

Section 3.1 Alternatives to the Proposed Plan

Page 3.1-3 -- The text on page 3.1-10, Table 3.1-3, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 3.1-3 Bay Area Auto Ownership Forecasts (2015-2040)

	Year 2015	Year 2040								
		Proposed Plan	No Project	Difference from Proposed Plan	Main Streets	Difference from Proposed Plan	Big Cities	Difference from Proposed Plan	EEJ	Difference from Proposed Plan
Households with Zero Autos	10%	11%	9%	-18%	10%	-9%	11%	0%	11%	0%
Households with One Auto	33%	34%	33%	-3%	34%	0%	34%	0%	33%	-3%
Households with Multiple Autos	57%	55%	58%	5%	56%	2%	55%	0%	56%	2%
Average Vehicles per Household	1.74	1.7	1.75	3%	1.71	1%	1.69	-1%	1.69	-1%

Source: Compiled by MTC in 2017

Page 3.1-4 -- The text on page 3.1-10, Table 3.1-4, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 3.1-4 Year 2040 Jobs by County

	Year 2015		Year 2040									
	Baseline	% of Total	Proposed Plan	% of Total	No Project	% of Total	Main Streets	% of Total	Big Cities	% of Total	EEJ	% of Total
Alameda	829,055	21	953,128	20	954,182	20	926,207	20	953,549	20	972,669	21
Contra Costa	407,738	10	497,925	11	496,772	11	539,870	11	487,457	10	485,407	10
Marin	132,865	3	134,960	3	135,116	3	134,953	3	135,760	3	135,193	3
Napa	69,806	2	83,364	2	77,873	2	76,464	2	78,075	2	77,310	2
San Francisco	746,356	19	872,499	19	870,318	19	856,649	18	887,073	19	864,509	18
San Mateo	396,183	10	472,056	10	471,098	10	486,510	10	450,733	10	482,959	10
Santa Clara	1,067,633	27	1,289,873	27	1,295,783	28	1,286,682	27	1,307,736	28	1,286,099	27
Solano	137,068	3	150,981	3	151,703	3	152,248	3	153,144	3	150,889	3
Sonoma	223,431	6	243,588	5	245,529	5	238,791	5	244,847	5	243,339	5
Regional Total	**4,010,135**	**100**	**4,698,374**	**100**	**4,698,374**	**100**	**4,698,374**	**100**	**4,698,374**	**100**	**4,698,374**	**100**

Page 3.1-5 -- In response to comment 43-7, the text in the second paragraph on page 3.1-5 of the Draft EIR has been revised as follows:

> In comparison to the proposed Plan, the No Project Alternative would result in higher household growth in ~~Peninsula~~ East Bay and ~~South~~ North Bay counties, and higher job growth in South Bay counties.

Page 3.1-13 -- The text on page 3.1-13, Table 3.1-9, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 3.1-9 ~~Added~~ Transportation System Capacity under each Alternative

	Proposed Plan	No Project	Main Streets	Big Cities	EEJ
Freeway Lane-Miles	6,121	5,675	6,278	5,790	5,664
Expressway Lane-Miles	1,129	1,046	1,096	1,039	1,047
Arterial Lane-Miles	8,702	8,658	8,678	8,610	8,642
Collector Lane-Miles	5,520	5,494	5,483	5,494	5,497
Total Roadway Lane-Miles	**21,472**	**20,873**	**21,534**	**20,933**	**20,849**
Daily Local Bus Seat-Miles	16,300,036	14,052,038	15,600,019	16,862,241	17,754,368
Daily Express Bus Seat-Miles	3,533,561	2,896,500	3,389,193	3,680,431	4,028,966
Daily Light Rail-Express Bus Seat-Miles	4,484,664	3,387,526	3,667,567	5,178,176	4,520,700
Daily Heavy Rail Seat-Miles	27,488,010	20,988,593	20,988,593	28,053,649	27,488,010
Daily Commuter Rail Seat-Miles	9,594,318	7,548,209	7,548,209	8,659,709	9,600,004
Daily Ferry Seat-Miles	2,496,394	2,105,611	2,105,611	2,510,137	2,510,137
Total Daily Transit Seat-Miles	**63,896,983**	**50,978,478**	**53,299,193**	**64,944,343**	**65,902,186**

Source: Data provided by MTC in 2017

Figures may not sum due to independent rounding.

Page 3.1-15 – The text on page 3.1-15, Table 3.1-11, of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 3.1-11 Breakdown of Major Projects Across Alternatives

	No Project (Committed Project, assumed in all Alternatives)	Proposed Plan	Main Streets	Big Cities	Environment, Equity and Jobs
Regional Transit	BART to Silicon Valley – Phase 1 eBART – Phase 1 Richmond-San Francisco Ferry SMART – Initial Operating Segment	BART Metro Program BART to Silicon Valley – Phase 2 Irvington BART Infill Station Caltrain Modernization – Phase 1 Caltrain to Transbay Transit Center Alameda Point-San Francisco Ferry Antioch-Martinez-Hercules-San Francisco Ferry Berkeley-San Francisco Ferry Oakland-Alameda-San Francisco Ferry Frequency Improvements Vallejo-San Francisco + Richmond-San Francisco Ferry Frequency Improvements ACE Alviso Double-Tracking Golden Gate Transit Frequency Improvements I-680 Express Bus Frequency Improvements Solano County Express Bus Network Managed Lanes Implementation Plan – Express Bus and PNR	Solano County Express Bus Network	BART Metro Program BART to Silicon Valley – Phase 2 Irvington BART Infill Station Caltrain Modernization – Phase 1 Caltrain Modernization – Phase 2 Caltrain to Transbay Transit Center Alameda Point-San Francisco Ferry Berkeley-San Francisco Ferry Oakland-Alameda-San Francisco Ferry Frequency Improvements Vallejo-San Francisco + Richmond-San Francisco Ferry Frequency Improvements Express Bus Bay Bridge Contra Flow Lane Golden Gate Transit Frequency Improvements San Francisco Express Bus Network	BART Metro Program BART to Silicon Valley – Phase 2 Irvington BART Infill Station Caltrain Modernization – Phase 1 Caltrain to Transbay Transit Center Alameda Point-San Francisco Ferry Berkeley-San Francisco Ferry Oakland-Alameda-San Francisco Ferry Frequency Improvements Vallejo-San Francisco + Richmond-San Francisco Ferry Frequency Improvements ACE Alviso Double-Tracking Golden Gate Transit Frequency Improvements I-680 Express Bus Frequency Improvements San Francisco Express Bus Network Solano County Express Bus Network
Local Transit	East Bay BRT Central Subway Van Ness BRT	AC Transit Service Frequency Improvements (scaled back) San Pablo BRT Better Market Street Geary BRT Geneva-Harney BRT Muni Forward Program Muni Service Frequency Improvements Southeast Waterfront Transportation Improvements Capitol Expressway LRT – Phase 2 El Camino Real BRT Stevens Creek BRT Sonoma County Service Frequency Improvements Vasona LRT – Phase 2 VTA Service Frequency Improvements	Geary BRT Muni Forward Sonoma County Service Frequency Improvements Suburban Bus Service Frequency Improvements	AC Transit Service Frequency Improvements San Pablo BRT 19th Avenue Subway Better Market Street Geary BRT Geneva-Harney BRT + Corridor Improvements Muni Forward Program Muni Service Frequency Improvements Southeast Waterfront Transportation Improvements Broadway Streetcar Capitol Expressway LRT – Phase 2 Downtown San Jose Subway El Camino Real BRT	AC Transit Service Frequency Improvements San Pablo BRT Better Market Street Geary BRT Geneva-Harney BRT + Corridor Improvements Muni Forward Program Muni Service Frequency Improvements Southeast Waterfront Transportation Improvements Capitol Expressway LRT – Phase 2 El Camino Real BRT Stevens Creek BRT Vasona LRT – Phase 2 VTA Service Frequency Improvements

Table 3.1-11 Breakdown of Major Projects Across Alternatives

	No Project (Committed Project, assumed in all Alternatives)	Proposed Plan	Main Streets	Big Cities	Environment, Equity and Jobs
		El Camino Real Rapid Bus		North Bayshore LRT Stevens Creek LRT Tasman West LRT Realignment Vasona LRT – Phase 2 VTA Express Bus Network VTA Service Frequency Improvements	El Camino Real Rapid Bus Sonoma County Service Frequency Improvements Suburban Local Bus Service Frequency Improvements
Highways	SR-4 Bypass SR-4 Widening	Columbus Day Initiative SR-4 Auxiliary Lanes I-680/SR-4 Interchange Improvements I-80/680/SR-12 Interchange Improvements Lawrence Expressway Upgrades SR-262 Widening SR-84 Widening + I-680/SR-84 Interchange Improvements US-101 Marin-Sonoma Narrows HOV Lanes – Phase 2 I-580 Integrated Corridor Management US 101 & I-280 HOV Lanes in San Francisco	Columbus Day Initiative SR-4 Auxiliary Lanes I-680/SR-4 Interchange Improvements I-80/680/SR-12 Interchange Improvements Lawrence Freeway SR-262 Widening SR-84 Widening + I-680/SR-84 Interchange Improvements US-101 Marin-Sonoma Narrows HOV Lanes – Phase 2 I-580 Integrated Corridor Management SR-4 Widening Tri-Link Tollway + Expressways I-680/SR-4 HOV Direct Connector	Columbus Day Initiative (in Big 3 Cities only)	Columbus Day Initiative
Arterials		East-West Connector Jepson Parkway	East-West Connector Jepson Parkway		
Pricing	I-680 Express Lanes in Contra Costa County	East and North Bay Express Lane Network (scaled-back network) Santa Clara County Express Lane Network (full network) US 101 Express Lanes in San Mateo County Downtown San Francisco Congestion Pricing Treasure Island Congestion Pricing	Managed Lanes Implementation Program (full network) East and North Bay Express Lane Network (full network) Santa Clara County Express Lane Network (full network) US 101 & I-280 Express Lanes in San Francisco US 101 Express Lanes in San Mateo County	Downtown San Francisco Congestion Pricing Treasure Island Congestion Pricing	Downtown San Francisco Congestion Pricing Treasure Island Congestion Pricing

Page 3.1-16 -- In response to comment 39-28, the text in fifth paragraph on page 3.2-16 of the Draft EIR has been revised as follows.

> **Water Supply and Infrastructure**
> Water supply and associated infrastructure have both local and regional aspects. The rivers that provide virtually all the surface water supplies in the Bay Area originate outside the region, and travel through the region and beyond, providing water supply to jurisdictions inside and outside of the Bay Area along the way.
>
> An increase in demand and water consumption in one region has the potential to affect supplies throughout California, because the surface water supply systems are interconnected. Development of future water supply and associated infrastructure regionally and beyond depends on several factors, such as surface water availability, groundwater recharge, land use density, ~~and~~ land use type, regulatory changes, and modifications to water transfer agreements and wholesale contracts. Future urban growth (population, housing, and employees) anticipated with implementation of the Plan would result in an increase in water supply needs and demand. Future growth elsewhere in the cumulative impact analysis area could also lead to potential future water shortages and depletion of existing water supplies. As a result, the proposed Plan is cumulatively considerable with respect to water supply and water infrastructure, and this impact would be potentially significant (S).

Page 3.1-17 -- The text on page 3.1-17, last paragraph, of the Draft EIR has been revised as follows by MTC/ABAG staff:

> Indeed, ~~t~~ The Aspirational Alternative is essentially a hypothetical scenario, primarily because the majority of the performance targets are themselves aspirational – particularly given the timeline of the plan.

Page 3.1-18 -- The text on page 3.1-18, first paragraph, of the Draft EIR has been revised as follows by MTC/ABAG staff:

> … to meet targets related to health, there would likely need to be substantial demolition and reconstruction of the development pattern and transportation system throughout the Bay Area. In addition, attainment of equity targets ~~could~~ would need to occur through substantial increases in development of housing units, which may be manifested through the doubling of projected households. These actions would require the market to respond by substantially increasing the number of vacant units and thereby driving down the cost of housing. However, it is unknown if such a supply could be provided, and if so, if reduced real estate values would occur and lead to the attainment of equity targets or if it would simply encourage additional growth. Essentially, because implementation of a fully aspirational alternative would require a substantial amount of tearing-down and re-building of the Bay Area, such an alternative is not reasonably feasible to consider. Thus, ~~it is~~ a detailed analysis of a potential land use plan and accompanying transportation plan that would attain each performance target was not provided.

Pages 3.1-19 through 3.1-23 – The subheadings appearing on pages 3.1-19 through 3.1-23 have been revised as follows by MTC/ABAG staff:

> Performance Target 1 (-15 Percent compared with 2005 Baseline, Horizon Year 2035): Climate Protection
>
> …
>
> Performance Target 3 (-10 Percent Compared with ~~2015~~ 2005 Baseline): Healthy and Safe Communities
>
> …

Performance Target 5 (-10 Percent Compared with ~~2015~~ 2005 Baseline): Equitable Access (Affordability)

…

Performance Target 6 (+15 Percent Compared with ~~2015~~ 2010 Baseline): Equitable Access (Affordable Housing)

…

Performance Target 8 (+20 percent Compared with ~~2015~~ 2005 Baseline): Economic Vitality (Access to Jobs)

…

Performance Target 9 (+38 percent Compared with ~~2015~~ 2010 Baseline): Economic Vitality (Jobs/Wages)

…

Performance Target 10 (-20 Percent Compared with ~~2015~~ 2005 Baseline): Economic Vitality (Goods Movement)

No Project: +38 percent
Main Streets: -25 percent
Big Cities: -33 percent
Proposed Plan: -29 percent
EEJ: -16~~5~~ percent

…

Performance Target 11 (+10 percent Compared with ~~2015~~ 2005 Baseline): Transportation System Effectiveness (Mode Share)

…

Performance Target 12 (-100 percent Compared with ~~2015~~ 2005 Baseline): Transportation System Effectiveness (State of Good Repair for Roads)

…

Performance Target 13 (-100 percent Compared with ~~2015~~ 2005 Baseline): Transportation System Effectiveness (State of Good Repair for Public Transit)

…

Page 3.1-39 -- The following text on page 3.1-39 of the Draft EIR has been added as the second paragraph by MTC/ABAG staff:

The occurrence and severity of odor impacts depend on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Under the No Project Alternative, project-related construction activities could result in odorous diesel exhaust emissions from construction equipment and odors associated with asphalt paving. These types of construction-generated odorous emission would be temporary and not be generated at any

one location for an extended period. Thus, this impact would be less than significant for the reasons described under Impact 2.2-7, and **similar** to the proposed Plan.

Page 3.1-39 – The text on page 3.1-39 of the Draft EIR has been added as the second to last paragraph by MTC/ABAG staff:

The occurrence and severity of odor impacts depend on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Under the Main Streets Alternative, project-related construction activities could result in odorous diesel exhaust emissions from construction equipment and odors associated with asphalt paving. These types of construction-generated odorous emission would be temporary and not be generated at any one location for an extended period. Thus, this impact would be less than significant for the reasons described under Impact 2.2-7, and **similar** to the proposed Plan.

Page 3.1-40 -- The text on page 3.1-40 of the Draft EIR has been added as the second to last paragraph by MTC/ABAG staff:

The occurrence and severity of odor impacts depend on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Under the Big Cities Alternative, project-related construction activities could result in odorous diesel exhaust emissions from construction equipment and odors associated with asphalt paving. These types of construction-generated odorous emission would be temporary and not be generated at any one location for an extended period. Thus, this impact would be less than significant for the reasons described under Impact 2.2-7, and **similar** to the proposed Plan.

Page 3.1-41 -- The text on page 3.1-41 of the Draft EIR has been added as the sixth paragraph by MTC/ABAG staff:

The occurrence and severity of odor impacts depend on numerous factors, including: the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. Under the EEJ Alternative, project-related construction activities could result in odorous diesel exhaust emissions from construction equipment and odors associated with asphalt paving. These types of construction-generated odorous emission would be temporary and not be generated at any one location for an extended period. Thus, this impact would be less than significant for the reasons described under Impact 2.2-7, and **similar** to the proposed Plan.

Page 3.1-50 – As explained in response to comment 41-23 and as directed by MTC/ABAG staff, the text in Table 3.1-26 of Draft EIR has been revised as follows:

CLIMATE CHANGE

Climate Change is addressed in Section 2.2, which includes an analysis of criteria air pollutant emissions and toxic air contaminants (TACs). The relative magnitude of differences in the climate change impacts between alternatives is generally related to modeling outputs that examine CO_2e emissions related to natural gas and electricity use. **Table 3.1-26** provides net mobile and land use source GHG emissions anticipated for each alternative. The comparison of non-quantified impacts are discussed qualitatively, below.

Table 3.1-26 Net Mobile- and Land Use-Source GHG Emissions Anticipated by Alternative ($MTCO_2e$/year)

Source	Proposed Plan	No Project	Main Streets	Big Cities	EEJ
Mobile	-8,113,000	-5,069,000	~~-8,487,000~~ -7,835,000	~~-7,832,000~~ -8,484,000	~~-23,427,000~~ -8,432,000
Land Use	1,464,400	1,966,100	1,272,100	1,265,400	1,478,900
Total	-6,648,600	-3,102,900	~~-7,214,900~~ -6,562,900	~~-6,566,600~~ -7,218,600	~~-21,948,100~~ -6,953,100
Difference in Net Emissions from Proposed Plan	0	3,545,700	~~-566,400~~ 85,700	~~81,900~~ -570,000	~~-15,299,500~~ -304,500
% Difference from Proposed Plan	0%	53%	~~-9%~~ 1%	~~1%~~ -9%	~~-230%~~ -5%

Source: MTC 2017

Page 3.1-65 – As explained in response to comment 39-11, the text of the first paragraph on page 3.1-65 of the Draft EIR has been revised as follows:

> …Activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the Sustainable Groundwater Management Act (SGMA), as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. This impact would be less than significant for the reasons described under Impact 2.8-2, and greater than the proposed Plan.

Page 3.1-67 – As explained in response to comment 39-11, the text on page 3.1-67 of the Draft EIR has been revised as follows:

> …Activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Thus, this impact would be less than significant for the reasons described under Impact 2.8-2, and less than the proposed Plan.

Page 3.1-68 – As explained in response to comment 39-11, the text on page 3.1-68 of the Draft EIR has been revised as follows:

> Regarding groundwater recharge, activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Thus, this impact would be less than significant for the reasons described under Impact 2.8-2, and less than the proposed Plan.

Page 3.1-69 – As explained in response to comment 39-11, the text on page 3.1-69 of the Draft EIR has been revised as follows:

> …Regarding groundwater recharge, activities would be implemented under California regulations governing use of groundwater, including Executive Order B-29-15 and the ~~Groundwater Management Act~~ SGMA, as well as groundwater provisions of applicable local general plans. Taken as a whole, these

regulations are intended to reduce groundwater use and subsequent overdraft of groundwater basins. Thus, this impact would be less than significant for the reasons described under Impact 2.8-2, and greater than the proposed Plan.

Page 3.1-82 -- In response to comment 39-27, the text on page 3.1-82 of the Draft EIR has been revised as follows:

Alternative 2, Main Streets

The Main Streets Alternative would result in the same increase to population levels as the proposed Plan. However, the land use growth footprint is smaller under the Main Streets Alternative than under the proposed Plan, which would result in a more efficient water supply system (e.g., ~~greater~~ less areas of irrigated landscaping). While the transportation project list would differ between the Main Streets Alternative and the proposed Plan, consideration of how water demand may differ cannot be determined without more detailed information on individual project design. Thus, this impact would be significant and unavoidable for the reasons described under Impact 2.12-1, and **less** than the proposed Plan.

Page 3.1-82 -- In response to comment 39-27, the text in the fifth paragraph on page 3.1-82 of the Draft EIR has been revised as follows:

Alternative 3, Big Cities

The Big Cities Alternative would result in the same increase to population levels as the proposed Plan. However, the land use growth footprint is smaller under the Big Cities Alternative than under the proposed Plan, which would result in a more efficient water supply system (e.g., ~~greater~~ less areas of irrigated landscaping). While the transportation project list would differ between the Big Cities Alternative and the proposed Plan, consideration of how water demand may differ cannot be determined without more detailed information on individual project design. Thus, this impact would be significant and unavoidable for the reasons described under Impact 2.12-1, and **less** than the proposed Plan.

Pages 3.1-94 through 3.1-99 -- The text in Table 3.1-38 on pages 3.1-94 and 3.1-99 of the Draft EIR has been revised as follows by MTC/ABAG staff:

Table 3.1-38 Summary of Alternatives Comparison to the Proposed Plan

Impacts	Proposed Plan	No Project	Main Streets	Big Cities	EEJ
2.2 AIR QUALITY					
Impact 2.2-7: Implementation of the proposed Plan could result in substantial emissions of objectionable odors.	LS	LS (S)	LS (S)	LS (S)	LS (S)
2.11 CULTURAL RESOURCES					
Impact 2.11-4: The proposed Plan could have the potential to disturb human remains, including those interred outside dedicated cemeteries.	~~SU~~ LS	~~SU~~ LS (G)	~~SU~~ LS (L)	~~SU~~ LS (L)	~~SU~~ LS (G)
Total: Less than significant or less than significant after mitigation	~~40~~ 42	~~34~~ 36	~~38~~ 40	~~38~~ 40	~~40~~ 42
Total: Significant and unavoidable following implementation of mitigation measures or significant and unavoidable because MTC/ABAG cannot require local implementing agencies to adopt mitigation measures identified in this EIR	~~38~~ 37	~~44~~ 43	~~40~~ 39	~~40~~ 39	~~38~~ 37

3.2 Other CEQA Considerations

Page 3.2-16 -- As explained in response to comment 39-28, the text on page 3.2-16 of the Draft EIR has been revised as follows:

> **Water Supply and Infrastructure**
> Water supply and associated infrastructure have both local and regional aspects. The rivers that provide virtually all the surface water supplies in the Bay Area originate outside the region, and travel through the region and beyond, providing water supply to jurisdictions inside and outside of the Bay Area along the way.
>
> An increase in demand and water consumption in one region has the potential to affect supplies throughout California, because the surface water supply systems are interconnected. Development of future water supply and associated infrastructure regionally and beyond depends on several factors, such as surface water availability, groundwater recharge, land use density, ~~and~~ land use type, regulatory changes, and modifications to water transfer agreements and wholesale contracts. Future urban growth (population, housing, and employees) anticipated with implementation of the Plan would result in an increase in water supply needs and demand. Future growth elsewhere in the cumulative impact analysis area could also lead to potential future water shortages and depletion of existing water supplies. As a result, the proposed Plan is cumulatively considerable with respect to water supply and water infrastructure, and this impact would be potentially significant (S).

Appendix K

Table K-1 – As explained in response to comment 65-6, Table K-1 in Appendix K, "Biological Resources Data Tables," of the Draft EIR has been revised as follows to include the following rows:

Table K-1 Special-Status Species Evaluated for Plan Bay Area 2040

Common Name	*Scientific Name*	Status				Habitat Associations
		FESA	CESA	CRPR	Other	
Invertebrates						
Behren's silverspot butterfly	*Speyeria zerene behrensii*	E	—	—	—	Coastal prairie. Restricted to the Pacific side of the Coast Ranges, from Point Arena to Cape Mendocino, Mendocino County. Inhabits coastal terrace prairie habitat. Foodplant is Viola sp.
Conservancy fairy shrimp	*Branchinecta conservatio*	E	—	—	—	Valley and foothill grassland, vernal pool, wetland. Endemic to the grasslands of the northern two-thirds of the Central Valley; found in large, turbid pools. Inhabit astatic pools located in swales formed by old, braided alluvium; filled by winter/spring rains, last until June.
Longhorn fairy shrimp	*Branchinecta longiantenna*	E	—	—	—	Valley and foothill grassland, vernal pool, wetland. Endemic to the eastern margin of the Central Coast mountains in seasonally astatic grassland vernal pools. Inhabit small, clear-water depressions in sandstone and clear-to-turbid clay/grass-bottomed pools in shallow swales.
Delta green ground beetle	*Elaphrus viridis*	T	—	—	—	Vernal pool, wetland. Restricted to the margins of vernal pools in the grassland area between Jepson Prairie and Travis Air Force Base. Prefers the sandy mud substrate where it slopes gently into the water, with low-growing vegetation, 25-100 percent cover.
Amphibians and Reptiles						
Giant gartersnake	*Thamnophis gigas*	T	T	—	—	Marsh and swamp, riparian scrub, wetland. Prefers freshwater marsh and low gradient streams. Has adapted to drainage canals and irrigation ditches. This is the most aquatic of the garter snakes in California.
Leatherback sea turtle	*Dermochelys coriacea*	E	—	—	—	Pelagic, living in the open ocean and occasionally entering the shallower water of bays and estuaries.
Blunt-nosed leopard lizard	*Gambelia sila*	E	E	—	FP	Chenopod scrub. Resident of sparsely vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows, under shrubs or structures such as fence posts; they do not excavate their own burrows.
Birds						
Short-tailed albatross	*Phoebastria albatrus*	E	—	—	SSC	Requires remote islands for breeding habitat. Known to breed on only two remote islands in the western Pacific Ocean. Species forages at sea over large areas.
Marbled murrelet	*Brachyramphus marmoratus*	T	E	—	—	Lower montane coniferous forest, old growth, redwood. Feeds near-shore; nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz. Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas-fir.
Least Bell's vireo	*Vireo bellii pusillus*	E	E	—	—	Riparian forest, riparian scrub, riparian woodland. Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.
California condor	*Gymnogyps californianus*	E	E	—	FP	Chaparral, valley and foothill grassland. Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. Forages up to 100 miles from roost/nest.

Table K-1 Special-Status Species Evaluated for Plan Bay Area 2040

Common Name	*Scientific Name*	Status				Habitat Associations
		FESA	CESA	CRPR	Other	
Mammals						
Point Arena mountain beaver	*Aplodontia rufa nigra*	E	—	—	SSC	Coastal scrub, meadow and seep. Coastal areas of Point Arena with springs or seepages. North-facing slopes of ridges and gullies with friable soils and thickets of undergrowth.

Status:

Federal Endangered Species Act (FESA):
C = Candidate
E = Endangered
T = Threatened

California Endangered Species Act (CESA):
CE = Candidate Endangered
D = Delisted
E – Endangered
R = Rare
T = Threatened

California Rare Plant Rank (CRPR) category descriptions:
1A = Plants presumed extinct in California and rare/extinct elsewhere
1B = Plants considered rare or endangered in California and elsewhere
2A = Plants presumed extirpated in California, but more common elsewhere
2B = Plants considered rare or endangered in California, but more common elsewhere.
3 = Plants about which more information is needed (a review list); and
4 = Plants of limited distribution (a watch list).

CRPR Threat Ranks:
.1 Seriously threatened in California (>80% of occurrences threatened and/or high degree and immediacy of threat)
.2 Moderately threatened in California (20 to 80% of occurrences threatened/moderate degree and immediacy of threat)
.3 Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

Other:

CDFW WL = California Department of Fish and Wildlife Watch List

FP = California Department of Wildlife Fully Protected

SSC = California Department of Fish and Wildlife Species of Special Concern

Source: CNDDB 2017

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4 REFERENCES AND PERSONS CONSULTED

BAAQMD and MTC. *See* Bay Area Air Quality Management District and Metropolitan Transportation Commission, Bay Area Commuter Benefits Program.

Bay Area Air Quality Management District. 2017. Clean Air Plan 2017. Available: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed: June 2017.

Bay Area Air Quality Management District and Metropolitan Transportation Commission, Bay Area Commuter Benefits Program. 2016 (February 2). Report to the California Legislature, http://www.baaqmd.gov/~/media/files/planning-and-research/commuter-benefits-program/reports/commuter-benefits-report.pdf.

Bay Area Air Quality Management District and Metropolitan Transportation Commission, Climate Initiatives Program. 2017. Spare the Air Youth. Bay Area Safe Routes to School. Available: http://www.sparetheairyouth.org/bay-area-safe-routes-school/. Accessed July 7, 2017

California Air Pollution Control Officers Association. 2016 (September). Appendix A Calculation Details for CalEEMod. Available: http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01_user-39-s-guide2016-3-1.pdf?sfvrsn=2. Accessed: June 2017.

California Air Resources Board. 2015. Memorandum – ARB Process and Schedule for SB 375 Target Update.

California Coastal Commission. 2015. *Sea Level Rise Policy Guidance*. Available: https://www.coastal.ca.gov/climate/ slrguidance.html. Accessed: June 14, 2017.

California Department of Finance. 2017. E-1 Population Estimates for Cities, Counties, and the State – January 1, 2016 and 2017. Available: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/. Accessed: July 2017.

Center of Sustainable Energy. 2016 (August). Experience Electric, Campaign Report. Available: https://energycenter.org/sites/default/files/docs/nav/transportation/experience-electric/MTC_EXEL_Final_Report.pdf.

City of Pacifica. 1980 (March 24). *City of Pacifica Local Coastal Land Use Plan*. Available: http://www.cityofpacifica.org/civicax/filebank/blobdload.aspx?BlobID=7043. Accessed: June 2017.

_____. 2017. *Local Coastal Program Update*. Chapter 5: Natural Hazards. Available: http://www.cityofpacifica.org/civicax/filebank/blobdload.aspx?blobid=6588 . Accessed: June 2017.

City and County of San Francisco. 2017. Local Coastal Program Amendment. Available: http://sf-planning.org/local-coastal-program-amendment. Accessed: June 2017.

City of Half Moon Bay. 1993. *Local Coastal Plan Land Use Plan Documents and Maps*. Available: http://www.half-moon-bay.ca.us/index.php?option=com_content&view=article&catid=38%3Aplanning-homepage&id=88%3Aland-use-coastal-program-documents&Itemid=62. Accessed: June 2017.

_____. 2016 (April). *Sea Level Rise Vulnerability Assessment*. Available: http://www.hmbcity.com/index.php?option=com_docman&task=doc_download&gid=3432&Itemid=68. Accessed: July 2017.

_____. 2017. Latest Update. Available: http://www.planhmb.org/. Accessed: June 2017.

County of San Mateo. 2013. *County of San Mateo Local Coastal Program Policies*. Available: http://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/SMC_Midcoast_LCP_2013.pdf. Accessed: June 2017.

_____. 2017. *Draft Sea Level Rise Vulnerability Assessment Report*. Available: http://seachangesmc.com/current-efforts/vulnerability-assessment/. Accessed: June 2017.

Daly City. 1984. Daly City Coastal Element. Available: http://www.dalycity.org/Assets/Departments/Economic+and+Community+Development/planning/General+Plan+$!26+Specific+Plans/Daly+City+Coastal+Element.pdf. Accessed: June 2017.

Griggs, G, Árvai, J, Cayan, D, DeConto, R, Fox, J, Fricker, HA, Kopp, RE, Tebaldi, C, Whiteman, EA (California Ocean Protection Council Science Advisory Team Working Group). 2017 (April). *Rising Seas in California: An Update on Sea-Level Rise Science*. California Ocean Science Trust. Available: http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf. Accessed: June 14, 2017.

Marin County. 2016. *Marin Local Coastal Program. Land Use Plan*. Available: http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/newdocs/161102_ccc_approved_lup_web.pdf?la=en. Accessed: June 2017.

_____. 2017 (May 16). *Response to Coastal Commissions Modifications to the Board's Local Coastal Program Amendments*. Available: https://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/newdocs/170516_bos_letter.pdf?la=en. Accessed: June 2017.

Metropolitan Transportation Commission. 2015. *International, Climate Initiatives Program: Evaluation Summary Report*. Available: http://mtc.ca.gov/sites/default/files/CIP%20Evaluation%20Summary%20Report_7-13-15_FINAL.pdf. Prepared by ICF.

MTC. *See* Metropolitan Transportation Commission.

MTC and ABAG. 2010. Bay Area Census. Available: http://www.bayareacensus.ca.gov/counties/SantaClaraCounty.htm. Accessed: July 2017.

National Agricultural Statistics Service. 2016. CropScape Data Layer. 2016. Available: https://nassgeodata.gmu.edu/CropScape/. Accessed June 14, 2017.

National Research Council. 2012. *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future. 2012*. Available: https://www.nap.edu/catalog/13389/sea-level-rise-for-the-coasts-of-california-oregon-and-washington. Accessed: June 14, 2017.

Sonoma County. 2017a. *Local Coastal Plan Update*. Available: http://sonomacounty.ca.gov/PRMD/Planning/Comprehensive-Review/Initiatives/Local-Coastal-Plan-Update/. Accessed: June 2017.

_____. 2017b. *Local Coastal Plan Update*. Sea Level Rise – Flooding. http://www.sonoma-county.org/prmd/docs/coastal/fact_sheet_4_sea_level_rise_flood.pdf. Accessed: June 2017.

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