

SUSTAINABLE TAMALMONTE

MILL VALLEY, CA 94941

June 25, 2016

ABAG & MTC

info@planbayarea.org

Re: Comments on Plan Bay Area Update 2017

Dear ABAG and MTC,

Per your request, below are our comments and recommendations regarding the Plan Bay Area Update 2017.

If we could only choose one of the 4 scenarios offered at your Plan Bay Area Update workshop, then the "Big Cities Scenario" would probably be the best choice. The "Big Cities Scenario" would require Marin County to plan for the least amount of population growth and housing and is the most similar to Marin's historic growth. Still, the "Big Cities Scenario" reflects a 10% population growth over 30 years, which is approximately .3% growth per year. Whereas Marin Census data for 2011 showed that Marin's population grew 2.1% in the previous decade (primarily in Novato), roughly only .2% growth per year. Marin Census data showed that between 2010 and 2015, there was an uptick in the growth rate to an average of .7% growth per year but this rate should decline significantly because Marin County lacks developable land and has limited availability of water resources.

However, rather than move forward on a predetermined scenario, we urge you to backtrack and start anew on the Plan Bay Area Update 2017.

The Plan Bay Area Update 2017 is very similar to the original Plan Bay Area, adopted in 2013. This is unfortunate due to the many failings of the 2013 plan. In order to improve the plan, we recommend that you start over and repeat three essential steps: 1) Reanalyze the failures of Plan Bay Area 2013 to better understand what needs to be corrected; 2) Set appropriate objectives to achieve the best outcome for the upcoming update; and 3) Redesign Plan Bay Area so that it achieves the new objectives.

A. REANALYZE THE FAILURES OF PLAN BAY AREA 2013

To understand the flaws of Plan Bay Area 2013, we encourage you to read the attached report entitled; "The Truth About Plan Bay Area", which is a critical analysis of the original 2013 version of the regional plan. ***Please note that the*

article was written in June, 2013 and since then, a number of areas in Marin were removed from the Hwy 101 Corridor Priority Development Area.

B. SET APPROPRIATE OBJECTIVES FOR THE PLAN BAY AREA UPDATE 2017

Most importantly, the priorities you have set do not align with the well being of the Bay Area and in particular Marin County. Instead, we urge you to adopt the following list of 15 objectives as you make planning decisions pertaining to the Plan Bay Area Update 2017:

- 1. Promote and maintain local control of land use decisions including planning and zoning;**
- 2. Encourage use of realistic and credible population, housing and jobs projections that clearly articulate assumptions, modeling and rationale.**
- 3. Advocate for more effective public and local agency engagement through out the process.**
- 4. Promote acknowledgement of resource limits especially for water availability.**
- 5. Work to reduce GHG emissions within each jurisdiction's control by implementing Climate Action Plans and/or additional measures as determined appropriate by local government.**
- 7. Recognize That There Is An Ultimate Limit To Growth.** The total projected build-out, allowed by Marin County's and Marin Cities' general plans, exceeds the capacity of Marin's infrastructure, public services and utilities, and environment. This is demonstrated by the findings of the 2007 Countywide Plan's EIR, which concludes that "land uses and development consistent with the 2007 Countywide Plan would result in 42 significant unavoidable adverse environmental impacts". Therefore, it is important for Marin County and Cities to recognize that there is an ultimate limit to growth and work together to reduce the total projected build-out of city and county general plans to a level that is sustainable. Plan Bay Area should respect this sustainable growth limit.
- 8. Debunk the false assumption that developing housing and jobs near transit (Transit Oriented Development - TOD) lowers Green House Gases.** Per SB 375, Plan Bay Area (2013) was supposed to lower per capita auto and light truck Green House Gas emissions by 15 percent and bring the Bay Area back to 1990 levels by the year 2040. According to Plan Bay Area's Environmental Impact Report, in 2010, residents of the Bay Area produced 48.8 trillion tons of carbon-dioxide-equivalent greenhouse gases. The California Air

Resources Board (CARB) greenhouse gas plan, mainly because of the Pavley standards, would reduce this by 11 percent to 43.4 trillion tons by 2040. The Metropolitan Transportation Commission's climate initiatives, which would promote electric cars, carpooling, and similar programs, would reduce emissions another 3 percent to 41.8 trillion tons. All of the other land-use and transportation programs, including transit initiatives, in Plan Bay Area (with great fiscal and environmental cost) would reduce emissions by less than 1 percent, to 41.3 trillion tons (equivalent to a rounding error).

9. Prohibit planning for housing in hazardous and constrained locations.

Acknowledge and work to reduce the significant unavoidable adverse environmental impacts that would result from implementation of Plan Bay Area. Remove proposed housing from areas where the development would result in significant unavoidable adverse environmental impacts.

10. Acknowledge that people who live in close proximity to major roads and freeways are at much greater risk of developing serious chronic illnesses (E.g. Heart disease, stroke, lung impairment, autism, asthma, miscarriage/ low birth weight, cancer, etc.). In so doing, work to halt plans for housing near major roads and freeways.

11. Work to ensure that all multifamily housing will receive full CEQA review without streamlining or exemptions. Eliminate SB 375's Transit Priority Project (TPP) Corridors and SB 743's Transit Priority Areas in Marin. Otherwise, work to prevent housing in Marin from being located in TPP Corridors and Transit Priority Areas.

12. Promote building reuse in order to retain existing affordable housing, to convert market rate housing to affordable housing, to reduce development costs, and to reduce environmental impacts. Acknowledge that building reuse almost always offers environmental savings over demolition and new construction. Moreover, it can take between 10 and 80 years for new energy-efficient building to overcome, through more efficient operations, the adverse climate change impacts that were created during the construction process.

13. Remove/Reject transportation funding strings that tie transportation funding to increasing development potential or that tie transportation funding to targeting housing near transit. The costs related to dealing with the adverse environmental impacts caused by overdeveloping our county far outweigh the incentives (E.g. Transportation Funding) attached to compliance or penalties attached to noncompliance of Regional Housing Needs Allocations (RHNA's), other State laws and regional plans/programs (E.g. Plan Bay Area) that increase development potential.

14. Count all conversion units, assisted living units, second units, junior units and inclusionary units toward the RHNA quota.

15. Work to prevent increased development in one Bay Area jurisdiction from impacting another neighboring jurisdiction.

C. CONCLUSION

We urge you to start again on the Plan Bay Area Update 2017 and make significant changes to the original Plan Bay Area 2013 to bring about a regional plan that promotes local control; accommodates realistic and sustainable population and job projections; upholds community character; respects the limits of Marin's and other Counties' infrastructure, public services and utilities, financial capabilities, and natural habitat; protects the environment and public health and safety; supports local economic vitality; and enhances quality of life.

We further urge you to use the attached article and above listed objectives to help guide your planning decisions regarding the Plan Bay Area Update 2017.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

Attachment

The Truth About Plan Bay Area

By Sharon Rushton (June 15, 2013)

This report is based on information from Plan Bay Area, Plan Bay Area's Draft Environmental Impact Report, the 2007 Marin Countywide Plan's Environmental Impact Report, the State Department of Finance forecasts, Marin County forecasts, Plan Bay Area comment letters and the PowerPoint presentation presented at the Great Debate.¹

I. OVERVIEW

Plan Bay Area is the Bay Area's first Sustainable Communities Strategy (SCS) mandated by Senate Bill 375 and is in the process of being finalized. This state required Bay Area regional plan - plans for transportation, housing and land use over the next 25 years. It concentrates high-density, mixed-use commercial and affordable housing near transit hubs. Each jurisdiction in the Bay Area, including each Marin County jurisdiction, is mandated (with incentives and penalties) to follow Plan Bay Area.

II. PLAN BAY AREA REDUCES LOCAL CONTROL

Plan Bay Area contributes to a loss of local control.

SB 375 does not supersede local laws and local governments are explicitly not required to update their general plans in accordance with the law's centerpiece, the Sustainable Communities Strategy (SCS). (Plan Bay Area is the Bay Area's SCS.) However, SB 375 uses incentives (i.e. transportation funding, etc.) and penalties (i.e. court sanctions, accelerated Housing Element update cycles, etc.) to entice local jurisdictions to follow the law.

Moreover, under the Regional Housing Needs Allocation (RHNA) state law, a local government is still required to amend its Housing Element (and amend its General Plan if necessary to be internally consistent) and rezone its land in order to accommodate the quantity of housing it is assigned under the RHNA — and SB 375 requires that the RHNA be consistent with the Sustainable Communities Strategy (SCS) — AKA Plan Bay Area. In that sense, local governments will still be called upon to implement major aspects of Plan Bay Area (AKA the Bay Area's SCS) via RHNA, whether or not they want to.²

¹ The Great Debate – The Pros and Cons of Plan Bay Area: The debate occurred on May 30, 2013 at the Marin Civic Center. The team defending Plan Bay Area consisted of Steve Kinsey (Marin County Supervisor and MTC Rep) and Mark Luce (Napa County Supervisor and ABAG Rep). The opposing viewpoint was presented by Randal O'Toole (American public policy analyst and author of "Gridlock") and Thomas Rubin (Oakland-based transportation consultant and former chief financial officer of the Southern California Rapid Transit District).

² <http://transbayblog.com/sb375/#localgov>

III. PLAN BAY AREA'S FORECAST OF POPULATION, JOBS AND HOUSING IN MARIN COUNTY IS UNREALISTIC

According to the plan, between now and 2040, Marin County is supposed to accommodate an unrealistic amount of growth: specifically 13% population growth (32,914 more people); 11% household growth (11,210 more households); and 17% job growth (18,390 new jobs). These projections conflict with the Department of Finance's and Marin County's forecasts.

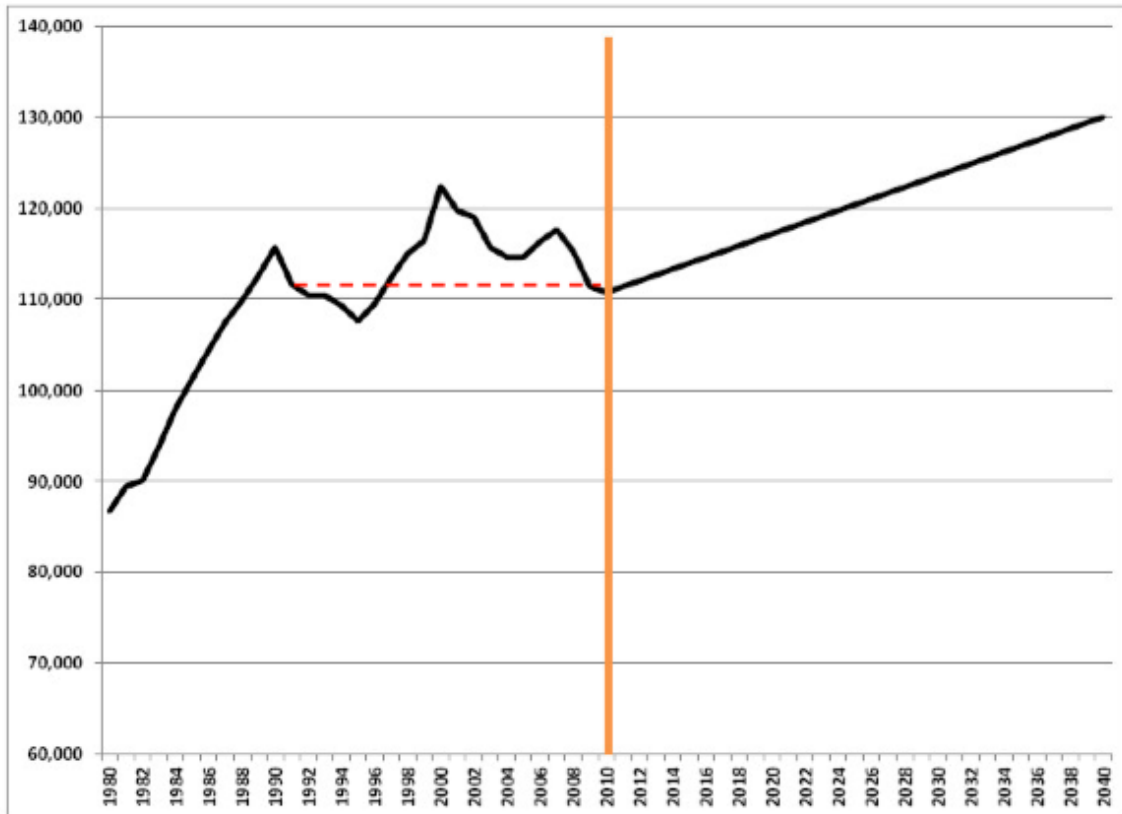
Population Growth

The State Department of Finance is the preeminent authority on population and job projections. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area: Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. Moreover, Census data for 2011 showed that Marin's population grew 2.1 % in the previous decade (primarily in Novato), roughly only .2 % growth per year. This rate should decline even more because Marin County lacks developable land and has limited availability of water resources.

Employment Growth

The Draft Plan Bay Area's Jobs-Housing Connection Scenario forecasts Marin County's employment growth at 17% by 2040, or about one-half percent per year. Although this appears to be consistent with historical growth of 16% from 1980-2010, in fact, and as pointed out by the Transportation Authority of Marin in its April 26, 2012 letter to ABAG, job growth in Marin was substantial only from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990, as shown below in the dotted line, with a consistent decrease since 2000.

Marin County Payroll Employment 1980-2010 and ABAG/SCS Projections through 2040



Sources: ABAG/SCS Jobs-Housing Connection Scenario and Bureau of Labor Statistics (BLS)

Marin County lacks the type of developable land associated with business growth of the 1980s, and has limited availability of water resources. It is unlikely that Marin can match the robust job growth of the 1980s. Marin’s growing population of seniors will retire or not be fully employed, which will also contribute to lower employment levels.

All of these factors point towards little growth in Marin, much lower than Plan Bay Area’s projections.

Plan Bay Area Targets Growth in Priority Development Areas (PDA)

A very high percentage of new development (38% of new housing and 22% of new/expanded businesses) is targeted in Priority Development Areas (PDAs). Yet, the PDAs comprise less than 5% of land designated for development in Marin. The result will be concentrated high-density development and accelerated population growth in Marin’s PDAs.

IV. TWO MAIN GOALS OF PLAN BAY AREA

Two main goals that Plan Bay Area is supposed to achieve, as required by Senate Bill 375, are: 1) To lower per capita auto and light truck Green House Gases by 15 percent; 2) To provide affordable housing for everyone in the region.

Yet, Plan Bay Area's land use and transportation programs don't achieve either of these goals.

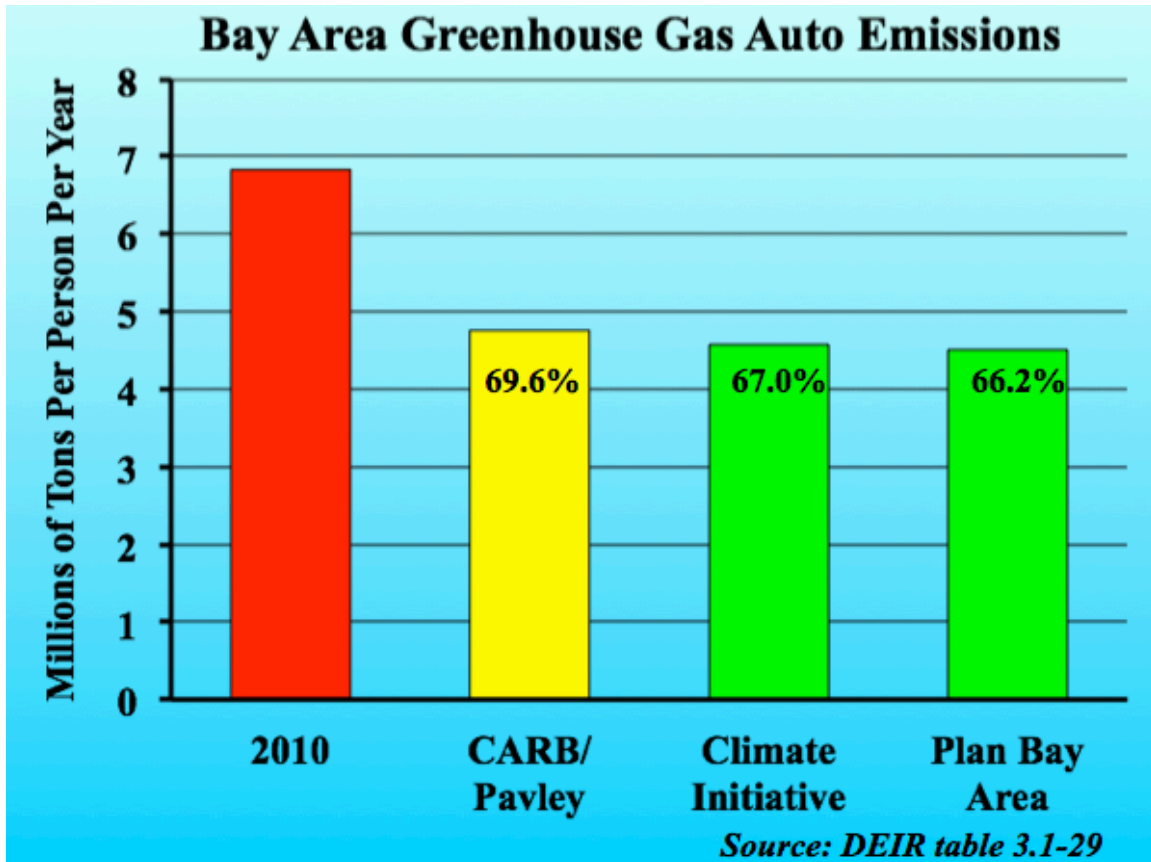
GOAL #1 - Lowering Per-Capita Auto & Light Truck Green House Gas Emissions:

Plan Bay Area isn't needed to meet SB 375's greenhouse gas reduction requirement.

According to SB 375, Plan Bay Area is supposed to lower per capita auto and light truck Green House Gas emissions by 15 percent and bring the Bay Area back to 1990 levels by the year 2040. Plan Bay Area claims that to return to 1990 levels requires a 25 to 35% reduction from current levels. However, this is actually an error. This level has already almost been achieved through efficiencies in car and light truck emissions due to rules set by the California Air Resources Board (CARB) greenhouse gas plan.

The CARB rules alone will easily beat the 15 percent reduction in per capita auto emissions by 2040. The Metropolitan Transportation Commission's (MTC) climate initiative reduces emissions by another 2.6%. Land use and transit programs proposed by Plan Bay Area (with great fiscal and environmental cost) would account for less than 1 percent reduction in per capita green house gases – A rounding error!

The plan vastly depends on auto and light truck emission initiatives and climate initiatives to achieve its target for reducing Green House Gas emissions. These initiatives could be implemented without Plan Bay Area.



Courtesy of the PowerPoint Presentation re: Plan Bay Area presented at the Great Debate

Plan Bay Area’s Misguided Emphasis on Transit:

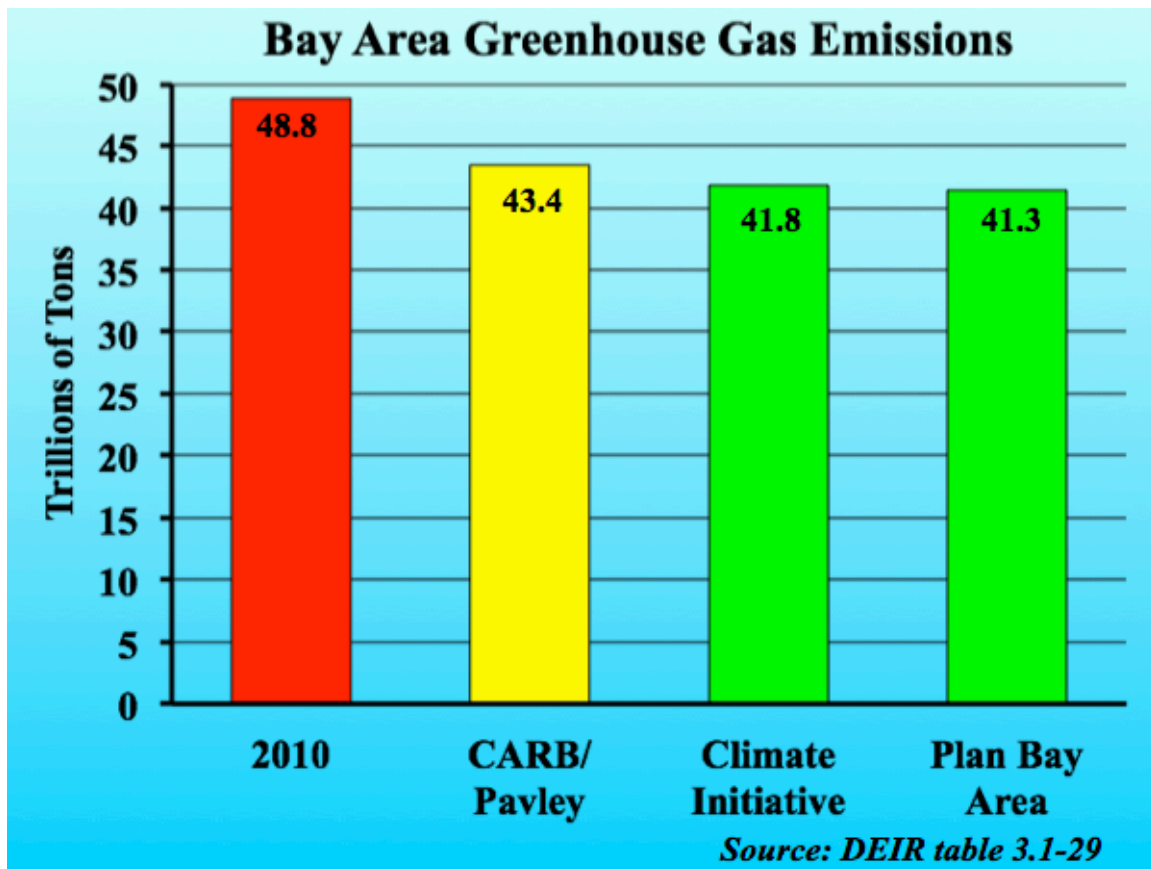
Plan Bay Area concentrates most of its transportation programs and funding on expensive fixed guideway transit projects. Plan Bay Area proposes to spend \$159 billion on transit maintenance and only \$94 million on road maintenance. The assumptions behind this are that spending more money on transit will get people to take transit instead of driving and that transit emits significantly less greenhouse gases than cars. Neither assumption is true.

Despite billions of dollars spent on transit over the past several decades, per capita transit ridership has declined by 36 percent since 1982.

Even if Plan Bay Area could increase per capita transit ridership, doing so is not likely to significantly reduce greenhouse gas emissions. While transit emits slightly less greenhouse gases than driving today, under the Pavley standards, cars and light trucks will soon be greener than transit. Indeed, cars and light trucks are rapidly becoming greener, while transit is improving slowly, if at all. Average auto fuel economy has improved by 40 percent in the last 40 years, while transit’s fuel economy has actually gotten worse.

Rapidly Evolving Efficiencies in Car and Light Truck Emissions Are The Most Effective Way To Reduce Green House Gases:

According to Plan Bay Area’s Draft Environmental Impact Report (DEIR), in 2010, residents of the Bay Area produced 48.8 trillion tons of carbon-dioxide-equivalent greenhouse gases. The California Air Resources Board (CARB) greenhouse gas plan, mainly because of the Pavley standards, would reduce this by 11 percent to 43.4 trillion tons by 2040. The Metropolitan Transportation Commission’s climate initiatives, which would promote electric cars, carpooling, and similar programs, would reduce emissions another 3 percent to 41.8 trillion tons. All of the other land-use and transportation programs, including transit initiatives, in Plan Bay Area (with great fiscal and environmental cost) would reduce emissions by less than 1 percent, to 41.3 trillion tons.

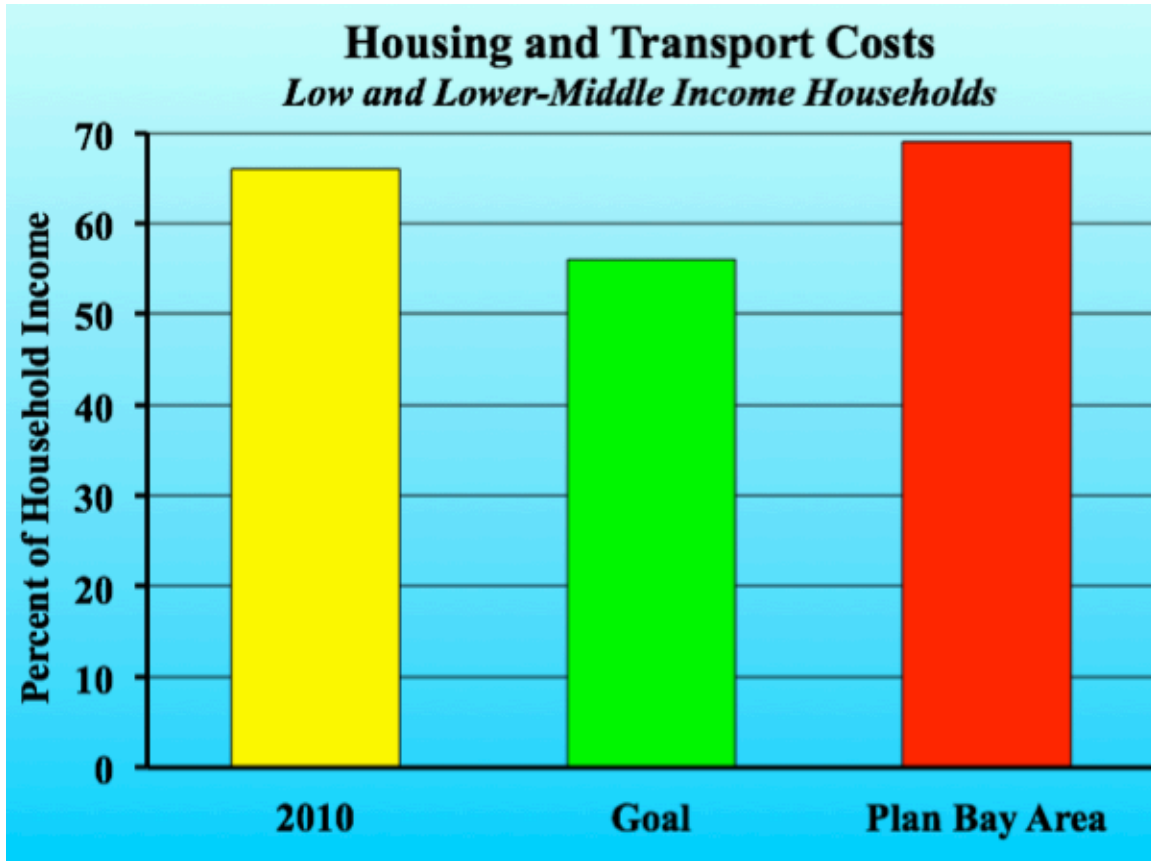


Courtesy of the PowerPoint Presentation re: Plan Bay Area presented at the Great Debate

GOAL #2 - Providing Affordable Housing For Everyone In The Bay Area Region

Plan Bay Area makes housing less affordable than ever! Bay Area housing is very unaffordable today. Combined housing and transport costs consume two-thirds of the income of low- and lower-middle income households. Plan Bay Area set a target of reducing these combined costs to 56 percent, which is the national

average. How close did it come to meeting this goal? Not only does it not meet the goal, it makes it worse, increasing costs to 69 percent of incomes.



Courtesy of the PowerPoint Presentation re: Plan Bay Area presented at the Great Debate

V. THE ENVIRONMENTAL COSTS OF PLAN BAY AREA

Not only are the fiscal costs of implementing Plan Bay Area astronomical, reaching into the 100s of billions of dollars, but the environmental costs (in terms of both physical devastation and monetary expense of mitigations) are enormous too. Moreover, the costs of dealing with the environmental impacts are unknown and unfunded.

Plan Bay Area's DEIR:

The Draft Plan Bay Area's Draft Environmental Impact Report (DEIR) demonstrates that implementation of Plan Bay Area would cause 39 significant unavoidable adverse environmental impacts, resulting in severe environmental harm and serious illness, injury, and loss of life. The severity, magnitude and number of these impacts are astonishing.

They include, but are not limited to, impacts from:

- Insufficient water supply;
- Inundation from sea level rise;

- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- A net increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Direct removal, filling or hydrological interruption of habitat; and
- Interference with the movement of native resident or migratory fish or wildlife species.

These impacts were found to be unavoidable either because mitigations will not reduce the impacts to less-than-significant or else because the regional agencies cannot require local jurisdictions to impose the mitigation measures. Moreover, the mitigations are unfunded.

The Marin Countywide Plan’s EIR Corroborates Plan Bay Area’s DEIR Findings:

In Unincorporated Marin, Plan Bay Area targets development where the Marin Countywide Plan (CWP) targets development. The CWP’s Environmental Impact Report (EIR) found that implementation of the CWP would result in 42 Significant Unavoidable Adverse Environmental Impacts. Moreover, if you compare Plan Bay Area’s Priority Development Areas with Marin’s Hazard Maps, you will see that Plan Bay Area targets development in some of our most hazardous areas. These findings confirm that implementation of Plan Bay Area in Marin County would result in severe environmental harm and serious jeopardy of public health and safety.

Plan Bay Area Furthers CEQA Exemptions and Streamlining:

Adding insult to injury... While increasing the risk of adverse environmental impacts, Plan Bay Area contributes to a reduction in environmental protections. Plan Bay Area furthers along California Environmental Quality Act (CEQA) streamlining and exemptions that are allowed by Senate Bill 375.

SB 375 adjusted the California Environmental Quality Act (CEQA) to allow streamlining or exemptions of Environment Impact Reports (EIRs) for:

1. Projects that are consistent with an approved Sustainable Community Strategy (SCS). - Plan Bay Area is the Bay Area’s SCS; and
2. Projects that qualify as “Transit Priority Projects” (TPPs). - Plan Bay Area identifies “Transit Priority Project Corridors”, thus helping promote TPPs.

Under SB 375, the Sustainable Communities Strategy’s Environmental Impact Report (EIR) (AKA Plan Bay Area’s EIR) is the program EIR that future projects would rely on for CEQA exemptions and streamlining. Full CEQA exemptions could occur in areas that meet full TPP criteria (E.g. Downtown San Rafael & the Canal neighborhood). CEQA streamlining or partial CEQA exemption could occur

in areas that meet some but not all TPP criteria (E.g. Areas along the main transit routes in Marin).

VI. PLAN BAY AREA PROMOTES UNFUNDED MANDATES

Plan Bay Area does not identify or address how communities will fund the expansion of public infrastructure and services necessary to accommodate the plan's projected growth. There is no funding in place to address the significant adverse impacts that the plan will create. The local jurisdictions are expected to pick up the tab, when they don't even have enough available funds to properly provide for the existing demands.

VII. CONCLUSION

Plan Bay Area's projections for population, jobs and housing growth are unrealistic. Plan Bay Area reduces local control. Plan Bay Area isn't needed to meet SB 375's greenhouse gas reduction requirement. Plan Bay Area makes housing less affordable than ever. Moreover, the cost effectiveness of the plan is abysmal, with costs of implementing Plan Bay Area far surpassing any benefits achieved.

The only reasonable action to take at this point is to start over.