



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."

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:

- 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.

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).

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<sup>1</sup> 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.

### **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.

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.

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<sup>1</sup> 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,

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October 13, 2016

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<sup>1</sup>)."

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:

**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

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<sup>1</sup> 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.

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.

### **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.

- 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.

#### **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,

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**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.)

	<b>Plan Bay Area 2013 EIR Mitigation for farmland loss</b>	<b>Draft Plan Bay Area 2040 DEIR Mitigation for farmland loss</b>
	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.
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 <del>partial compensation mitigation</del> for the loss of agricultural land <del>or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity.</del>
3	Maintain and expand agricultural land protections such as urban growth boundaries	Same
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
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 <del>in the County</del> 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.)
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

7	Minimizing isolation, severance and fragmentation of agricultural lands by constructing underpasses and overpasses to provide property access.	Removed
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
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
10	Reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction	Removed
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
12	Managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land	Removed
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

	and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals	
14	Requiring berms, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland	Removed
15	Requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection	Removed
16	Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion	Removed
17		<p><b>Added:</b></p> <p>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.</p>