

2 COMMENTS AND RESPONSES ON THE DRAFT EIR

This chapter contains copies of the written and oral comments received on the Plan Bay Area 2050 Draft EIR (“Draft EIR”), outlined in the table below, as well as responses to these comments. MTC and ABAG received 146 EIR comment letters and transcripts during the comment period, from June 4, 2021, through July 20, 2021. As required by the California Environmental Quality Act (CEQA), MTC and ABAG evaluated all comments on environmental issues (CEQA Guidelines Section 15088(a)). This Final EIR fulfills MTC’s and ABAG’s obligation to provide written responses to all comments raising environmental issues received during the public comment period (CEQA Guidelines Section 15088(b)).

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 following Table 2-1 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 preferences for the proposed Plan. While MTC and ABAG are not obligated by CEQA to provide detailed responses to comments that address comments on the Plan or that do not relate to the adequacy of the environmental analysis, responses are provided to explain and clarify portions of the proposed Plan and planning process. Comments are noted and included in this Final EIR, which will be reviewed by the decision makers.

Table 2-1: List of Commenters

Letter No.	Commenter	Date
1	Peter Hensel	June 4, 2021
2	Golden Gate Bridge, Highway and Transportation District David Davenport, Senior Planner	June 11, 2021
3	Metropolitan Transportation Commission with ABAG Administrative Committee Meeting Tim Frank and Ken Bukowski	June 11, 2021
4	Bill Mayben	June 16, 2021
5	Patrick Carman	June 18, 2021
6	Alameda County Water District Devon Becker, Water Resources Engineer	June 22, 2021
7	Graniterock Pat Mapelli, Land Use Manager	June 22, 2021
8	Draft Environmental Impact Report Plan Bay Area 2050 Public Hearing Susan Kirsch, Gerald Cauthen, Ferenc LK	June 22, 2021
9	Palo Altans for Sensible Zoning Greg Schmid	June 23, 2021
10	Bay Area Transportation Working Group Gerald Cauthen, PE	June 23, 2021
11	Julie Weiss	June 28, 2021

Letter No.	Commenter	Date
12	Kristina Hill, PhD	July 1, 2021
13	City of Mountain View Kimbra McCarthy, City Manager	July 2, 2021
14	Bill Mayben	July 5, 2021
15	Linda Jensen	July 7, 2021
16	Andy Robin	July 7, 2021
17	City of Saratoga Yan Zhao, Mayor	July 7, 2021
18	Virginia Smedberg	July 7, 2021
19	Nathan Szajnberg, MD and Y. Wu, PhD	July 7, 2021
20	Draft Environmental Impact Report Public Hearing Nick Pilch, Tim Frank, and Kristina Hill	July 7, 2021
21	Kristen Altbaum	July 8, 2021
22	Andrew Fetter	July 8, 2021
23	Jeanne Fleming	July 8, 2021
24	Carolyn V. Garbarino	July 8, 2021
25	Jim Holmlund	July 8, 2021
26	Frank Ingle	July 8, 2021
27	Cheryl Lilienstein	July 8, 2021
28	Stepheny McGraw	July 8, 2021
29	Walter Murray	July 8, 2021
30	Phyllis Sherlock, PhD	July 8, 2021
31	Nancy Steinbach	July 8, 2021
32	Jon Zweig	July 8, 2021
33	Nancy Karp	July 9, 2021
34	Sally Supplee	July 9, 2021
35	Davina Brown	July 10, 2021
36	Tina Peak	July 11, 2021
37	Rick Coates	July 12, 2021
38	League of Women Voters Bay Area Sherry Smith, President	July 12, 2021
39	Stepheny McGraw	July 12, 2021
40	David Schrom	July 12, 2021
41	California Department of Wildlife Stacy Sherman, Acting Regional Manager, Bay Delta Region	July 13, 2021
42	Hamilton Hitchings	July 13, 2021

Letter No.	Commenter	Date
43	Citizens Committee to Complete the Refuge Stuart M. Flashman	July 14, 2021
44	Coastside County Water District Mary Rogren, General Manager	July 14, 2021
45	Paul Machado	July 14, 2021
46	Julie Beer	July 15, 2021
47	Margo Davis	July 15, 2021
48	Sharleen Fiddaman	July 15, 2021
49	Shirley Finrock	July 15, 2021
50	Auros Harman	July 15, 2021
51	Jim Jolly	July 15, 2021
52	Kathy Jordan	July 15, 2021
53	San Francisco Baykeeper Ben Eichenberg, Staff Attorney	July 15, 2021
54	Bob Taylor	July 15, 2021
55	Rita C. Vrhel	July 15, 2021
56	Victor J. Zilinskas	July 15, 2021
57	Ken Alsman	July 16, 2021
58	Joyce Beattie	July 16, 2021
59	Jim Colton	July 16, 2021
60	Suzanne Crocker	July 16, 2021
61	Linval R. DePass, PhD	July 16, 2021
62	Stan	July 16, 2021
63	Don Teeter	July 16, 2021
64	Thomas J. Belick	July 17, 2021
65	Mark Hogan	July 17, 2021
66	Hilary Hug	July 17, 2021
67	Susan Kemp	July 17, 2021
68	Gary Mahany	July 17, 2021
69	Shannon McEntee	July 18, 2021
70	John McLaughlin	July 18, 2021
71	Andie Reed, CPA	July 18, 2021
72	Craig Taylor	July 18, 2021
73	Alameda County Water District Ed Stevenson, General Manager	July 19, 2021
74	350 Bay Area	July 19, 2021

Letter No.	Commenter	Date
	Jack Lucero Fleck, PE, Transportation Campaign	
75	Bay Area Transportation Working Group Gerald Cauthen P.E., Co-Founder and President	July 19, 2021
76	Bay Area Water Supply and Conservation Agency Nicole Sandkulla, Chief Executive Officer and General Manager	July 19, 2021
77	Robert Brasher	July 19, 2021
78	Chris Brosnan	July 19, 2021
79	Catalysts for Local Control Richard Johnson	July 19, 2021
80	City of Burlingame Syed Murtuza, Director of Public Works	July 19, 2021
81	City of Fremont Hans F. Larsen, Public Works Director	July 19, 2021
82	Cloverdale Racheria Patricia Hermosillo, Tribal Chairperson	July 19, 2021
83	Contra Costa County John Kopchik, Director	July 19, 2021
84	Fernc LK	July 19, 2021
85	Grassetti Environmental Consulting Richard Grassetti, Principal	July 19, 2021
86	Terry Holzemer	July 19, 2021
87	Margaret Kallman	July 19, 2021
88	John J. McLaughlin	July 19, 2021
89	Santa Clara County Parks and Recreation Department Kimberly Brosseau, AICP, Senior Planner	July 19, 2021
90	Santa Clara Valley Open Space Authority Andrea Mackenzie, General Manager	July 19, 2021
91	Gregory Schmid	July 19, 2021
92	Jim Schmidt	July 19, 2021
93	Laura Seitel and Loy Martin	July 19, 2021
94	Sonoma-Marin Area Rail Transit Farhad Mansourian, General Manager	July 19, 2021
95	Ranganath Tirumala	July 19, 2021
96	Yerba Buena Neighborhood Consortium John Elberling, Manager	July 19, 2021
97	Alameda-Contra Costa Transit District Ramakrishna Pochiraju, PE, Executive Director of Planning and Engineering	July 20, 2021
98	Alameda County Transportation Commission	July 20, 2021

Letter No.	Commenter	Date
	Tess Lengyel, Executive Director	
99	Marjorie Alvord	July 20, 2021
100	Bay Area Rapid Transit Val Joseph Menotti, Chief Planning and Development Officer	July 20, 2021
101	Keith and Atsuko Bennett	July 20, 2021
102	California Coastal Commission Peter Allen, Northern California Coastal Program Transportation Manager	July 20, 2021
103	California Department of Transportation Jean C.R. Finney, Deputy District Director	July 20, 2021
104	Letter number not used	N/A
105	California High Speed Rail Boris Lipkin, Northern California Regional Director	July 20, 2021
106	Catalysts for Local Control Susan Kirsch, Director	July 20, 2021
107	Center for Biological Diversity Tiffany Yap, DEnv/PhD, Senior Scientist, Wildlife Connectivity; Elizabeth Reid-Wainscoat, MS, Urban Wildlands Campaigner	July 20, 2021
108	Citizens Committee to Complete the Refuge Carin High, Co-Chair and Rick Johnson	July 20, 2021
109	City of Campbell Brian Loventhal, City Manager	July 20, 2021
110	City of Dublin Michael P. Cass, Principal Planner	July 20, 2021
111	City of Hayward Alex Ameri, Director of Public Works	July 20, 2021
112	City of Millbrae Khee Lim, Public Works Director	July 20, 2021
113	City of Milpitas Steven G. McHarris, City Manager	July 20, 2021
114	City of Mountain View Dawn S. Cameron, Public Works Director	July 20, 2021
115	City of Palo Alto Tom DuBois, Mayor	July 20, 2021
116	City of Sunnyvale Ramana Chinnakotla, Director, Environmental Services	July 20, 2021
117	City/County Association of Governments of San Mateo County Sandy Wong, Executive Director	July 20, 2021
118	Susan Cole	July 20, 2021
119	Creative Heath Network Suzanne Keehn, President	July 20, 2021

Letter No.	Commenter	Date
120	Delta Protection Commission Erik Vink, Executive Director	July 20, 2021
121	Delta Stewardship Council Jeff Henderson, AICP, Deputy Executive Officer	July 20, 2021
122	Dry Creek Rancheria Band of Pomo Indians Chris Wright, Chairman	July 20, 2021
123	Dulce Ponceleon	July 20, 2021
124	East Bay Coalition Kristin Connelly, Stephen Baiter, Lynn Naylor	July 20, 2021
125	East Bay Municipal Utility District David J. Rehnstrom, Manager of Water Distribution Planning	July 20, 2021
126	Mike Forster	July 20, 2021
127	Green Foothills Brian Schmidt, Legislative Advocacy Director	July 20, 2021
128	Holly Lofgren	July 20, 2021
129	Virginia Madsen	July 20, 2021
130	Marin Audubon Society Barbara Salzman, Chair, Conservation Committee	July 20, 2021
131	Midpeninsula Regional Open Space District Ana M. Ruiz, General Manager	July 20, 2021
132	Raayan Zarandian Mohtashemi	July 20, 2021
133	Pacific Merchant Shipping Association Mike Jacob, Vice President and General Counsel	July 20, 2021
134	Port of Oakland Richard Sinkoff, Director of Environmental Programs and Planning	July 20, 2021
135	San Francisco Bay Water Emergency Transportation Authority Kevin Connolly, Manager, Planning and Development	July 20, 2021
136	San Francisco International Airport Ivar C. Satero, Airport Director	July 20, 2021
137	Sierra Club Mike Ferreira, Executive Committee, Loma Prieta Chapter; Victoria Brandon, Chair, Redwood Chapter; Matt Williams, Chair, Transportation and Compact Growth Committee, San Francisco Bay Chapter	July 20, 2021
138	Sierra Club Arthur Feinstein, Chair, Sierra Club 3-Chapter San Francisco Bay Sea Level Rise Committee	July 20, 2021
139	Sonoma County Eric Gage, Planner III	July 20, 2021
140	Sonoma Water Connie Barton	July 20, 2021
141	Stanford University Lesley Lowe, Transportation and Environmental Planning Manager	July 20, 2021

Letter No.	Commenter	Date
142	Town of Danville Joseph A. Calabrigo, Town Manager	July 20, 2021
143	Town of Windsor, Sam Salmon, Mayor; City of Healdsburg, Evelyn Mitchell, Mayor; City of Cloverdale, Marta Cruz, Mayor; and Sonoma County, James Gore, Supervisor, 4th District	July 20, 2021
144	Valley Water Aaron Baker, P.E., Chief Operating Officer	July 20, 2021
145	Zone 7 Water Agency Elke Rank	July 20, 2021
146	Letter number not used	N/A
147	Letter number not used	N/A
Letters Received After Comment Period Close		
148	Bruce Irion	August 2, 2021
149	City of Cupertino Darcy Paul	August 19, 2021

MTC and ABAG appreciate the time and effort taken by commenters to express their views and concerns as a part of this process. These views and recommendations will be considered by MTC staff in developing the staff recommendation, and by the MTC Commission and ABAG Executive Board in their deliberations and decision-making regarding certification of the EIR and adoption of the proposed Plan.

Section 15088(a) of the CEQA Guidelines directs that lead agencies must prepare written responses to those comments received during the Draft EIR comment period that raise “significant environmental issues.” While MTC and ABAG are under no obligation to respond to comments received after the close of the comment period (Public Resources Code Section 21091(d)(2)(A); CEQA Guidelines Section 15088(a)), this Final EIR also includes responses to comments received through August 31, 2021. At the time this Final EIR was drafted, the last comment received that met this criterion was dated August 19, 2021. MTC and ABAG have opted to take this broad approach to facilitate the public process, document the exchange of information, and provide important information about considerations relevant to the proposed project.

Where a comment provides the opinion, preference, or observation of the commenter (e.g., opinions on the merits of the project that are unrelated to its environmental impacts), without substantiation, this is acknowledged for the record, and no further response is provided. All comments, whether substantiated by facts or simply reflecting the position of the commenter, will be considered by MTC and ABAG throughout this process.

Where a comment provides substantial evidence in support of a conclusion different from that reached in the Draft EIR, MTC and ABAG and their expert consultants have considered the evidence and responded accordingly. Section 15151 of the CEQA Guidelines (and related judicial opinions) directs that in situations where there is a disagreement between experts, the EIR should summarize the main points of disagreement for consideration by the decision makers in reaching their decision. Disagreements between experts do not preclude the process from moving forward, nor do they preclude the Commission and Executive Board from considering the evidence and making their decision(s). Environmental impact analysis that occurs through CEQA is just one factor to be considered during project review. Separate from the CEQA process, MTC and ABAG will analyze the “merits” of the Plan. MTC and ABAG have the ability to approve the Plan, deny it, or approve it with conditions.

2.1 MASTER RESPONSES

Some comments raised similar issues. Rather than respond individually to recurring comments, master responses have been developed to address the comments comprehensively. Master responses are provided for the following topics:

- (1) Regional growth forecast for Plan Bay Area 2050;
- (2) COVID-19 pandemic considerations;
- (3) Water supply;
- (4) EIR alternatives;
- (5) Sea level rise;
- (6) MTC and ABAG roles and authority;
- (7) Formation of the fiscally constrained transportation project list; and
- (8) Refinements of travel demand modeling assumptions.

A reference to the relevant master response is provided, as appropriate, in responses to individual comments.

2.1.1 Master Response 1: Regional Growth Forecast

The Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill (SB) 375, requires metropolitan planning organizations (MPOs) to prepare a sustainable communities strategy using the most recent planning assumptions, as part of their regional transportation plan. MTC is the MPO for the Bay Area. SB 375 also requires ABAG to identify areas within the region 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, as well as to identify areas within the region sufficient to house an 8-year projection of the regional housing need for the region.

Every 4 years, ABAG tracks and forecasts the region's demographic and economic trends to better understand growth dynamics in the nine-county Bay Area region. The regional growth forecast incorporates these recent observed trends, as well as assumptions on future trends validated and developed in consultation with a technical advisory committee. This regional forecast of jobs, population, and housing becomes a fundamental first step in the long-range planning process. 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 household size and income distribution.

The regional growth forecast (2015 to 2050) projects:

- ▲ an increase of 1.4 million jobs,
- ▲ an increase of 2.7 million people,
- ▲ an increase of 1.4 million households, and
- ▲ an increase of 1.5 million housing units.

The EIR evaluates the impacts of the development pattern proposed under the proposed Plan to accommodate the regional growth forecast. The development pattern includes a footprint in which development would occur, including infrastructure improvements necessary to address projected growth. Direct and indirect impacts associated with the proposed Plan are discussed throughout Sections 3.2 through 3.15 of the Draft EIR.

THE PROPOSED PLAN REGIONAL GROWTH FORECAST AND DOF PROJECTIONS

According to the California Department of Finance (DOF) Baseline 2019 projections, from 2015 to 2050 the nine-county Bay Area is expected to add 1.37 million people. The DOF projections are calculated using a demographic balancing equation that calculates the population in the target year by starting with the population from the previous year, adding natural increase (births minus deaths) and net migration that occurred between the two years. Please see documentation from DOF Demographic Research Unit, Population Projections Methodology (2019 Baseline) (DOF 2020).

The regional growth forecast for the proposed Plan uses demographic assumptions that are comparable to those used by DOF and that were reviewed by DOF staff. The differences between the forecasts used for the proposed Plan and DOF are driven by two factors. First, the proposed Plan's regional growth forecast captures the effects of the regional economy on regional demographics, whereas DOF does not have an economic component in its population projections. Second, while DOF's projection is a baseline "status quo" forecast, the regional growth forecast for the proposed Plan reflects a combination of current conditions as well as the vision of the proposed Plan and its transportation, housing, economy, and environmental strategies. Specifically, the housing strategies included in the proposed Plan are expected to benefit the region through outcomes such as reduced housing costs and increased construction investment, which allow the proposed Plan to meet its statutory obligation to house all economic segments of the population. Please see Chapter 2 of the supplemental Plan Bay Area Forecasting and Modeling Report (ABAG and MTC 2021).

THE PROPOSED PLAN REGIONAL GROWTH FORECAST AND HCD REGIONAL HOUSING NEEDS DETERMINATION

In the Regional Housing Needs Allocation (RHNA) process, the role of the State is to identify the total number of homes that each region in California must provide to meet the housing needs of people across the full spectrum of income levels. This number of homes is developed by California Department of Housing and Community Development (HCD) and is known as the Regional Housing Needs Determination (RHND). The role of the regional agency is to allocate a share of the RHND to its respective local governments. As the Council of Governments for the nine-county Bay Area, ABAG is required to develop the methodology for sharing the RHND among all cities, towns, and counties in the region.

Because the regional population forecast for the proposed Plan differs from the DOF's forecast by more than 1.5 percent, pursuant to Government Code Section 65584.01(a), HCD met with ABAG to discuss the methodology used to prepare the proposed Plan population projection. HCD also consulted with DOF staff. Based on population projections produced by DOF and the application of specific upward adjustments related to a targeted vacancy rate, rate of overcrowding, and cost burden, HCD determined that the Bay Area must plan for 441,176 new housing units between 2023 and 2031. The proposed Plan's regional housing growth forecast is prepared in five-year increments. In the decade between 2020-2030, the proposed Plan forecasts 570,000 new housing units. If this growth is annualized and multiplied by eight, we would arrive at 456,000 new housing units, which is generally consistent with HCD. Please see RHNA documentation in Appendix 1 of the *Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031* (ABAG 2021).

THE PROPOSED PLAN REGIONAL GROWTH FORECAST AND RHNA

Housing element law requires that the RHNA methodology meet five statutory objectives and that it be consistent with the forecasted development pattern from the proposed Plan. The final RHNA methodology starts with a baseline allocation, which is based on each jurisdiction's share of the region's total households in 2050 from the proposed Plan.

The proposed Plan's forecasted development pattern, also referred to as the "land use growth footprint," represents the development or redevelopment of parcels of land simulated to accommodate the region's forecasted growth of households and jobs from 2015 through 2050 through the development of new buildings. The forecasted development pattern is a result of existing zoning and other land use policies, the regional growth forecast, the proposed Plan's growth geographies, and the proposed Plan's 35 integrated strategies. The forecasted development pattern is simulated from the Bay Area UrbanSim 2.0 land use model by forecasting future land use changes in 5-year increments starting from base year conditions (Draft EIR, page 2-11). For more information, see the supplemental Plan Bay Area 2050 Forecasting and Modeling Report available on the Plan Bay Area website at www.planbayarea.org/reports.

MTC and ABAG staff also developed a framework for evaluating consistency between RHNA and the proposed Plan. This approach compares the 8-year RHNA allocations to the 35-year housing growth from the proposed Plan Final Blueprint at the county and subcounty geographies used in the Plan. If the 8-year growth level from RHNA does not exceed the 35-year housing growth level at either of these geographic levels, then RHNA and the proposed Plan are determined to be consistent. MTC and ABAG staff evaluated the final RHNA methodology using this approach and determined that the jurisdictional RHNA allocations are consistent with the proposed Plan's growth pattern at the county and subcounty levels. Please see RHNA documentation in the *Draft Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031* (ABAG 2021).

2.1.2 Master Response 2: COVID-19 Pandemic Considerations

Numerous commenters raised concerns regarding the effect of coronavirus disease 2019 (COVID-19) on the existing conditions within the Bay Area and the proposed Plan. In March 2020, jurisdictions within the Bay Area began issuing shelter-in-place orders to address the COVID-19 pandemic. These orders caused immediate changes to the daily life of Bay Area residents, including expanded telecommuting and e-commerce activity, a rapid rise in unemployment, concerns about overcrowding in the housing and transportation sectors, and migration within and beyond the San Francisco Bay Area. Several EIR comment letters raised concerns that societal changes related to COVID-19 were not sufficiently captured in the proposed Plan or expressed an opinion that post pandemic projected conditions will differ substantially in direction or magnitude from the conditions assumed in the analyses conducted for the proposed Plan.

From a planning process perspective, MTC and ABAG were just over halfway through the four-year planning process of Horizon and the proposed Plan when shelter-in-place orders were placed throughout the region. Importantly, the strategies recommended from the predecessor Horizon process were subject to a multiyear analysis of uncertain futures, looking at broadly divergent conditions on issues including telecommuting adoption rates, land use preferences, and concerns about shared transit vehicles. While seemingly substantial departures from "status quo" regional conditions at the time the planning process started, similar changes to behaviors brought on by the COVID-19 pandemic allowed for an exploration of how some of the Horizon strategies perform while also flagging areas for strategies to be modified further to boost their resilience and equity outcomes.

Moreover, while the Plan Bay Area 2050 Draft Blueprint was advanced in February 2020 for analysis, substantial refinements were made throughout summer and fall 2020 as part of the Final Blueprint phase based upon the best available information at that time about post pandemic conditions, culminating in the advancement of the Final Blueprint (now known as the proposed Plan) into the CEQA process. In this phase, the total number of strategies expanded from 25 to 35, while external assumptions related to the Regional Growth Forecast, the Transportation Revenue Forecast, and telecommute assumptions were further refined.

Starting with strategy changes, the transition from the Draft Blueprint to the Final Blueprint (i.e., proposed Plan) included the addition of technology-oriented strategies, such as Strategy EC3 to fund high-speed internet subsidies and infrastructure to enable greater participation in the digital economy and Strategy EN7 to set sustainable commute targets for major employers to require 60 percent of their workforce to telecommute, walk, bike, or take transit on a typical weekday by year 2035. Among the proposed Plan's transportation strategies, expanded investments in bicycle/pedestrian infrastructure were added to Strategy T8, and a commitment to transit service restoration was added to Strategy T1, given COVID-era service cuts and, more recently, an increase in federal dollars to assist with recovery. Because the transportation revenue sources, such as transit fares, decreased disproportionately, the Transportation Revenue Forecast was also updated. Last, the economic impacts from the aftermath of the 2020 recession led to expanded investments in affordable housing in among the proposed Plan's housing strategies—to tackle homelessness and reduce overcrowding—and in new economic strategies, such as job training in Strategy EC2 and universal basic income in Strategy EC1.

In addition, MTC and ABAG made updates to the first decade of the regional growth forecast, recognizing that effects of COVID-19 and the associated 2020 recession would likely be visible for at least 5 to 10 years. For example, comparing the Final Regional Growth Forecast documented in the Draft Plan Bay Area 2050 Forecasting and Modeling Report (May 2021) with pre-COVID forecasts, year 2025 population projections were reduced from 8.4 million to 8.2 million, and year 2025 employment projections were reduced from 4.6 million to 4.2 million. Ultimately, however, with the implementation of the 35 strategies included in the proposed Plan, the region is well-positioned to regain momentum over the longer term given its inherent strengths, from world-class universities to robust natural and cultural amenities.

In addition, assumptions related to the adoption of telecommuting were made, while recognizing that more than half of the workforce work in a job for which working from home is not a viable option (e.g., retail clerk, restaurant waiter, emergency room doctor). As shown in the Draft Plan Bay Area 2050 Performance Report (May 2021), telecommuting on a typical weekday was anticipated to increase from 10 percent in 2015 to 13 percent in 2050 under no-project conditions because of a reasonable but conservative estimate of external growth without policy interventions. Integrating Strategy EN7 from the proposed Plan would require many employers to provide incentives to encourage telecommuting as part of a suite of options to achieve a sustainable commute target; as a result, the proposed Plan forecasts that telecommuting would increase to 17 percent in 2050 with implementation of Plan strategies.

As noted above, given that roughly half the workforce cannot telecommute because of their job type, this would mean that the average telecommute-eligible worker would work from home approximately 2 days per week, with the remaining 3 days being on-site using some mode of transportation. This outcome, which is substantially greater than projected before the COVID-19 pandemic, was incorporated into UrbanSim land use modeling, with higher levels of telecommuting enabling employers to reduce the amount of square footage provided per worker. This influences employer locational preferences and reduces the need for new office square footage because existing

commercial buildings would be used more efficiently. Higher telecommute levels were also factored into Travel Model 1.5 analyses, which affected outcomes related to other transportation decision making for residents (e.g., working from home might enable a resident to pursue new discretionary trips with available time freed up by reduced commuting).

The proposed Plan relies on the best information available at the time of its development. Exogenous assumptions about the region's future are necessary for conducting modeling and analysis, but the core of the Draft Plan remains the 35 strategies that were explored against a wide range of future conditions. Under State law, Plan Bay Area is required to be updated every four years, and future data and research on additional effects of the COVID-19 pandemic will inform exogenous assumptions for future plans.

The Draft EIR explains the methodology for establishing the CEQA baseline in Section 3.1, "Approach to the Analysis." CEQA Guidelines Section 15125(a) provides that the environmental setting, and the baseline upon which impact are considered, are normally those conditions that exist at the time the notice of preparation (NOP) is published. The NOP was released in September 2020 (and the Draft EIR was released in June 2021). As noted on Draft EIR page 3.1-3:

As the CEQA Guidelines make clear, ordinarily the appropriate baseline will be the actual environmental conditions existing at the time of CEQA analysis (typically when the Notice of Preparation [NOP] is published). In many cases, establishing this "existing conditions" baseline is a straightforward task. However, there may be times when a deviation from the use of the NOP date to establish the baseline is appropriate in order to present a fair and accurate description of the expected environmental impacts of a proposed project. In the case of the proposed Plan, the NOP was released on September 28, 2020, during a global pandemic caused by the COVID-19 coronavirus. From March 2020 up to, and beyond, the release of the NOP the nine-county Bay Area was in varying stages of compliance with shelter-in-place orders directed by various county health officers. These orders affected such things as commercial and office business operations, employee commutes, and travel behavior, resulting in secondary effects related to traffic and congestion, air quality, and energy use. In some cases in the following technical sections, the environmental baseline is more accurately represented as prior to March 2020. For physical conditions that were not altered by the global pandemic and shelter-in-place orders, the existing conditions for the analysis are generally September 2020. See the discussion under "Method of Analysis" for each technical section for a description of the baseline for the analysis.

Each Draft EIR technical section includes an explanation of the appropriate baseline that was used for the analysis in that section.

2.1.3 Master Response 3: Water Supply

Numerous commenters raised concerns regarding whether water supplies could accommodate projected growth associated with the proposed Plan, particularly under the current drought conditions in the Bay Area. The following addresses the adequacy of the program-level analysis of water supply impacts provided in the Draft EIR, and addresses comments raised regarding the baseline for the Draft EIR's analysis of water supply impacts.

ADEQUACY OF PROGRAM-LEVEL ANALYSIS

The proposed Plan is a long-range regional planning document, and the EIR includes a program-level assessment of potential impacts related to water supply. The Draft EIR addresses water supply

deficiencies particularly during drought years in some, but not all, water service areas in Section 3.14 of the Draft EIR, “Public Utilities and Facilities” (pages 3.14-2 to 3.14-14, 3.14-43 to 3.14-46). The proposed Plan sets forth a development pattern that would, if implemented, accommodate forecasted growth (see Master Response 1) in a more efficient manner, particularly in terms of reduced emissions of greenhouse gases (GHG), through a focus on development in existing developed areas and near transit; however, local jurisdictions (cities and counties) must act to consider and entitle development in order to implement the Plan. By focusing growth through primarily infill development, new growth implemented consistent with the Plan would largely be supported in a water wise manner (e.g., smaller areas of irrigated landscaping) (Shandas, Vivek, and Parandvash 2010).

The Draft EIR also notes that because the Plan’s development pattern would not distribute growth evenly throughout the region (in order to achieve Plan goals), the proposed Plan may result in population or job growth beyond what is assumed in some local urban water management plans, leading to insufficient water supplies in some areas. For this reason, the analysis of Impact PUF-2, which addresses water supply, concluded the impact would be significant and unavoidable.

The analysis in this Draft EIR and the conclusions presented are consistent with California law. “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 that address 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 first-tier stages to later more specific stages (*Id.* at pages 432-434, citing Government Code Section 66473.7 and Water Code Sections 10910–10912).

Plans, such as UWMPs, must be updated on a periodic basis to 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). Moreover, the requirements of *Vineyard* are essentially reflected in Section 15155 of the State CEQA Guidelines, “Water Supply Analysis; City or County Consultation with Water Agencies.” This section of CEQA describes the process by which cities or counties are required to consider water supply for larger projects, as defined therein. Section 15155 does not apply to entities like MTC that are not cities or counties and do not have land use entitlement authority. The proposed Plan does not entitle growth or facilitate growth; rather, it considers the growth forecasted to occur in the region and provides a framework by which it can occur with less GHG generation. As individual projects, as defined by section 10912 of the Water Code, are proposed, the requirements embodied in *Vineyard* would need to be fulfilled at the city or county level, as relevant, where the actual entitlement that results in water consumption would be decided.

Further, in the *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143 (*Bay-Delta*) case, the California Supreme Court explained both the practical limitations to and the 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).

The *Bay-Delta* court case 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. Similar to the plan in *Bay-Delta*, the proposed Plan is a first-tier plan with a planning horizon set several decades into the future (2050). The Draft EIR includes an analysis of the proposed Plan’s potential impacts on water supply (Impact PUF-2), which is commensurate with the Plan’s first-tier nature. Specifically, the Draft EIR includes a discussion of existing and potential future groundwater use (pages 3.14-2 to 3.14-14, 3.14-43 to 3.14-46), the major watersheds and water supply agencies located within the region and the sources of water relied on by those agencies (pages 3.14-1 to 3.14-12), and future water supply projections made by the major water supply agencies located within the region (page 3.14-13). At this first-tier stage, CEQA requires nothing more.

Urban water management plans (UWMPs) are adopted by urban water suppliers every 5 years to ensure that available water supplies are adequate to meet their customers’ existing and future demands. (See Water Code, Sections 10631 and 10632.) The requirements for UWMPs are found in two sections of California Water Code, §10610-10656 and §10608. Every urban water supplier that either provides over 3,000 acre-feet of water annually, or serves more than 3,000 urban connections is required to submit an UWMP. Within UWMPs, urban water suppliers must:

- ▲ assess the reliability of water sources over a 20-year planning time frame,
- ▲ describe demand management measures and water shortage contingency plans,
- ▲ report progress toward meeting a targeted 20 percent reduction in per-capita (per-person) urban water consumption by the year 2020, and
- ▲ discuss the use and planned use of recycled water.

The information collected from the submitted UWMPs is useful for local, regional, and statewide water planning. As stated in the California Department of Water Resources’ *Urban Water Management Plan Guidebook*, an UWMP is prepared by local suppliers that have the in-depth and practical knowledge of their water systems. The information contained in each supplier’s UWMP reflects the operations of its system in the context of the supplier’s customers, supplies, and service area. This local planning and preparation remains the fundamental focus of the UWMP (DWR 2021:1-10).

Based on the region’s existing and projected future population, significant water supply issues exist within the region. The Draft EIR discloses and discusses the region’s existing water supply issues. It appropriately relies on urban water management plans prepared by those agencies that supply water to the majority of the plan area. The proposed Plan would not resolve the region’s preexisting water supply issues. The proposed Plan, however, has the potential to help decrease per capita water demand within the region if the proposed Plan is implemented. Specifically, development under the proposed Plan would focus future growth within already developed areas. This development pattern has three distinct benefits. First, implementation of the proposed Plan’s development pattern would help protect the region’s water quality by limiting growth in local watersheds that drain into supply sources. Second, by focusing development, per capita water use is likely to be less because of a greater share of multifamily housing and modern water efficiency standards for new construction and development, such as reduced areas of intensive water needs, such as lawns. Additionally, by showing the effects of concentrating future growth in already developed areas, the proposed Plan demonstrates the benefits of existing water supply infrastructure and demonstrates how to reduce the need for new water infrastructure to be developed to service new areas.

Finally, although the region's population grew by approximately 23 percent between 1986 and 2007, total water use increased by less than 1 percent during that same period (Draft EIR, Figure 3.14-4). In other words, per capita water use has substantially declined in the region over the last quarter century. This was accomplished in part from continued implementation of water conservation and reuse and recycling programs by local water agencies and municipalities, including those associated with the California Water Conservation Act of 2009, which called for a 20-percent reduction in per capita water use by 2020, and Assembly Bill (AB) 1668 and SB 606, which laid out a long-term water conservation framework. 45 of the 46 2020 UWMPs tracked by MTC and ABAG, which represent 89 percent of the regional population, had achieved the 20 percent reduction target. Combined, when weighting districts by service population, these 46 water districts achieved a 30 percent reduction between 2010 and 2020. Strategy EN-2 in the proposed Plan seeks to improve existing indoor and outdoor water efficiency measures to continue to reduce water demand for existing developments.

Impact PUF-2 in the Draft EIR states that the construction and operation of land use, sea level rise adaptation, and transportation projects under the proposed Plan overall would generate water demand that could result in insufficient water supplies, which could require the acquisition of additional water sources and the imposition of conservation requirements, resulting in a potentially significant impact. Mitigation Measures PUF-2(a), PUF-2(b), and PUF-2(c) would reduce impacts associated with water supply because they would require that land use, sea level rise, and transportation project sponsors coordinate with water suppliers to ensure that adequate water supplies exist or comply with project-level CEQA review and incorporate on-site water conservation strategies, water budgeting, and incorporation of recycled water for non-potable use. However, it cannot be concluded with certainty that all impacts related to water supply would be mitigated to a less-than-significant level. Therefore, this impact would be significant and unavoidable. The water supply analysis included in the EIR complies with the requirements of CEQA.

BASELINE USED FOR WATER SUPPLY IMPACT ANALYSIS

As discussed in the second paragraph on page 3.14-36:

[t]his analysis includes a program-level, qualitative assessment of impacts related to water supply, wastewater/stormwater, and solid waste. The assessment of available water supply considers the current regional demand and supply of water based on analyses available in current UWMPs for major water providers (e.g., East Bay Municipal Utilities District, SFPUC, Santa Clara Valley Water District, Sonoma County Water Agency, Marin Municipal Water District). The projections included in the applicable UWMPs inform where additional demand may exceed the capacity of water districts as well as which water districts may have additional capacity. The EIR identifies areas where: 1) there is an existing forecasted shortage in long-term supplies that would need to be met by imported water or additional water conservation, reuse, and recycling; or 2) where the proposed Plan projects population or jobs beyond what is assumed in current UWMPs and could result in a potential shortage.

As noted in the last sentence of the third paragraph on page 3.14-36, "[t]he baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR."

2.1.4 Master Response 4: EIR Alternatives

Numerous commenters raised concerns regarding the alternatives included in the comparative analysis disclosed in Draft EIR Chapter 4, “Alternatives to the Proposed Plan.” Multiple comments focused on the level of growth assumed across all alternatives, questioning if reduced projections of households and jobs should be considered. Others focused on whether the alternatives represented a “reasonable range of alternatives.” Comments also focused on why suggested alternatives were not analyzed. Several comments also addressed the Draft EIR’s discussion of the environmentally superior alternative. The following addresses these issues related to the alternative analysis, preceded by a discussion of general CEQA requirements for alternatives.

CEQA REQUIREMENTS

CEQA requires EIRs to evaluate 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. (CEQA Guidelines, § 15126.6(a); see also Pub. Resources Code, §§ 21001(g), 21002.) In recognition of the nearly endless range of potential project variations, an agency is not required to analyze every conceivable alternative, but is instead governed by the rule of reason. (CEQA Guidelines, § 15126.6(a).) An agency need only consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. (Ibid.) 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. (Id., § 15126.6(e).)

There are numerous reasons why an agency may decline to analyze an alternative proposed by the public or another agency. EIRs need not analyze an alternative that does not reduce significant environmental impacts. (See *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 928.) Likewise, an agency need not analyze a proposed alternative that does not substantially differ from the proposed project or selected alternatives (see *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 355); similarly, CEQA does not require analysis of a variation on an alternative studied in a draft EIR. (See *Marin Mun. Water Dist. v. Kg Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1664-1666.) An EIR is not required to consider alternatives which are infeasible. (CEQA Guidelines, § 15126.6(a).) Moreover, agencies are not required to “consider specific alternatives that are proposed by members of the public or other outside agencies.” (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 420.) Ultimately, an EIR need “set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines, § 15126.6(f).)

On October 15, 2020, MTC and ABAG conducted an online public scoping meeting, during which oral and written comments were accepted. Comments were considered during preparation of the proposed Plan Draft EIR and analysis of Plan alternatives. The Draft EIR evaluates the proposed Plan and three alternatives. Each of the alternatives is constrained by the same planning assumptions as the proposed Plan, maintains the same regional growth forecasts—population, employment, households, and housing units, and maintains the same forecast of reasonably available revenues for transportation, affordable housing, and environmental resilience.

The three alternatives recommended for analysis in the Draft EIR are briefly described below. A full description of each alternative is provided in Draft EIR, Chapter 4, “Alternatives to the Proposed Plan.”

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. (Id., § 15126.6(e)(1).) 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.” (Id., § 15126.6(e)(2).)

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. Growth reflected in the regional growth forecast is assumed to occur consistent with local zoning without an adopted Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and no new transportation or sea level infrastructure projects beyond those currently under construction or those that have both full funding and environmental clearance are assumed. Because local jurisdictions would be anticipated to expand urban growth boundaries in line with historical growth rates, housing growth would be more dispersed, while job growth would be slightly more concentrated in the region’s two largest job centers of San Francisco and Silicon Valley. In comparison to the proposed Plan, the No Project Alternative would result in higher household growth primarily in Contra Costa County, with higher job growth in San Francisco and Santa Clara Counties.

Alternative 1 – TRA Focus Alternative would concentrate growth in areas that contain high-quality transit services. This alternative is characterized as providing a compact growth pattern, with the greatest share of housing and job growth in Transit-Rich Areas (TRAs) within walking distance of regional rail stations. To support this more urban-oriented growth pattern, additional core capacity transit investments are funded in lieu of highway projects that add lane-mileage to the system. This alternative would result in higher levels of household and job growth in the growth geographies than under the proposed Plan, with substantially more housing growth in TRAs. In comparison to the proposed Plan, the TRA Focus Alternative would result in higher household growth in San Francisco and San Mateo Counties and higher job growth in Contra Costa County.

Alternative 2 – HRA Focus Alternative focuses a substantially higher share of growth in High Resource Areas (HRAs), especially in the South Bay. To support this growth pattern and advance regional equity goals, infrastructure funding for major regional and interregional rail expansion projects would be reduced, and greater funding would be provided to local bus frequency increases, new express bus lines, expanded transit fare discount programs, and enhanced nonmotorized infrastructure. This alternative features levels of household and job growth in growth geographies similar to those of the proposed Plan, with substantially more housing growth and substantially less job growth in HRAs. In comparison to the proposed Plan, Alternative 2 would result in higher household growth in Santa Clara County and higher job growth in San Francisco County.

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: Regional Growth Forecast.”

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, p. 1-12.) SB 375 mandates that the SCS must identify areas within the region sufficient to house all the population of the region. Pursuant to the statutory mandates described above and a settlement agreement with the Building Industry Association of the Bay Area (BIA) that 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, ABAG adopted the Regional Housing Control Total in September 2020, and it was used to develop the forecasted development pattern for the proposed Plan. The jobs projection accommodated in the proposed Plan is a result of the projected regional changes in economic activity. Per the requirements of Government Code section 65080, subdivision (b)(2)(B)(ii) to identify areas of the region to house all economic

segments of the population, regional housing projections were increased to provide sufficient housing to accommodate the projected growth in jobs.

The alternatives to the proposed Plan are designed to accommodate the same households and jobs projections, consistent with statutory requirements. The proposed Plan alternatives, described in Draft EIR Chapter 4, “Alternatives to the Proposed Plan,” are defined by their transportation, housing, economy, and environment strategies, which influence the respective forecasted development patterns, transportation investment, and sea level rise adaptation for each alternative.

An alternative that reduces household or job projections relative to the proposed Plan would not be consistent with Federal and State regulations, nor with MTC/ABAG’s settlement agreement with BIA (id., Table 1-1, at p. 1-14). CEQA does not require the Draft EIR to consider alternatives that are infeasible. (14 Cal. Code Regs. §§ 15126.6(a); 15126.6(f)(1). The term “feasible” is defined to mean “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.) On this basis, MTC/ABAG may appropriately determine that an alternative is infeasible if it would conflict with applicable regulatory limitations and reject it from further consideration. (*Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966, 1018-1019 [EIR for regional transportation plan not required to consider alternative that did not comply with the requirements of SB 375 or CARB].)

Further, an alternative that reduces household growth would be inconsistent with Plan objectives stated in the Draft EIR to house 100 percent of the region’s projected growth by income level, and with no increase in in-commuters over the proposed Plan baseline year (Draft EIR, p. 2-3). The concept of “feasibility” also encompasses the question of whether a particular alternative promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [court upholds CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”] (quoting 1 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act [Cont.Ed.Bar 2d ed. 2009], § 17.30, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 [“[i]n the CALFED program, feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *California Native Plant Society, supra*, 177 Cal.App.4th at p. 1001 [“an alternative that ‘is impractical or undesirable from a policy standpoint’ may be rejected as infeasible”].) Thus, an alternative that did not house 100 percent of the region’s projected growth would be infeasible for failing to meet one of the basic Plan objectives.

Please see “Master Response 1: Regional Growth Forecast” for additional details related to this issue.

REASONABLE RANGE OF ALTERNATIVES

A number of commenters raised concerns regarding the lack of differences between the alternatives. As explained above, the proposed Plan is legally required to accommodate the forecasted growth in population, employment, households, and housing units. MTC/ABAG also applied this legal constraint to the alternatives in order to allow for an “apples-to-apples” comparison of the proposed Plan and the alternatives and to provide a reasonable range of feasible alternatives that could accommodate the

forecasted growth. Similarly, the proposed Plan, and thus the Plan alternatives, are constrained by the same forecast of reasonably available transportation, affordable housing, and environmental resilience revenues. In light of these constraints, it is reasonable to review a comparatively narrow range of alternatives. (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 490-491.)

Additionally, “[a]n examination of an EIR’s alternatives analysis must begin with the project’s objectives, for it is these objectives that a proposed alternative must be designed to meet.” (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 196-197.) As stated above, one of the Plan’s core objectives (as well as a legislative and legal mandate) is to house 100 percent of the region’s projected growth across the full spectrum of income levels. To achieve the Project Objectives, the alternatives reflect the proposed Plan’s core strategy of focused growth. Focusing growth, in part, helps to achieve the Project objective and SB 375’s mandate of meeting or exceeding a 19-percent reduction in per-capita emissions from cars and light-duty trucks by 2035 relative to 2005 levels. (Draft EIR, p. 4-4.) The Plan alternatives (other than the No Project Alternative) achieve this objective, and further, they support public disclosure and informed decisionmaking by studying whether different approaches that fit within the constraints discussed above, would achieve greater GHG and vehicle miles traveled (VMT) reductions. (See *id.* at pp. 4-42 to 4-43, 4-77 to 4-78 [both alternatives reduce mobile GHG emissions and VMT as compared to the proposed Plan].) Given the proposed Plan’s mandate under SB 375 to reduce GHG emissions through reduced VMT, consideration of such alternatives was critical. (Cf. *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 546-550; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 435-437.)

Alternative 1 was selected to further reduce VMT, thereby reducing the region’s GHG emissions. To further reduce VMT, Alternative 1 focuses growth near high-quality transit, and prioritizes the funding of transit projects in lieu of highway widenings, with the goal of shifting travel patterns to increase the share of transit use. This alternative is characterized by providing a compact, urban-oriented growth pattern, while also shrinking the urban growth boundaries. It would focus a greater share of housing and affordable housing in transit-rich areas (TRAs), further increasing developable capacity and the share of deed-restricted affordable housing units in those locations, reducing commute lengths and reliance on automobiles. Office construction in locations with high levels of VMT would be discouraged through an added fee, and commercial densities in TRAs would be increased, further encouraging transit use.

Alternative 2 was selected to address the regional challenges of displacement and gentrification. It does so by shifting more housing growth toward locations with well-resourced schools and access to jobs and open space that have historically rejected more housing growth. The HRAs also meet a baseline transit service threshold of bus service with peak headways of 30 minutes or better. This alternative places a substantially higher share of growth in HRAs—especially in the South Bay. To support this growth pattern and advance regional equity goals, infrastructure funding for major regional and interregional rail expansion projects would be reduced and greater funding would be provided to local bus frequency increases, new express bus lines, expanded transit fare discount programs, and enhanced non-motorized infrastructure.

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. The difference in impacts of the proposed Plan and alternatives are anticipated to revolve around the location and size of land use growth as well as differences in transportation investment and other strategies as assessed in the Draft EIR. The proposed Plan is composed of 35 integrated strategies across 4 elements. (Draft EIR, p. 2-1.) Alternative 1 and

Alternative 2 each modify a significant number of those strategies. Alternative 1 modifies 10 strategies and adds one strategy. (Id. at pp. 4-12 to 4-13.) Alternative 2 modifies 10 strategies, removes one, and adds one strategy. (Id. at pp. 4-13 to 4-14.) These alterations result in numerous differences, both substantively and to the CEQA impacts, between the proposed Plan and each of the two selected Alternatives.

The land use growth footprints are projected to be similar among the proposed Plan and Alternatives 1 and 2. The similarity is due to the demand of the regional forecast as well as a reliance on the region's Priority Development Area (PDA) and Priority Production Area (PPA) framework plus reliance on TRAs and HRAs. However, the alternatives focus growth among these resource rich areas differently, both in where land use policies are applied and where new residential and commercial developments are projected to occur. For instance, Alternative 1 has a somewhat smaller footprint than the proposed Plan and Alternative 2. (Draft EIR, p. 4-21.) And, in the absence of this focused growth, the land use growth footprint of the No Project Alternative is significantly larger, overall and in terms of new developed land, than the proposed Plan and the Plan Alternatives. As a result of the focused growth strategies, the forecasted development patterns for the alternatives have the potential to reduce impacts relative to the proposed Plan. Draft EIR tables 4-2, 4-5, 4-8, 4-9, and 4-10 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 Transit Priority Areas, and the projected growth footprint by county.

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 4-12 and 4-14 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 strategy and alternative are identified in Draft EIR Table 4-15.

Similar to the land use strategies, 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 4-13 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 4-13 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, and other metrics disclosed in Draft EIR Table 4-31. Table 4-31 shows that the proposed Plan, Alternative 1, and Alternative 2 would have similar VMT and transit passenger use, with Alternative 1 having the lowest VMT and Alternative 2 having the highest transit passenger use. The No Project Alternative would have the highest VMT and lowest transit passenger use. (Draft EIR, p. 4-75.)

Table 4-34 (Draft EIR, p. 4-81 to 4-86) shows a comparison of the impacts of the proposed Plan and the alternatives. As the table shows, either of the two alternatives would affect, and generally reduce,

most of the proposed Plan's significant and unavoidable impacts. This is consistent with the legislative policy that alternatives be evaluated that "substantially lessen [a Project's] significant effects." (Pub. Resources Code, § 21002.)

The impacts and impact reductions of the two alternatives would also differ from each other. Alternative 1 would result in less land use growth within toxic air contaminant risk areas, and therefore reduce the level of exposure of sensitive receptors to substantial pollutant concentrations, which is a significant and unavoidable impact under the proposed Plan. (Draft EIR, p. 4-34.) It would also reduce the impacts related to displacement of people and housing compared to the proposed Plan. (Id. at p. 4-66.) Alternative 2 does not accomplish either of these.

However, Alternative 2 would reduce the per capita GHG emissions more than the proposed Plan, due to the concentration of household and job growth in HRA areas. (Draft EIR, p. 4-43.) This leads to a reduction in impact GHG-3, which is significant and unavoidable under the proposed Plan. (Ibid.) Alternative 1 would be similar to the proposed Plan. (Id. at p. 4-42.) Notably, on the regionwide scale, Alternative 2 will reduce the risk of displacement relative to the proposed Plan; however, as indicated above, it does not reduce the indirect physical impacts related to displacement as compared to the proposed Plan because it would increase the risk of displacement within the existing Equity Priority Communities through 2050. (Id. at p. 4-67.)

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 location and size of land use growth among the alternatives as well as their differences in transportation investment and other strategies. The alternatives evaluated in Draft EIR Chapter 4, "Alternatives to the Proposed Plan," clearly demonstrate distinct approaches as to where to focus the region's forecasted growth and variations in 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 Chapter 4, "Alternatives to the Proposed Plan," discusses these alternatives and discloses why they were considered but not recommended for analysis. (Draft EIR, pages 4-6 to 4-10.) CEQA requires that a reasonable range of alternatives to the proposed Plan be analyzed in the Draft EIR. As noted under the headings above, an alternative's ability to avoid or substantially lessen any of the significant environmental impacts of the proposed Plan requires both variations in where the alternatives' focus land use growth and variations on transportation system supply. While the Draft EIR did not provide further analysis of the alternatives listed below for the reasons stated in section 4.2 of the Draft EIR and in this master response, that does not restrict the decision-makers from deliberating the policy benefits of such alternatives; nor does it preclude the decision-makers from potentially adopting or integrating components of the suggested alternatives as they balance competing interests in deciding whether to adopt a proposed project or an alternative. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 981 [the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project]; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489.)

The "**Wildland-Urban Interface Avoidance Alternative**" suggested during the scoping process and further described on Draft EIR, page 4-7, was not included for further analysis based on this alternative's similar performance compared to the proposed Plan and Alternative 1. Specifically, this alternative was expected to perform similar to the proposed Plan and Alternative 1 in the following ways:

- ▲ The Wildland-Urban Interface Avoidance Alternative (WUI Alternative) as suggested would shift all growth geographies outside of the wildland-urban interface (WUI) zone. The Draft EIR concludes that this would perform similar to the proposed Plan and Alternative 1. (Draft EIR, p. 4-7.)
- ▲ As with the WUI alternative, the proposed Plan would have the effect of shifting development away from the WUI zone because the proposed Plan’s “core strategy” is to focus growth in “existing communities along the existing transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities.” The proposed Plan acknowledges that “there could be increased wildfire hazards if development expands into the wildland-urban interface,” and addresses this by excluding very high and high fire hazard severity areas from the proposed Plan’s growth geographies. (Draft EIR, p. 3.9-38.) The growth geographies also explicitly exclude “locations within a county-adopted wildland-urban interface area.” (Id. at p. 2-35.) The Plan’s environmental strategies also reduce ecological impacts, as they “would limit new construction outside of existing development or areas otherwise suitable for growth and would protect high-priority natural lands (e.g., wildland-urban interface lands).” (Id. at p. 3.5-36.) As such, the WUI Alternative would perform similar to the proposed Plan.
- ▲ Likewise, Alternative 1 would have the effect of shifting development away from the WUI zone because it would concentrate growth in areas that contain high-quality transit services. (Draft EIR, p. 4-11.) As high-quality transit services generally exist in urbanized areas, and not within the WUI zone, Alternative 1 would have the effect of further shifting development away from the WUI zone. This would also further reduce ecological impacts. Alternative 1 would also “result in a lesser area of land being converted from undeveloped to developed uses compared to the proposed plan,” and therefore would have the potential to further reduce impacts to special status species compared to the proposed Plan (Id. at p. 4-37.) As such, the WUI Alternative would perform similar to Alternative 1.

The “**Moratorium on Flood Zone Development Alternative**,” suggested during scoping comments and further described on Draft EIR page 4-8, was not included for further analysis because, as discussed in Section 3.10, impacts related to development in the flood zone would not result in significant impacts. As such, this alternative does not reduce any impact found to be significant and unavoidable, and was not considered further for this reason.

The “**Climate-Smart Alternative**,” suggested during scoping comments and further described on Draft EIR page 4-8, was not included for further analysis, in part, because of this alternative’s similar land use distribution and a similar mix of transportation projects and programs, relative to the proposed Plan. While this alternative would have a lower amount of anticipated growth of households and employment and a lower amount of transportation revenues for investments compared to the other alternatives (and thus would be infeasible for failing to meet statutory requirements and fundamental Plan objectives), it was expected to perform similar to the proposed Plan in the following ways:

- ▲ The suggested Climate-Smart Alternative would “incorporate climate mitigation and adaptation measures into all proposed Plan strategies, including a focus on natural solutions for climate resilience.” (Draft EIR, p. 4-8.) The proposed Plan has a strong focus on climate mitigation, adaptation, and resilience, reflected in its 35 strategies. (See, e.g., Draft EIR, pp. 2-9 to 2-10.) The proposed Plan’s environmental strategies “promote conservation, adaptation and climate mitigation.” (Id. at p. 2-9; see also id. at p. 2-2 [“the proposed Plan... details environmental strategies to invest \$102 billion in expected revenues to protect the region from at least two feet of future permanent sea level rise inundation, reduce climate emissions, and maintain and expand the region’s parks and open space system.”].) Nonetheless, the proposed Plan would result in a significant and unavoidable impact with regard to greenhouse gas emissions. (Id., Impacts GHG-1 and GHG-3, at p. 3.6-38 to 3.6-47.)

- ▲ The proposed alternative contains four strategies designed to reduce GHG emissions. (Draft EIR, Appendix B, Letter of Together Bay Area, Save the Bay, and Greenbelt Alliance, p. 2].) One is to commit to net negative GHG emissions by 2030. However, the proposed Plan already accomplishes this for land use and transportation sources, exceeding net zero by over 2,000,000 metric ton of carbon dioxide equivalent per year (MTCO₂e/year) by 2030 (Draft EIR, p. 3.6-42). By 2050, the proposed Plan would exceed net zero for land use and transportation emissions by over 4,000,000 MTCO₂e/year. (Ibid.) Despite this exceedance, because construction emissions may not be reduced to net zero in all cases, the Draft EIR conservatively concludes Impact GHG-1 is significant and unavoidable (see id. at p. 3.6-38 to 3.6-43). Because the proposed Plan will largely achieve no net increase in GHG emissions by 2030 – since GHG emissions from land use and transportation will be lower than the 2015 baseline – the proposed alternative would perform similar to the proposed Plan. Additionally, even if a net zero emissions requirement were imposed on construction emissions, this could not be accomplished without further mitigation measures, such as requiring offsets. Because MTC and ABAG cannot require local implementing agencies to adopt mitigation measures, the impact would remain significant and unavoidable.
- ▲ The proposed Plan would also result in a significant and unavoidable impact under Impact GHG-3 as it does not reduce target 2050 GHG emissions to 83 percent below 2015 levels, and therefore will not meet targets under Executive Order S-3-05 and the 2017 Scoping Plan (Draft EIR, p. 3.6-46). The proposed alternative does not propose strategies that would significantly reduce GHG emissions such that Plan would meet standards set by Executive Order S-3-05 and the 2017 Scoping Plan to reduce the impact under GHG-3. Application of the proposed alternative would still fall substantially short of meeting the 83 percent GHG reduction target by 2050 and therefore would perform similar to the proposed Plan. The proposed alternative also would not significantly reduce this significant and unavoidable impact of the proposed Plan. Thus, the proposed Plan would perform similar to the suggested Climate-Smart Alternative.

The **“Modified EN07 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because MTC and ABAG revised Strategy EN07 between the release of the Notice of Preparation on September 28, 2020, and the release of the Draft EIR on June 4, 2021. While there was strong public support for telecommuting strategies in the proposed Plan, concerns were also raised from businesses, elected officials, and transit agencies about economic impacts of telecommuting. In September 2020—prior to the release of the NOP—MTC and ABAG provided support for a series of strategies to comprise the Final Blueprint (“proposed Plan”). Policies for telecommuting were addressed under the proposed Strategy EN07, “Institute Telecommuting Mandates for Major Office-Based Employers.” However, revisions were made to Strategy EN07 after discussions with key stakeholders in October 2020 and November 2020 to address concerns from the business community with the original strategy. Strategy EN07 was revised to “Expand Commute Trip Reduction Programs at Major Employers.” The scope of Strategy EN07 was expanded beyond telecommuting to recognize the importance of other alternative modes like transit, walking, and bicycling. The revised strategy provides greater flexibility for business while achieving the same GHG emissions reductions. Furthermore, the revised strategy reduces effects on small businesses by raising the requirement to employers with 50 or more employees, consistent with the existing Commuter Benefits Program. To accommodate these changes, the strategy scope was expanded to all major employers, given the reduced focus on telecommuting. Accordingly, this alternative is anticipated to perform similar to the proposed Plan.

The **“Modified EC01 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because Strategy EC01, “Implement a Statewide Universal Basic Income” was included in all alternatives except the No Project Alternative. Table 1, “Strategies and the modeling tools used to analyze them” of the Plan Bay Area 2050

Forecasting and Modeling Report discloses that implementation of Strategy EC01 was analyzed in REMI, but not Urbansim 2.0 or Travel Model 1.5. Therefore, the strategy would not directly alter the land use growth footprint derived from UrbanSim 2.0 nor the transportation projects footprint. Instead, the removal of the strategy would impact income distributions and increase the number of low-income households in the region and would be in conflict of the proposed Plan's affordability objectives. As a program-level EIR that addresses the nine-county, 101-city region, this document does not address the impacts of individual strategies in detail; the focus of this analysis is on addressing the impacts of implementation of the Plan's 35 strategies as a whole. Modifications to one of the proposed Plan's 35 strategies is anticipated to have marginal impacts. Accordingly, this alternative is anticipated to perform similar to the proposed Plan.

The **"Modified EC05 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the HRA Focus Alternative added Strategy EC08, "Implement Office Development Caps in Job-Rich Cities." Strategy EC08 would work in tandem with Strategy EC5 to shift more jobs to housing-rich areas. Thus, the studied HRA Focus Alternative is a variation of the suggested alternative and was anticipated to perform similarly to it.

The **"Modified T01 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis, in part, because the horizon year for the proposed Plan is 2050, and the Draft EIR analysis does not consider phasing of improvements or interim stages of the proposed Plan between 2020 and 2050. The one exception to this approach is Section 3.6, "Climate Change, Greenhouse Gases, and Energy," which includes an examination of impacts in 2030, 2035, 2040, and 2050, to satisfy requirements of SB 375, the Global Warming Solutions Act of 2006 (AB 32 [2006], SB 32 [2016]), and Executive Orders B 30-15 and EO-05-03, among other requirements. Accordingly, this alternative is anticipated to perform similar to the proposed Plan.

The **"Modified T05 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the horizon year for the proposed Plan is 2050, and the Draft EIR analysis does not consider phasing of improvements or interim stages of the proposed Plan between 2020 and 2050. The one exception to this approach is Section 3.6, "Climate Change, Greenhouse Gases, and Energy," which includes an examination of impacts in 2030, 2035, 2040, and 2050, to satisfy requirements of SB 375, the Global Warming Solutions Act of 2006 (AB 32 [2006], SB 32 [2016]), and Executive Orders B 30-15 and EO-05-03, among other requirements. Accordingly, this alternative is anticipated to perform similar to the proposed Plan.

The **"Modified T06 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative would reduce funding to Strategy T06 and increase funding to Strategy T10, "Enhance Local Transit Frequency, Capacity, and Reliability." The HRA Focus Alternative would increase funding to Strategies T10, T12, "Build an Integrated Regional Express Lane and Express Bus Network," and T04, "Reform Regional Transit Fare Policy." Thus, the studied alternatives look at variations of the suggested alternative, and it was anticipated to perform similarly to them.

The **"Modified T08/T09 Alternative,"** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the removal of Strategy T09 would have hinder achievement of the proposed Plan's objective to "Support an expanded, well-functioning, safe, and multimodal transportation system..." Similarly, Strategy T09 was analyzed during the Horizon initiative and it was found that implementation of the strategy (T09) could also help curb emissions, considerably, from autos traveling on Bay Area highways.

The **“Modified T10, T11, T12 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative would reduce funding to Strategy T06 and increase funding to Strategy T10, “Enhance Local Transit Frequency, Capacity, and Reliability.” The HRA Focus Alternative would increase funding to Strategies T10, T12, “Build an Integrated Regional Express Lane and Express Bus Network,” and T04, “Reform Regional Transit Fare Policy.” Thus, the studied alternatives look at variations of the suggested alternative, and it was anticipated to perform similarly to them.

The **“Modified T12 Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative modifies Strategy T12 by removing funding from the strategy and converting all uncommitted express lane widening projects to general-purpose lane conversions unless there are only two existing general-purpose lanes. Thus, the TRA Focus Alternatives is a variation of the suggested alternative, and it was anticipated to perform similarly to it.

The **“Regional Parking Tax Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-9, was not included for further analysis because the TRA Focus Alternative adds Strategy EC7, “Assess Transportation Impact Fees on New Office Developments” or “Charge a Regional Office Development Fee.” This strategy would implement regional development fees for new office construction based upon the workplace VMT impacts (previously referred to as an indirect source rule). Thus, the TRA Focus Alternatives is a variation of the suggested alternative. Similarly, the proposed Plan, TRA Focus Alternative and HRA Focus Alternative include Strategy EN09, “Expand Transportation Demand Management Initiatives” inclusive of parking fees to discourage solo driving. Thus, the proposed Plan and studied alternatives look at variations of the suggested alternative, and it was anticipated to perform similarly to them.

The **“Bay Area Transit Assessment District Fiscal Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-10, was not included for further analysis because, while the proposed Plan includes a fiscally constrained list of transportation projects and programs, it does not allocate funds to any specific transportation project or program and is not an expenditure plan. The proposed Plan provides a blueprint for how existing and reasonably-anticipated new transportation revenues could fund strategies to achieve regional objectives; the proposed Plan does not identify the manner in which the \$110 billion in new revenues would be collected or distributed across the region.

The **“CA/AV Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-10, was not included for further analysis because the proposed Plan and the alternatives include exogenous assumptions regarding autonomous vehicles. Travel Model 1.5 was updated to incorporate ride-hailing, taxis, and autonomous vehicles. See Page 90 under the heading “Autonomous Vehicles” of the Plan Bay Area 2050 Forecasting and Modeling Report for discussion on how assumptions of AVs were incorporated into the analysis. Because AV’s are considered an exogenous variable in the proposed Plan and studied alternatives, the suggested alternative was anticipated to perform similarly to them.

The **“Modified PDA (Sonoma) Alternative,”** suggested during scoping comments and further described on Draft EIR page 4-10, was not included for further analysis because as a program-level EIR that addresses the entire nine-county, 101-city region, the EIR does not address the impacts of individual strategies in detail; the focus of this analysis is on addressing the impacts of implementation of the Plan’s 35 strategies as a whole. Modifications to one of the proposed Plan’s growth geographies is anticipated to have negligible effects. Accordingly, this alternative is anticipated to perform similar to the proposed Plan.

IDENTIFICATION OF AN ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines section 15126.6(e)(1) requires analysis of a “no project” alternative to “compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” CEQA Guidelines section 15126.6(e)(2) states, “[i]f the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” (Emphasis added.) When triggered, this provision requires identification of another alternative, other than the no project alternative, that is environmentally superior. (See, e.g., *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 276, fn. 29.)

As the Draft EIR observes, if the no project alternative is not the environmentally superior alternative, then the CEQA Guidelines do not explicitly impose any requirement to identify one. (CEQA Guidelines, § 15126.6(e); Draft EIR, p. 4-78.) Neither CEQA nor the CEQA Guidelines may be interpreted in a manner that imposes procedural or substantive requirements beyond those explicitly stated in the statute or guidelines. (Pub. Resources Code, § 21083.1.) CEQA Guidelines section 15126.6(a)-(c) explain that an EIR must consider a reasonable range of alternatives, focusing on alternatives that meet basic project objectives and are capable of avoiding or substantially lessening significant effects. Section 15126.6(d) mandates that an EIR “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” To this end, the CEQA Guidelines encourage the use of a matrix, such as Table 4-34 on pages 4-81 to 4-86 of the Draft EIR, to “display[] the major characteristics and significant environmental effects of each alternative [which] may be used to summarize the comparison.” (CEQA Guidelines, § 15126.6(d).)

Section 15126.6(a)-(d) does not include a requirement that the environmentally superior alternative be identified. That requirement is only found in Section 15126.6(e), which explicitly requires identification of an environmentally superior alternative among the other alternatives *if* the environmentally superior alternative is the no project alternative. Section 15126.6(e)(2)’s requirement to identify an environmentally superior alternative is separate and distinct from the requirements found in 15126.6(a)-(d). Further, as explained in a leading CEQA treatise, “when none of the alternatives is clearly environmentally superior to the project, it should be sufficient for the EIR to explain the environmental advantages and disadvantages of each alternative in comparison with the project.” (Kostka & Zischke, *Practice Under the California Environmental Quality Act* (Cont.Ed.Bar 2d ed. 2020), Identification of Environmentally Superior Alternative, §15.37.)

The Draft EIR finds that the No Project Alternative would result in more significant and unavoidable impacts than under the proposed Plan and therefore would not be the environmentally superior alternative. (Draft EIR, p. 4-78.) As explained above, in this situation, CEQA does not require identification of a single environmentally superior alternative. (CEQA Guidelines, § 15126.6(e)(2).) Nonetheless, the Draft EIR recognizes that the identification of a single environmentally superior alternative “is useful in understanding the relative benefits and adverse effects of the other alternatives.” (Draft EIR, p. 4-78.) It therefore provides this information, identifying the TRA Focus Alternative as the environmentally superior alternative based on comparison of the relative impacts of the alternatives and proposed Plan. (Id., at p. 4-97.)

DECISION-MAKERS BALANCE COMPETING INTERESTS IN DECIDING WHETHER TO ADOPT A PROPOSED PROJECT OR AN ALTERNATIVE

CEQA requires that a lead agency shall mitigate or avoid the significant environmental impacts of projects that it carries out or approves whenever it is feasible to do so. (See Pub. Resources Code, § 21002.1(b); *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1207.) In order to approve a project for which an EIR has been certified that identifies one or more significant

environmental effects, the project may be adopted as proposed if the agency makes one of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, § 21081(a); CEQA Guidelines, § 15091.)

Additionally, if an agency approves a project that will have significant environmental impacts, it must adopt a statement of overriding considerations that finds that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.” (Pub. Resources Code, § 21081(b); CEQA Guidelines, §§ 15021(d), 15093(b)-(c).)

Thus, CEQA ensures that agencies consider environmental consequences when approving a project, but it does not circumscribe the decision-makers’ discretion. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393; *Hixon v. County of Los Angeles* (1974) 38 Cal.App.3d 370, 374.) In determining whether to approve a project, the decision-making agency must “balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits ... against its unavoidable environmental risks...” (CEQA Guidelines, § 15093(a); see also *id.*, § 15021(d).) While this process provides for the adoption of a feasible alternative that reduces significant impacts, CEQA does not mandate the decision-makers choose the environmentally superior alternative—only that they “consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the Plan would cause, and make findings that the benefits of those considerations outweighed the harm.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1007-1008 [emphasis original].) “CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393.)

2.1.5 Master Response 5: Sea Level Rise

Numerous commenters raised concerns regarding sea level rise, including the effects of sea level rise on the Bay Area and assumed inundation levels.

CONSIDERATION OF FUTURE CONDITIONS OF SEA LEVEL RISE AND INTEGRATION OF SEA LEVEL RISE INFRASTRUCTURE PROJECTS INTO THE PROPOSED PLAN

Many comments addressed the potential for sea level rise to affect existing and future infrastructure and alter existing groundwater and geologic conditions. As described in the last paragraph on page 2-18 of the Draft EIR, an analysis of the potential effects of sea level rise on the Bay Area is not required under CEQA:

While the Plan has incorporated sea level rise adaptation infrastructure as a Plan component, it is important to note the effects of the environment on a project are generally outside the

scope of CEQA unless the project would exacerbate these conditions, 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 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.”]). Changes to the State CEQA Guidelines to reflect this decision were adopted on December 28, 2018. Accordingly, the proposed Plan contains elements that would reduce the effects of sea level rise, and therefore, the EIR analysis generally does not address the impacts of existing environmental conditions on a project’s future users or residents. However, when a proposed project risks exacerbating environmental hazards or conditions that already exist, the EIR analyzes the potential impact of such hazards on future residents or users.

Further, as discussed in Response to Comment 85-26, it is not possible to connect emissions related to the proposed Plan to specific impacts of climate change.

As discussed in Chapter 2 of the Draft EIR, "Project Description," the proposed Plan has integrated the issue of sea level rise inundation and identifies a strategy to adapt the shoreline of the San Francisco Bay. Environment Strategy EN01, “Adapt to Sea Level Rise,” was included to protect shoreline communities affected by sea level rise by identifying a series of adaptation infrastructure strategies (first bulleted item, page 2-9 of the Draft EIR). Adaptation infrastructure included in the Plan is described on pages 2-17 through 2-19 of the Draft EIR, under the subheading, “Sea Level Rise Adaptation Infrastructure”:

The adaptation infrastructure was informed by conclusions in the Plan Bay Area 2050 EIR that found significant and unavoidable impacts as a result of land use development or transportation projects being regularly inundated by 24 inches of sea level rise at mean higher high-water conditions. The Plan Bay Area 2050 EIR concluded that a range of adaptation strategies could be appropriate to reduce the impact associated with sea level rise inundation to a less-than-significant level. As a result, archetypes adaptation infrastructure was identified for regularly inundated shoreline areas. Archetypes included elevated roadways, a variety of levees, seawalls, tidal gates, and marsh restoration. These archetypes include both green (i.e., natural systems) and gray (i.e., human-made systems) infrastructure.

Generic archetype adaptation infrastructure was assumed for different segments of vulnerable shoreline to develop cost assumptions for the proposed Plan. Adaptation infrastructure archetypes included many kinds of strategies, including marsh restoration, elevated roadways, a variety of levee types, tidal gates, and seawalls. When choosing an adaptation infrastructure archetype for a segment of vulnerable shoreline, staff used various methods. Where a current, well-defined strategy was known, it was included in the analysis. Where no current strategy existed, staff consulted a variety of resources, including the Adaptation Atlas, EcoAtlas, the CHARG Sea Level Rise Resiliency Map, and subject matter expert guidance. When consulted resources provided no suggestion, natural solutions, such as marsh restoration and ecotone levees (i.e., a large levee that supports wetland vegetation on the slope instead of artificially dry upland vegetation), were assumed wherever possible.

Importantly, the specifics of sea level rise adaptation infrastructure were assumed strictly for modelling purposes and to provide estimated financial inputs for the proposed Plan and are not intended to be prescriptive in either specific location or depiction. Local planning efforts would determine the appropriate adaptation measures, because MTC and ABAG do not hold land use authority over the coastline and cannot implement such measures. However, adaptation measures may be implemented by other authorities. For example, some current, well-defined adaptation

measures, such as the San Francisco International Airport seawall project, were included in the analysis and are already planned for construction by another authority. Future analysis will include updated plans for the Bay Area shoreline as data become available.

The environmental impact analysis in Chapter 3 of the Draft EIR includes an evaluation of the environmental impacts related to the proposed sea level rise adaptation infrastructure. Sea level rise adaptation archetypes were analyzed according to the assumed footprint of the project. However, as discussed above, the specific location or depiction of infrastructure is not known at this time, and specific effects therefore cannot be evaluated in detail. Detailed analysis of sea level rise adaptation infrastructure will ultimately be done when specific projects are proposed by relevant local agencies.

SEA LEVEL RISE DEPTH ASSUMPTIONS

The proposed Plan used the available flood prediction guidance of both State and regional agencies. The Plan integrates the work of the California Ocean Protection Council (OPC), which lays out a series of projections that incorporate both variations in risk aversion and future greenhouse gas emission rates. The proposed Plan addresses two different water levels in the sea level rise methodology: 2 feet and 3 feet. For planning and modeling purposes, 2 feet of permanent inundation was assumed by 2050, as OPC recommends using this precautionary projection for vulnerable areas with medium to high consequences, such as a highly developed coastline. However, annual storm or king tide events may add an additional foot of temporary inundation, for up to 3 feet of inundation risk. Three feet of inundation was assumed to determine where proactive adaptation actions were needed across the region.

The decision by MTC and ABAG for the Plan to model 2 feet of permanent inundation relies on the robust analysis of OPC. The range of OPC predictions for 2050 varies: those planning with a low risk aversion are recommended to expect 0.9 feet (50 percent probability sea level rise meets or exceeds); those planning with medium to high risk aversion are recommended to expect 1.9 feet of inundation (0.5 percent probability sea level rise meets or exceeds); and the most extreme risk aversion prediction is 2.7 feet of sea level rise, which is based upon a single scenario assuming very rapid ice-sheet loss in the Antarctic, and not a probabilistic projection. The proposed Plan assumes a conservative assumption for the life of the Plan, following guidance for approximately 2 feet of permanent inundation. However, the proposed Plan differs from the recently released updated guidance from OPC's Strategic Plan to Protect California's Coast and Ocean 2020-2025, which recommends that both coastal communities and those along the San Francisco Bay shoreline plan for 3.5 feet of inundation by 2050. The proposed Plan's sea level rise analysis and collaborative effort to identify adaption archetypes for regularly inundated shoreline areas began in 2019 and concluded in February 2020, prior to the release of the Strategic Plan. Revising the analysis assumptions to 3.5 feet would have been contrary to the expert advice and stakeholder input gathered to develop the archetypes for 2 feet of permanent inundation. Future iterations of Plan Bay Area will reassess sea level rise best practices as predictions continue to be updated.

The scope of the proposed Plan extends to 2050. Strategies in the context of the proposed Plan are defined as policies or investments that can be implemented over the next 30 years. As a result, sea level rise investments assumed by the proposed Plan are considered only through 2050. However, the lifecycle adaptation infrastructure included in the analysis was assumed with infrastructure lifecycle in mind wherever possible, with linear infrastructure, such as levees, seawalls, and elevated roadways, assumed to accommodate up to 9 feet of permanent inundation. As a result, it is assumed that areas with adaptation infrastructure may include standards that extend beyond the life of the Plan.

2.1.6 Master Response 6: MTC and ABAG Roles and Authority

Numerous commenters raised concerns regarding MTC and 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 and ABAG's statutory role and authority.

ROLE AND AUTHORITY

The role and authority of MTC and ABAG are described in Section 1.7.2, "Regional Planning Agencies," of the Draft EIR:

MTC was formed in 1970 and functions under State and federal law as the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area. It covers the same geographic area as ABAG. MTC is the federally designated metropolitan planning organization (MPO) and the State-designated regional transportation planning agency (RTPA) for the Bay Area. It is responsible for preparing and updating the RTP every 4 years.

ABAG was formed in 1961 by a joint powers agreement among Bay Area local governments and serves as the comprehensive regional planning agency and Council of Governments for the nine counties and 101 cities and towns of the San Francisco Bay region. It is a public entity created by local governments to meet their planning and research needs related to land use and is responsible under State law for conducting the Regional Housing Needs Allocation process. ABAG also hosts several joint powers and administrative entities related to environmental and water resource protection, disaster resilience, energy efficiency, hazardous waste mitigation, financial services, and staff training to local counties, cities, and towns.

TRANSPORTATION PLANNING AND PROGRAMMING

With respect to transportation planning, MTC functions both as 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 Plan Bay Area, which integrates investments in mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities as part of the transportation strategies. MTC also screens requests from local agencies for State and federal grants for transportation projects to determine their compatibility with Plan Bay Area. The proposed Plan also functions as the 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 4 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 4-year period and must be financially constrained by year, meaning that the amount of funding committed to the projects (also referred to as "programmed" projects) must not exceed the amount of funding estimated to be available. The 2021 TIP was adopted by MTC on February 24, 2021, and received final federal approval from the Federal Transit Administration and Federal Highway Administration on April 16, 2021. The 2021 TIP, as adopted, included approximately 330 transportation projects with approximately \$10.3 billion of federal, state, regional, and local funds "programmed" in 4 fiscal years: FY 2020-21, FY 2021-22, FY 2022-23, and FY 2023-24.

In its role as the RTPA and MPO, MTC programs and allocates more than 1 billion 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 Program, the Transit Oriented Development Policy, the Housing Incentive Program, the PDA Planning program and most recently through the One Bay Area Grant program (OBAG). These programs have sought to strengthen the connection between transportation and land use, thereby reducing VMT by 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 OBAG 2 framework, adopted in 2017, funds a suite of regional initiatives to support the goals of Plan Bay Area, including achieving regional GHG emissions reduction targets established by the California Air Resources Board (CARB) pursuant to SB 375. OBAG 2 funded regional initiatives such as MTC's Climate Initiatives program, Bay Bridge Forward program, and the Safe and Seamless Mobility Quick-Strike program. Also, the flexible County Program funds are targeted to transportation projects in PDAs to support Plan Bay Area's focused growth strategy. A defining feature of the OBAG County Program was the introduction of housing considerations into the framework for how to distribute transportation dollars. The OBAG County Program distribution formula is designed to reward local efforts that accommodate future housing growth at all income levels through the RHNA process and that also follow through on those commitments through the permitting and production of housing.

In total, the OBAG 2 framework includes more than \$900 million in federal funding for projects between 2018 and 2022. In a July 2021 staff memo, MTC staff identified five considerations for the OBAG 3 framework to fund projects beginning in 2023. Initial considerations include:

- ▲ Preserve the effective features of the OBAG program to support regional objectives.
- ▲ Strategically advance Plan Bay Area 2050 implementation through OBAG investments and policies.
- ▲ Incorporate recent policy initiatives and adapt to the new mobility landscape.
- ▲ Advance equity through program policies and investments.
- ▲ Address federal planning and programming requirements.

In addition, through MTC's congestion management process, a federal planning requirement of MPOs, MTC develops programs and plans that can reduce congestion and air pollution from vehicular traffic. The process, detailed at <https://mtc.ca.gov/planning/transportation/driving-congestion-environment/congestion-management-process>, identifies a three prong approach of planning, operations, and funding. OBAG, discussed above, is a primary source of funding but other sources include:

- ▲ **Regional Measure 3**, which will use toll revenues to fund multimodal projects to relieve congestion in key corridors.
- ▲ **Senate Bill 1, Solutions for Congested Corridors Program (SCCP)**, a statewide competitive program that funds projects designed to reduce congestion in highly traveled and highly congested corridors through performance improvements that balance transportation improvements, community impacts, and that provide environmental benefits.

The common underpinning 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; however, MTC has also worked within these

restrictions to encourage a link between housing and transportation to reduce VMT. In 2020, the California State Budget included a one-time funding allocation of \$250 million statewide to support the implementation of RHNA and the SCS (“Plan Bay Area 2050” or “proposed Plan”) through the Regional Early Action Planning (REAP) grants program. The first round of the REAP grants program was designed to help regional entities and governments facilitate housing production to assist local governments in meeting their RHNA. MTC and ABAG received \$24 million of REAP program funds to launch the new Regional Housing Technical Assistance (RHTA) program to support local jurisdictions throughout the region, including \$11 million in direct assistance to local governments, and help fund implementation of the proposed Plan’s housing strategies through the preparation of local plans and rezoning (see ABAG’s website at <https://abag.ca.gov/our-work/housing/regional-housing-technical-assistance> for more information).

The second installment, REAP 2.0, is also a one-time funding allocation but for \$500 million statewide. REAP 2.0 is still under development but is expected to be designed to support and fund infill housing, infrastructure investments (e.g., transportation), or other actions that reduce VMT and implement SCSs. The program, administered by HCD, is expected to require review and approval of MTC and ABAG’s proposals to use REAP 2.0 grant funds on investments that would be transformational and accelerate the GHG reductions needed to achieve state goals for 2035.

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 or one-time programs -- such as the Transit Oriented Affordable Housing program, the Bay Area Preservation Pilot program and the Jumpstart program -- that are direct investments in housing or housing loan programs totaling \$30 million to date. These are not ongoing or reliable funding streams, so MTC has not relied on them in the assumptions regarding future funding programs.

MTC also incentivizes focused growth near transit and VMT reduction through transportation funding programs, such as PDA Planning grants to local jurisdictions funded through OBAG. Planning grants focus on encouraging housing and commercial development near transit, as well as improving bicycling and pedestrian access in the planning area. Similarly, through technical assistance, MTC also supports local jurisdiction compliance with SB 743, which updates the way lead agencies must measure transportation impacts for transportation and land use projects under the CEQA, changing the evaluation metric from level of service to VMT. Technical assistance has focused on helping cities to establish city-wide VMT screening criteria, determine plan and project-level VMT thresholds of significance, as well as VMT mitigations. Also, advancing SB 743 encourages infill development, reduces greenhouse gas emissions and can improve active transportation options near housing and commercial development.

Thus, MTC promotes best practices and supporting the development of new or revised programs, guidelines, procedures, policies, and development standards to support reduced VMT land uses. These actions contribute to achieving MTC’s GHG reduction target under SB 375. Lastly, to be eligible for regional, state, and federal transportation funding programs, transportation projects must demonstrate that they are consistent with the proposed Plan. Furthermore, regionally significant transportation projects—generally defined as projects that add travel lanes to freeways, expressways and highways or add new routes to fixed guideway transit facilities (e.g., rail, ferry, bus rapid transit)—must be listed in the fiscally constrained Plan Bay Area 2050 Transportation Project List in order to progress from design to implementation or construction.

BAY AREA HOUSING FINANCE AUTHORITY

A number of commenters questioned who would fund the affordable housing in the proposed Plan. As stated above, local jurisdictions, not MTC or ABAG, are ultimately responsible for the manner in

which their local communities continue build out in the future. However, through a shared initiative known as the Bay Area Housing Finance Authority (BAHFA), MTC and ABAG have committed to expanding the agencies' regional housing portfolio and BAHFA represents a key financial pillar of these efforts. Established by AB 1487 (Chiu 2019), BAHFA is the first State-approved regional housing finance authority in California. BAHFA provides the Bay Area region with a powerful new set of financing tools that can raise significant new housing revenue from a variety of sources, including a regional ballot measure, State or federal appropriations, and philanthropic and corporate contributions.

BAHFA was established to support the production and preservation of affordable housing by placing new revenue options on the ballot. Any new revenue source to be placed on the ballot would require voter approval by a two-thirds vote. Possible future options include:

- ▲ general obligation bond backed by property tax receipts (also known as a GO bond),
- ▲ parcel tax,
- ▲ gross receipts tax,
- ▲ per-employee corporate “head tax,” and
- ▲ commercial linkage fee (only authorized after voters approve a GO bond or parcel tax).

The BAHFA Board (composed of the same board as MTC) shares decision making with the ABAG Executive Board related to raising revenues or expenditure of funds. BAHFA aims to develop a comprehensive regional strategy for helping local governments tackle the housing crisis on a larger scale rooted in the “3Ps” framework—protection, preservation and production, all of which are reflected in the housing strategies of the proposed Plan.

LOCAL LAND USE CONTROL

A number of commenters questioned MTC and ABAG’s authority over land use decisions. The purpose of 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, Section 1(f) [uncodified legislative findings]). The CEQA streamlining benefits provided by SB 375 are some of the mechanisms used 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 although 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 (Government Code Section 65080(b)(2)(K)).¹

In other words, even after the proposed Plan is adopted by MTC and 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, would be advisory and not binding at the local level. For this reason, unless MTC and ABAG have regulatory or approval authority over a future project implemented pursuant to the proposed Plan, MTC and ABAG must rely

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” (Government Code Section 65080(b)(2)(K)).

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, among other things, commit to the mitigation measures set forth in the Draft EIR, as applicable and feasible, to address site-specific conditions and to reduce environmental impacts.

Cities and counties, not MTC or 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” (Government Code Section 65080(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 (Public Resources Code Section 21155(a) (emphasis added)). The land use portion of the proposed Plan will be implemented only insofar as local jurisdictions act upon the Plan’s policies and recommendations.

2.1.7 Master Response 7: Fiscally Constrained Transportation Project List

Several comments requested revisions to the Plan Bay Area 2050 Transportation Project List. Such comments do not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. However, the following is provided for informational purposes.

The Transportation Project List is a key component of the federally mandated RTP, identifying investments in the operations, maintenance, expansion, and optimization of the region’s network of highways, bridges, local streets, transit routes, and active transportation infrastructure. Federal guidelines require the Transportation Project List to be fiscally constrained, meaning that investments may not exceed reasonably expected revenues.

Developing the Transportation Project List was a multiyear process that required analysis to understand the relative merits and shortcomings of major investments, prioritization discussions with project sponsors, and trade-off conversations at the commission and executive board levels.

Per guidance from the California Air Resources Board, the Plan Bay Area 2050 Transportation Project List groups projects in two categories: those that are expected to open for service between 2021 and 2035 and those that are expected to open for service between 2036 and 2050. This approach allows for a more explicit alignment between when revenues are expected to become available and when they are expected to be invested. Projects are considered to be included in the fiscally constrained and conformed RTP regardless of the identified sequencing, meaning that they can continue project development activities, including seeking funding and undergoing environmental analyses.

One key input is the transportation revenue forecast, which estimates the revenues that are reasonably expected to be available to the region for transportation. This estimate provides the fiscal envelope within which transportation investments must be prioritized to maintain fiscal constraint. The transportation revenue forecast was reduced in mid-2020 to account for the impacts of the COVID-19 pandemic and ensuing economic recession; the finalized transportation revenue forecast was presented at the June 2020 MTC Planning and ABAG Administrative Committee. For more information on the transportation revenue forecast, see Chapter 2 (“Technical Assumptions for the Transportation Element”) of the Plan Bay Area 2050 Technical Assumptions Report. Please see “Master Response 2: COVID-19 Pandemic Considerations” for more information on how the shelter-in-place orders have affected the region and preparation of the proposed Plan.

Major transportation investments with a combined capital and operations cost of \$250 million or more were required to undergo Project Performance Assessment, during which they were individually assessed using MTC's modeling tools to understand their effects. This process took place in 2018 and 2019. County transportation agencies, transit operators, the MTC Operations Section, cities, nongovernmental organizations, and members of the public were invited to submit project ideas as part of the Call for Transformative Projects, which closed in fall 2018. As part of the Horizon effort, projects were assessed in three disparate futures to shed light on how a project would perform given uncertain future conditions. Projects were assessed using three quantitative measures: benefit-cost ratio, equity score (which examined the distribution of benefits and disbenefits by income group), and Guiding Principles score. The results of the Project Performance Assessment were shared with project sponsors, who were invited to submit board-approved commitment letters detailing specific ways in which the sponsor could address performance deficiencies. A detailed description of the Project Performance Methodology and commitment letter process may be found in the Plan Bay Area 2050 Performance Report. Appendix 2 of the Plan Bay Area 2050 Performance Report includes the performance scores for each project. Project Performance Assessment findings and sponsor commitments were later used in trade-off discussions that took place at the MTC Planning and ABAG Administrative Committee in June, July, and September 2020, ultimately culminating in Commission action approving regional funding support for a selection of large transportation investments.

In spring and summer 2020, concurrent with the trade-off discussions over major transportation investments, county transportation agencies and multicounty transit operators sought board approval of their individual transportation project lists and then submitted those documents to MTC for inclusion in the Plan Bay Area 2050 Transportation Project List. These documents identified local priorities, including major transportation investments, capacity-increasing transportation projects under the \$250 million threshold requiring a project to go through Project Performance Assessment, and programmatic categories of investments that are exempt from transportation air quality conformity analysis. These project lists serve as the basis for the Plan Bay Area 2050 Transportation Project List, informed by the tradeoff discussions around support for larger projects.

Following Plan adoption, projects may be added to the Transportation Project List, they may be moved from one time period bin to another, or their funding amount may be altered through an administrative modification or amendment to the proposed Plan. However, the revised Plan Bay Area 2050 would still be required to meet its SB 375 emissions reduction target and remain fiscally constrained (and any change would be analyzed for compliance with CEQA). For more information, please refer to Page 19 of MTC's *Public Participation Plan* (2018) under the heading "Updating and Revising the Regional Transportation Plan," found at <https://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>. Adding a new project or increasing the cost of a project already included on the Transportation Project List would require a commensurate reduction in funding elsewhere. New projects seeking to be included in the proposed Plan that exceed a capital and operating cost threshold of \$250 million would be required to undergo Project Performance Assessment, which would be used to determine their inclusion in the Plan Bay Area 2050 Transportation Project List.

2.1.8 Master Response 8: Refinements of Travel Modeling Assumptions

As discussed under section 2.3.3 of the Draft EIR, the potential effects of implementing the proposed Plan's strategies are simulated through an integrated model framework composed of a regional economic model (REMI PI+), regional land use model (Bay Area UrbanSim 2.0) and a regional travel demand model (Travel Model 1.5.) As stated in the Draft EIR, "The integrated model framework allows

planners to analyze the complex interactions between land use and transportation strategies.” Importantly, Travel Model 1.5 is composed of a set of individual models that perform different functions to simulate future Bay Area travel activity that is then used to inform several of the Draft EIR’s impact conclusions. As noted in the second paragraph under subheading “Motor Vehicle Emissions” on page 3.6-34 of the Draft EIR:

Travel Model 1.5, released in 2020, produces forecasts of travel behavior and vehicle activity, and updates Travel Model One with the inclusion of ride-hailing, taxis, and autonomous vehicles. The Travel Model has been extensively reviewed by federal and State agencies and refined in connection with the application to air quality analyses of various kinds. Key model outputs for use in air quality analyses include total daily vehicle trips, VMT, and distribution of VMT by speed. This information was then used to determine total emissions from transportation activity in the Bay Area using motor vehicle emission factors from CARB’s Emission Factor (EMFAC) model.

Following the release of the Draft EIR and *Draft Plan Bay Area 2050 Forecasting and Modeling Report*, available on the Plan Bay Area 2050 website at www.planbayarea.org/reports, several assumptions underlying Travel Model 1.5 and the off-model calculations were reviewed and refined, resulting in the need to re-simulate future travel activity from the proposed Plan and the Draft EIR alternatives (No Project Alternative, TRA Focus Alternative, and HRA Focus Alternative).

Refinements to the modeling assumptions and calculations fell into two categories:

- ▲ refinements to modeling assumptions or off-model calculation assumptions, and
- ▲ refinements to travel network assumptions.

REFINEMENTS TO TRAVEL MODEL 1.5 EXOGENOUS (EXTERNAL) ASSUMPTIONS

These refinements do not alter the proposed Plan’s strategies described under Section 2.2.2, “Proposed Plan Strategies” of the Draft EIR, nor do these refinements alter how the proposed Plan’s strategies were represented in Travel Model 1.5 to simulate their potential impacts. Instead, these refinements adjust assumptions and the inner workings of Travel Model 1.5 which affect the future conditions of the transportation system discussed under Section 2.2.3, “Conditions Under the Proposed Plan” of the Draft EIR. The refinements are described below.

Workers Not Working Implementation Refinement

As discussed in the *Draft Plan Bay Area 2050 Forecasting and Modeling Report*, when MTC and ABAG staff incorporated updates to the estimate of telecommuters in the No Project Alternative, MTC and ABAG staff applied data from the 2018-2019 Bay Area Transportation Study to estimate the share of workers not making a work trip (on the model simulation day) that were telecommuting versus not working at all due to alternative work schedules, vacation, sick leave, or personal time off. The transportation study provided assumptions for the 2015 model base year. For forecast years from 2015 through 2050, MTC and ABAG staff applied the same proportionate increase to estimate the workers not making a work trip regardless of whether they were telecommuting or whether they were not going to work at all that particular day. However, upon further review, staff determined the share of workers not going to work due to alternative work schedules, or taking a vacation, sick or personal day is unlikely to change over time, unless a specific strategy (i.e., public policy) is implemented.

As a result, MTC and ABAG staff refined the model assumption for the forecast years from 2015 through 2050 to assume a fixed share of workers not working on the simulation day based upon the 2015 share: 10.8 percent of full-time workers and 20.6 percent of part-time workers. Assumptions about baseline telecommute rate (e.g. the share of workers telecommuting before the EN07 strategy was applied, described in Table 37 in the Draft Plan Bay Area 2050 Forecasting and Modeling Report) were not changed in the model refinement.

The impact of the model refinement for the No Project Alternative model runs is shown below. For the Draft EIR runs, the share of workers not working, shown in red in **Figure 2-1**, below, increases over time from 10.8 percent in 2015 to 15.5 percent in 2050. With the refined assumption, the share of workers not working stays fixed at 10.8 percent between 2015 and 2050 as shown in **Figure 2-2**. This refinement increases the share of full-time workers making a work trip by 4.6 percent, from 72.3 percent to 76.9 percent, resulting in a slightly greater number of work trips on a given day in 2050.

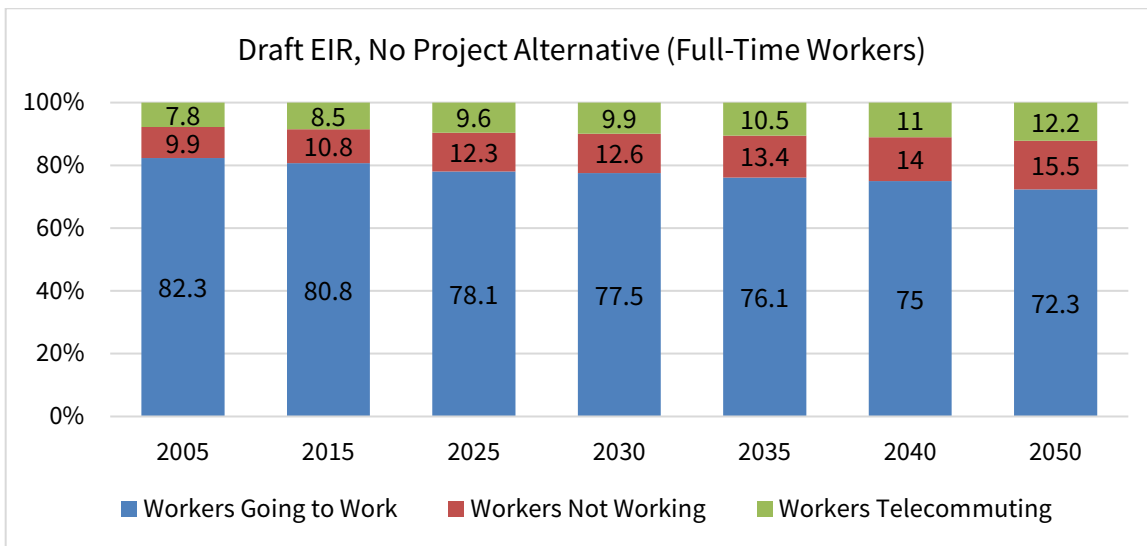


Figure 2-1: Worker Status, Draft EIR

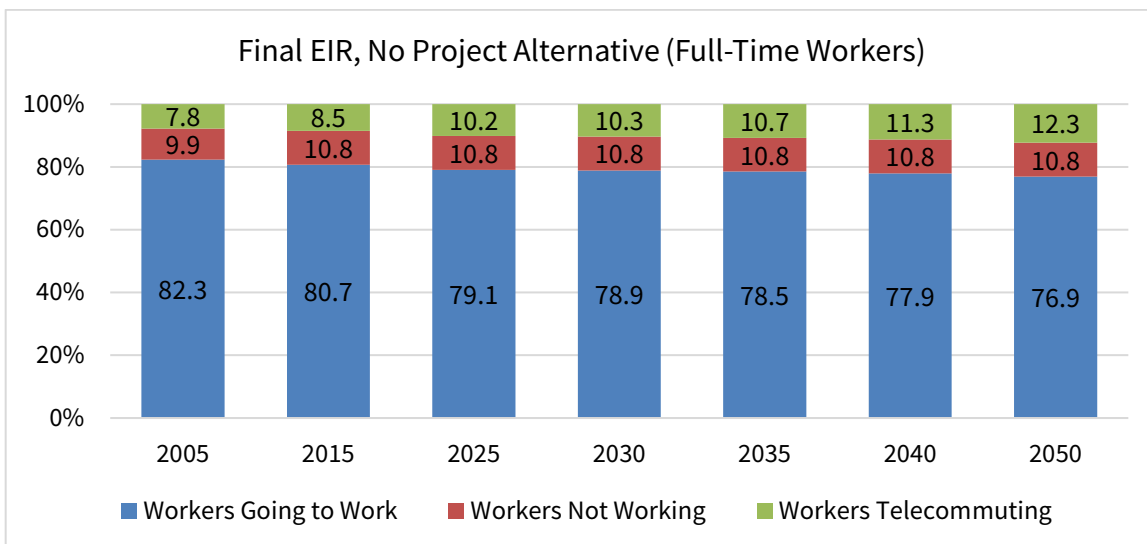


Figure 2-2: Worker Status, Final EIR

Other Refinements

Other minor adjustments to travel model exogenous assumptions between Draft and Final EIR include:

- ▲ Updates to the transportation network company wait time distribution for more consistency across future years.
- ▲ Updates to the link-based transit fare assessment to better calculate transit fares on zone-based systems via the Cube 6.4.5 update.
- ▲ Integration of consistent traffic volumes at regional gateways across all model runs, reflecting 2019 updates agreed to by the Sacramento Area Council of Governments.
- ▲ Updates to the off-model analysis of the Vehicle Buyback and Electric Vehicle Program, a subcomponent of proposed Plan Strategy EN08, assuming that reduction credit must be shared between the regional program and the state's California Clean Vehicle Rebate Project; an additional \$1.4 billion in regional funding was assumed to maintain forecasted regional GHG reductions from the strategy.

REFINEMENTS TO TRAVEL NETWORK ASSUMPTIONS

Baseline (2015) Network

The baseline network refinements do not alter the proposed Plan's strategies described under section 2.2.2 of the Draft EIR; rather, the refinements are intended to better reflect representation of the region's existing transportation system. Travel Model 1.5's baseline networks represent the general locations and transportation systems characteristics—including number of lane miles and posted speed, transit service schedules and station locations—of the region's transportation systems. Refinements to the baseline network included fixes to various network attributes to better reflect system characteristics.

Proposed Plan (2050) Network

Several refinements alter the proposed Plan's representation of major transportation projects that make up the proposed Plan's transportation strategies. As noted on the bottom of page 3.15-17 of the Draft EIR:

Major transportation projects are implemented in Travel Model 1.5 on top of the region's existing transportation system, resulting in changes to accessibility. The change in accessibility affects short-run induced travel, which is accounted for in Travel Model 1.5 through changes to trip length, travel routes, and trip modes, as well as the generation of new trips.

Specific refinements are noted in the *Final Plan Bay Area 2050 Forecasting and Modeling Report* under the heading "Changes from the Draft Forecasting and Modeling Report."

The total effects of the noted model refinements are detailed in the revised tables in Chapter 3, "Revisions to the Draft EIR," of this Final EIR. As shown in revised Table 3.15-11 (Summary of Baseline and Proposed Plan 2050 Vehicle Trips and VMT), while there would be changes in the overall reduction of VMT, these changes do not alter the conclusions of the EIR with respect to significance conclusions or substantially change the severity of significant impacts. The increase in total daily VMT would change from a 13-percent increase to a 16-percent increase. The decrease in daily VMT per capita with Strategy EN09 would change from a 17-percent decrease to a 15-percent decrease. The conclusion for Impact TRA-2 explained that Plan implementation would result in an increase in total regional VMT and a decrease in per-capita VMT. This remains accurate. Impact TRA-2 also concluded that the per-

capita VMT reductions would not impede achievement of additional Statewide VMT reductions required to meet the State's statutory GHG emissions targets. Impact TRA-2 discussion acknowledged that, because there is a gap between the GHG emissions reductions that can be achieved from targets established by CARB pursuant to SB 375 and the GHG emissions reductions needed to achieve Statewide GHG reduction goals, MTC and ABAG cannot conclude that the reductions would be sufficient to meet the State's climate goals. TRA-2 was identified as potentially significant and Mitigation Measures TRA-2a and TRA-2b would reduce the magnitude of this impact but not to a less-than-significant level. This conclusion would not change as a result of the model refinements.

Similarly, the resultant changes to the GHG emissions calculations for transportation-related sources would not change the conclusions in the EIR. As shown in the revised Tables 3.6-12 and 3.6-13 in Chapter 3 of this Final EIR, the total percent change of forecasted daily transportation GHG emissions would change from a 22-percent decrease to a 20-percent decrease. And, as shown in the revised Table 3.6-15, the forecasted decrease in per capita carbon dioxide (CO₂) emissions from passenger vehicle and light duty trucks would change from a 22-percent decrease to a 20-percent decrease. The conclusion in Impact GHG-2 would remain the same: "Because implementation of the proposed Plan would reduce per capita passenger vehicle and light duty truck CO₂ emissions by over 19 percent by 2035 as compared to 2005 baseline, per the regional targets set by CARB pursuant to SB 375, there would be less-than-significant (LTS) impact [sic]." Therefore, recirculation of the EIR is not required because the results of the model refinements are not considered significant new information as defined in Section 15088.5 of the CEQA Guidelines, because they do not change any impact significance conclusions or result in a substantial increase in the severity of impacts; nor do the refinements present new information not previously included in the Draft EIR. Additional text changes from the travel model assumptions refinements are included in Chapter 3, "Revisions to the Draft EIR."

2.2 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

From: [Peter Hensel](#)
To: [EIR Comments](#)
Subject: Water supply not there for your grandiose new housing plan
Date: Friday, June 4, 2021 5:40:42 PM

External Email

Sent from my iPhone You are harming everyone's quality of life. Bay Area is already over crowded and traffic gets worse. Get real. Quit churning out these massive docs (that no one reads) to justify your existence and inflated salaries.

1-1

Letter 1
Peter Hensel
June 4, 2021

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

See Section 3.15 of the Draft EIR, “Transportation” for a discussion on the proposed Plan’s potential effects on transportation conditions. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter
2

From: [David Davenport](#)
To: [EIR Comments](#)
Cc: [Maurice Palumbo](#); [Ron Downing](#)
Subject: Draft EIR Comments
Date: Friday, June 11, 2021 12:46:29 PM

External Email

To Whom It May Concern:

On behalf of the Golden Gate Bridge, Highway and Transportation District, I am writing to extend our appreciation for the opportunity to review the Plan Bay Area 2050 Draft Environmental Impact Report. Please note that in Section 3.15, Transportation, Table 3.15-2 should be corrected to indicate that the Golden Gate Transit service area also includes Contra Costa County. The associated figure, Figure 3.15-2, appears to be correct. Please feel free to contact me if you have any questions about our comment.

2-1

Sincerely,
David Davenport

David Davenport
Senior Planner
Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 94901

[Redacted]

Letter 2
Golden Gate Bridge, Highway and Transportation District
David Davenport, Senior Planner
June 11, 2021

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

2-1

Comment 2-1 states that Table 3.15-2 in Section 3.15 of the Draft EIR, “Transportation,” should be corrected to indicate that the Golden Gate Transit service area also includes Contra Costa County. The correction does not alter the conclusions with respect to the significance of any environmental impact because this revision is included in the environmental setting and does not change the impact discussion.

Table 3.15-2, on page 3.15-4 of the Draft EIR is revised as follows (new text is underlined):

Table 0-1: Public Transit Operators in the Bay Area

Transit System	Mode	Average Weekday Ridership	Bay Area Counties Served
SFMTA	Local/express bus; Light rail; Cable car/streetcar/trolley	744,000	MRN, SF , SM
BART	Heavy rail	427,000	ALA, CC, SCL, SF, SM
AC Transit	Local/transbay bus	180,000	ALA, CC , SCL, SF, SM
VTA	Local/express bus; Light rail	121,000	ALA, SCL , SM
Caltrain	Commuter rail	61,000	SCL, SF, SM
SamTrans	Local/express bus	38,000	SCL, SF, SM
Golden Gate Transit	Local/express bus; Ferry	19,000	MRN, SF, SON, <u>CC</u>
County Connection	Local/express bus	11,000	ALA, CC
Marin Transit	Local bus	10,000	MRN
WETA	Ferry	10,000	ALA, CC, SF, SM, SOL
Tri Delta Transit	Local/express bus	7,000	CC
Santa Rosa CityBus	Local bus	6,000	SON
LAVTA Wheels	Local/express bus	6,000	ALA , CC
ACE	Commuter rail	5,000	ALA, SCL
SolTrans	Local/express bus	5,000	CC, SOL
WestCAT	Local bus; Express/transbay bus	4,000	CC , SF
VINE	Local/express bus	4,000	NAP , SOL
Sonoma County Transit	Local/express bus	3,000	SON
FAST	Local/express bus	3,000	CC, SOL
SMART	Commuter rail	2,000	MRN, SON
Vacaville City Coach	Local bus	1,000	SOL
Petaluma Transit	Local bus	1,000	SON
Union City Transit	Local bus	1,000	ALA
Dixon Redit-Ride	Local bus	<1,000	SOL
Rio Vista Delta Breeze	Local/express bus	<1,000	CC, SOL
Pleasanton Paratransit	Local bus	<1,000	CC

Note: Average weekday ridership has been rounded to the nearest 1,000; Figures may not sum due to independent rounding; Average weekday ridership is calculated by taking the total annual ridership and dividing by 300, an assumption which is consistent with MTC travel modeling procedure; Primary counties served by operator are marked in bold.

Source: Data compiled by MTC and ABAG in 2020 based on data from Unlinked Passenger Trips and National Transit Database 2019

Letter
3

METROPOLITAN TRANSPORTATION COMMISSION

Meeting Transcript



June 11, 2021

1

2 **JESSE ARREGUIN, ABAG CHAIR:** I WOULD LIKE TO MAKE A MOTION TO
3 WAIVE THE READING OF THE PROPOSED DOCUMENT OUT LOUD.

4

5 **PAT ECKLUND:** SECOND.

6

7 **JESSE ARREGUIN, ABAG CHAIR:** MOTION AND SECOND. ROLL CALL
8 PLEASE.

9

10 **CLERK, MARTHA SILVER:** [ROLL CALL VOTE]. MOTION PASSES
11 UNANIMOUSLY

12

13 **JESSE ARREGUIN, ABAG CHAIR:** THANK YOU. BACK TO CHAIR SPERING.

14

15 **JAMES P. SPERING, MTC CHAIR:** THANK YOU, MAYOR. WE WILL NOW
16 BEGIN WITH THE SECOND PUBLIC HEARING FOCUSED ON THE DRAFT EIR
17 AND RECEIVE ANY ORAL TESTIMONY ABOUT THE DOCUMENTS. ONCE
18 AGAIN, IF YOU WISH TO TESTIFY PLEASE USE THE RAISED HAND
19 FEATURE IN ZOOM OR PRESS STAR NINE TO BE ADDED TO THE QUEUE
20 AND PLEASE WAIT TO BE CALLED UPON. WHEN CALLED UPON, UNMUTE
21 YOURSELF, OR DIAL STAR SIX. WE ASK THAT EACH SPEAKER BE BRIEF,
22 CONCISE, AND KEEP COMMENTS TO NO MORE THAN TWO MINUTES. A
23 REMINDER THAT WHEN YOU ARE MAKING YOUR COMMENTS, PLEASE STATE
24 YOUR NAME, IF YOU WISH, FOR THE RECORD, AND IF YOU -- AND TO
25 BE SURE TO SPEAK CLEARLY INTO YOUR COMPUTER OR PHONE'S

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55



June 11, 2021



1 MICROPHONE SO THAT OUR TRANSCRIBER CAN CAPTURE YOUR COMMENTS
 2 ACCURATELY. SO WITH THAT, LET'S BEGIN. MARTHA GO AHEAD AND
 3 BEGIN THE PUBLIC TESTIMONY.

4

5 **CLERK, MARTHA SILVER:** FIRST UP IS TIM FRANK. GO AHEAD AND
 6 UNMUTE YOURSELF. YOU HAVE TWO MINUTES.

7

8 **SPEAKER:** THANK YOU VERY MUCH. I WANT TO BEGIN BY, ONCE AGAIN,
 9 INTRODUCING MYSELF. I'M TIM FRANK REPRESENTING THE BUILDING
 10 AND CONSTRUCTION TRADES COUNCIL OF ALAMEDA COUNTY. AND I
 11 WANTED TO COMMENT ON THE IMPORTANCE OF THE REGIONAL
 12 ENVIRONMENTAL IMPACT REPORT. IF YOU LOOK AT THE EIR FOR THE
 13 PREVIOUS PLANNED BAY AREA, IT IDENTIFIED A STRATEGY OF
 14 FOCUSING DEVELOPMENT AROUND WHAT ARE CALLED "PRIORITY
 15 DEVELOPMENT AREAS" AS ONE OF THE MOST IMPORTANT GREENHOUSE GAS
 16 REDUCTION STRATEGIES, AND YET, IF YOU LOOK AT ENVIRONMENTAL
 17 DOCUMENTS IN THE ALTERNATIVES ANALYSIS PROVIDED FOR SPECIFIC
 18 PLANS FOR PDAS, THEMSELVES, OR FOR PROJECTS THAT WERE LOCATED
 19 WITHIN THOSE SPECIFIC PLAN AREAS, WE HAVE COMMENTED ON PROJECT
 20 AFTER PROJECT, WHERE THE ENVIRONMENTAL IMPACT ANALYSIS DONE AT
 21 THE LOCAL LEVEL ACTUALLY SAID THAT NO PROJECT OR ALTERNATIVE
 22 WOULD ACTUALLY BE ENVIRONMENTAL SUPERIOR. WE THINK THIS IS A
 23 CONFLICT BETWEEN THE REGIONAL DOCUMENT AND THE LOCAL DOCUMENT.
 24 WHEN DAVE SAID THIS IS NOT THE STANDARD PROJECT LOCAL EIR,
 25 HE'S RIGHT. IN FACT, THIS IS MORE IMPORTANT DOCUMENT. THIS IS

3-1

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June 11, 2021



1 THE ONE THAT'S PROVIDING MORE ACCURATE REPRESENTATION OF WHAT
 2 THE REAL BENEFITS ARE OF TRANSIT ORIENTED DEVELOPMENT. WE
 3 THINK THERE IS AN OPPORTUNITY TO BUILD INTO THE PLAN, A
 4 STRATEGY, TO ENCOURAGE TIERING FROM THIS REGIONAL DOCUMENT IN
 5 THE ENVIRONMENTAL REVIEW THAT'S PROVIDED BY LOCAL GOVERNMENT
 6 ON SPECIFIC PLANS, GENERAL PLANS, OR PROJECTS THAT ARE
 7 CONSISTENT WITH THE REGIONAL PLAN, AND WOULD ENCOURAGE SOME
 8 CONSIDERATION OF THAT TO IMPROVE THE PERFORMANCE OF CEQA,
 9 OVERALL, IN HELPING US SUCCEED AND CREATE A SUSTAINABLE BAY
 10 AREA. THANK YOU.

3-1
cont.

11

12 **CLERK, MARTHA SILVER:** THANK YOU, TIM. NEXT UP IS KEN BUKOWSKI.
 13 KEN? GO AHEAD AND UNMUTE YOURSELF. KEN?

14

15 **SPEAKER:** OKAY. YES. THIS, I FIND THAT PLANNED BAY AREA IS
 16 DEFICIENT. IT DOESN'T TALK ABOUT THE LOCAL GOVERNMENTS. THIS
 17 REGIONAL TAXATION IS GOING TO TAKE AWAY THE ABILITY FOR LOCAL
 18 GOVERNMENTS TO PROVIDE SERVICES. WE'RE ADDING TONS MORE
 19 HOUSING AND THE NEED FOR LOCAL GOVERNMENT TO PROVIDE SERVICES
 20 IS MUCH GREATER THERE'S NO INCREASED REVENUE TO PAY FOR THOSE
 21 SERVICES. THE PLAN IS DEFICIENT BECAUSE IT DOESN'T INCLUDE
 22 TAXATION FOR THE LARGEST EMPLOYERS. THE HOUSING PROBLEM WAS
 23 REALLY CREATED BECAUSE THE BUSINESS SECTOR ADDED SO MANY JOBS
 24 AND THERE WAS NO ABILITY TO KEEP UP WITH THE DEMAND FOR
 25 HOUSING, SO WHY AREN'T THEY PAYING ANYTHING? WHY DOES THIS

3-2

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June 11, 2021



1 ALWAYS TAX THE PEOPLE INSTEAD OF THE PEOPLE THAT MAKE HUNDREDS
 2 OF MILLIONS OF DOLLARS AND DON'T GIVE ANYTHING BACK TO THE
 3 COMMUNITY? I THINK THAT'S ANOTHER AREA THAT'S DEFINITELY
 4 NEEDED TO BE LOOKED AT. THAT'S IT. THANK YOU.

3-2
cont.

5
 6 **CLERK, MARTHA SILVER:** THANK YOU, KEN. AND THERE ARE NO MORE
 7 MEMBERS OF THE PUBLIC WITH THEIR HANDS RAISED AND NO PUBLIC
 8 COMMENT WAS SUBMITTED BY 5:00 P.M. ON THIS ITEM.

9
 10 **JAMES P. SPERING, MTC CHAIR:** THERE ARE NO MORE PUBLIC
 11 SPEAKERS; IS THAT CORRECT?

12
 13 **CLERK, MARTHA SILVER:** CONFIRMED.

14
 15 **JAMES P. SPERING, MTC CHAIR:** I NOW DECLARE THE HEARING TO BE
 16 CLOSED AND LOOKING FORWARD TO HEARING RESPONSES TO THE PUBLIC
 17 COMMENTS RAISED ON THE ENVIRONMENTAL ISSUES IN CONSIDERING THE
 18 FINAL EIR FOR CERTIFICATION OF SUBSEQUENT MEETING THIS FALL.
 19 WITH THAT, MATT, IS THERE ANYTHING ELSE THAT WE HAVE TO DO
 20 OFFICIALLY FOR THESE TWO PUBLIC HEARINGS?

21
 22 **MATT MALONEY:** NO. WE DID IT. I THANK ALL THE MEMBERS FOR
 23 FOLLOWING THE PROCEDURES TODAY. THANK YOU.

24

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June 11, 2021

1 **JAMES P. SPERING, MTC CHAIR:** I APPRECIATE EVERYONE BEING
2 PATIENT. THE COMPUTER I'M ON, THE TYPE IS TWO POINTS. I CAN
3 BARELY READ IT. THANK YOU FOR YOUR PATIENCE. MOVING TO ITEM
4 SEVEN, PUBLIC COMMENTS OR OTHER BUSINESS. ARE THERE ANY OTHER
5 PUBLIC COMMENTS? MARTHA?

6

7 **CLERK, MARTHA SILVER:** THERE ARE NO PUBLIC COMMENT WRITTEN
8 CORRESPONDENCE RECEIVED ON THIS ITEM AND NO MEMBERS OF THE
9 PUBLIC WITH THEIR HAND RAISED.

10

11 **JAMES P. SPERING, MTC CHAIR:** ANY OTHER COMMENTS FROM COMMITTEE
12 MEMBERS? EITHER MTC OR ABAG ADMINISTRATIVE? SEEING NONE, THEN
13 THIS MEETING IS ADJOURNED, AND OUR NEXT MEETING IS JULY 9TH.
14 IS THAT CORRECT? THANK YOU. THIS MEETING IS ADJOURNED.

15 [ADJOURNED]

16

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Letter 3
Metropolitan Transportation Commission with ABAG Administrative Committee Public Hearing Meeting Transcript
Tim Frank and Ken Bukowski
June 11, 2021

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

3-1

The comment provides support for the use of tiering for future projects and for the proposed Plan in general. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. For discussions of future tiering of CEQA documents under the Plan Bay Area 2050 EIR, see section 1, "Introduction," of the Draft EIR. In particular, please see subsection 1.8, "Future Environmental Review;" 1.9.1, "Streamlining under SB 375;" and 1.9.4, "Other Tiering Opportunities."

3-2

The Draft EIR discloses the proposed Plan's effects on public services in Section 3.13, "Public Services and Recreation" including the potential effects of implementing the proposed Plan's land use strategies to accommodate the forecasted growth in jobs and households. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
4

From: [Bill Mayben](#)
To: [EIR Comments](#)
Subject: PBA 2050 Draft EIR Public Comment
Date: Wednesday, June 16, 2021 9:17:29 AM

External Email

Dear Bay Area Metro Staff;
Please submit the attached article as public comment regarding PBA 2050 Sea Level Rise assumptions in the EIR; both for the interval under study, ending in 2050; and the implications for preparations that must be made during the study period for the years immediately following 2050; to maintain planning and development continuity in managing this ongoing threat.

4-1

Thank You,
Bill Mayben
Fairfield, CA

<https://www.sfgate.com/bayarea/article/Sea-level-rise-map-San-Francisco-Bay-Area-14913722.php>

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Map in new study shows impact of 4-foot sea-level rise on San Francisco Bay Area

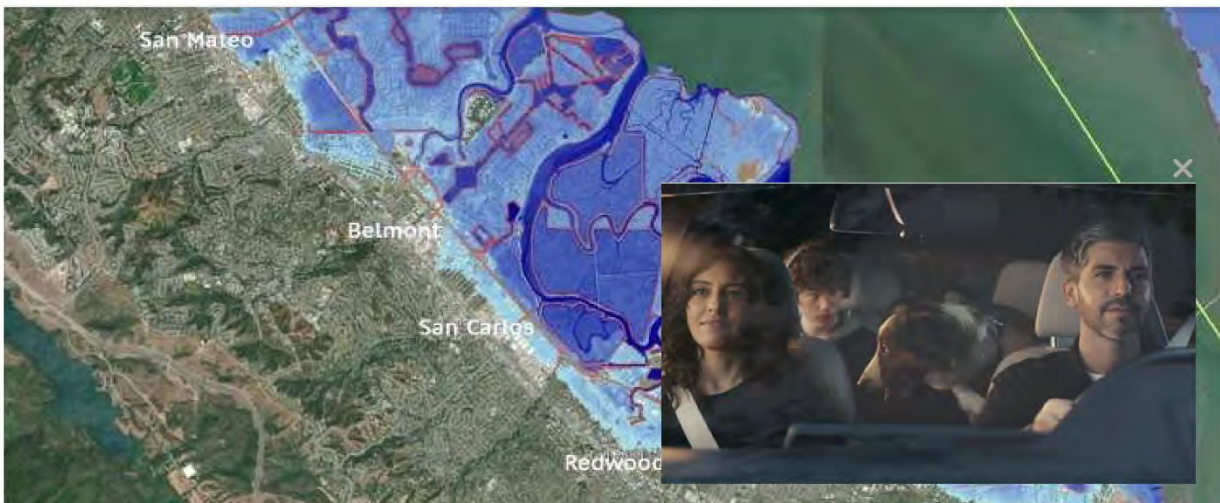


Amy Graff, SFGATE

Updated: Dec. 18, 2019 1:44 p.m.



Next Up: It's so hot in the Pacific Northwest that roads are...





1 of 17



Four feet of sea level rise and flooding on the Peninsula: The ART Bay Shoreline Flood Explorer tool allows you to see the potential impact from a two-foot rise in sea level and flooding from a 10-year storm in the San Francisco Bay Area. The combination in events would create four feet in sea level rise. The map projects what might happen if steps aren't taken to prepare for sea level rise.

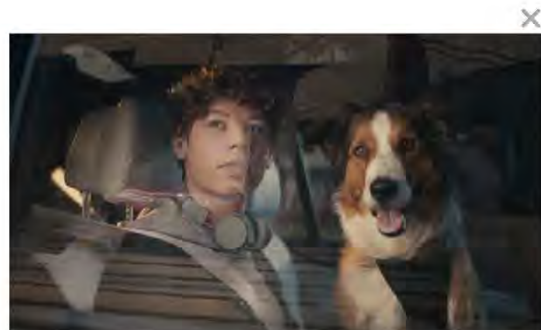
ART Bay Shoreline Flood Explorer

Rising ocean waters will inundate coastal land areas in the future. Scientific research has repeatedly shown this to be an inevitable result of a changing climate.

A new report takes a close look at the impact of swelling waters in California and projects the coast could see a rise of a half-foot by 2030 and up to seven feet by 2100. Severe storm events and high tides will produce even higher increases.

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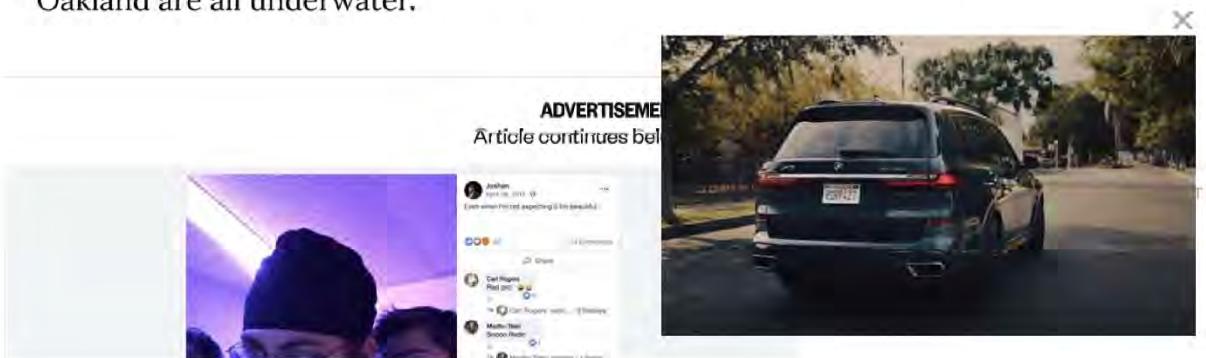


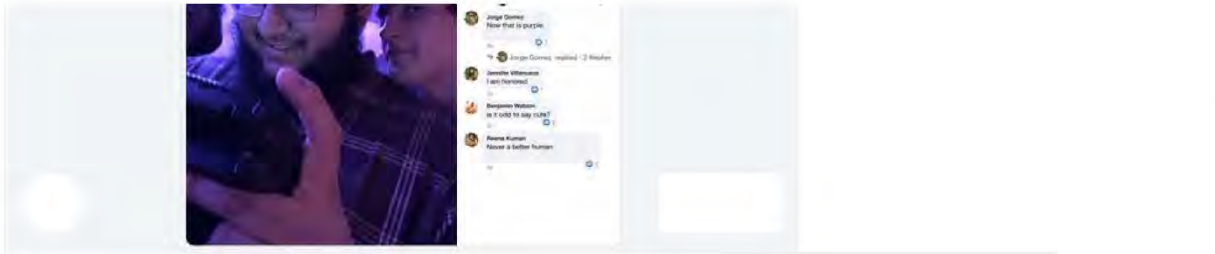
"Even though sea level rise feels like a threat that is really far off, it's coming sooner than we think," said [Rachel Ehlers](#), a policy analyst with the California Legislative Analyst's Office and lead author of the report "Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts."

For Bay Area residents, the piece of the report that's most intriguing is a map revealing land areas expected to flood if a 10-year storm happens around 2050 when sea levels are projected to have already risen by about two feet. The combination of the storm and the sea-level rise would result in a total water-level increase of more than four feet. (Note: A 10-year storm is an event with a severity level that happens once every 10 years on average.)

The map was created using an [online tool](#) from the [Bay Conservation & Development Commission](#) and shows what would happen if the Bay Area doesn't take steps to prepare for rising seas. (Find the map from the report and additional maps created using the tool to see close-up views of land areas around the bay.)

The map shows extreme flooding at locations along the coast and bay front; Foster City, the Oakland International Airport and the toll plaza for the Bay Bridge in Oakland are all underwater.





"I think the scenario we picked is pretty conservative," said Ehlers. "It is a really plausible scenario. It's not outer-limits, doom-and-gloom, sky is falling threat. It's a very plausible scenario. Two feet of sea level rise is within the projection of the next 30 years and it's a 10-year storm, meaning a one in 10 chance."

The report offers suggestions for communities to prepare for the future, including building buffers and seawalls; planning future development farther away from ocean waters and constructing buildings that can withstand flooding.

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"I think part of the message is local governments will need to use all three of these different strategies and there are tradeoffs with each," she said. "Some may be more practical for coming years; like building up sand dunes or wetlands for buffering waves; and that could hold the waves back for a while. If it can work for a decade or two, that can buy time to prepare for the more drastic situation, like relocating public infrastructure.

"It may be hard to change the way existing buildings are built, but if we're thinking of building for the future, we need to think about how might we change our ways. I think local government will need all their tools in their tool kit."

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Written By
Amy Graff



Reach Amy on

Amy Graff is the news editor for SFGATE. She's a Bay Area native and got her start in news at the Daily Californian newspaper at UC Berkeley where she majored in English literature. She has been with SFGATE for 12 years. You can email her at agraff@sfgate.com.

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Letter 4
Bill Mayben
June 16, 2021

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

4-1

The proposed Plan considers a planning period that ends in 2050 (see last paragraph on page 3.1-3 of the Draft EIR). The Draft EIR addresses potential sea level rise during this planning period. Please see Master Response 5, Sea Level Rise for more information relevant to this topic.

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

Letter
5

From: [Patrick Carman](#)
To: [EIR Comments](#)
Subject: Comments on ABAG's Draft EIR
Date: Friday, June 18, 2021 8:53:59 PM

External Email

I was disappointed to see that two critical, current issues not adequately covered in this report.

- 1. – Lack of adequate water resources to adequately support the needs of the current Bay Area population, let alone any future growth. Table 3.14.3 has already been proved to be inaccurate due to the current drought conditions and all of the various and severe conservation plans put into place around the Bay Area. There does not seem to be a reality that the area already cannot meet the water demand of the area on a consistent basis and there are not any realistic plans to increase supply, hence we need to be immediately reviewing plans to reduce or stop the increase in demand.
- 2. Inadequate consistent supply of electricity and adequate transmission capacity. With rolling brownouts in recent years and already notices of possible brownouts this year we have a major issue that needs a regional solution. With continued building and requirements of transition from gas-powered vehicles to electrical vehicles and gas appliances to electrical appliances, where is the supply going to come from? And more importantly, transmission capacity is causing the rolling brownouts – how will that be solved?

5-1
5-2

It seems that until these issues are resolved and we are able to increase the supply (and transmission) of water and electricity, that we have no other alternative but to stop growth or see continued denigration of the quality of life and our environment.

Sent from [Mail](#) for Windows 10

Letter 5
Patrick Carman
June 18, 2021

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

5-1

Data compiled in Table 3.14-3 address the potential for water shortages, as reported by Bay Area water agencies. This information represents the best information available at the time of circulation of the Notice of Preparation, consistent with CEQA Guidelines Section 15125(a)(1). The comment does not identify other sources of information; thus, this comment is noted for consideration during project review. Please see “Master Response 3: Water Supply” for a discussion related to the comment. See also “Master Response 1: Regional Growth Forecast” and “Master Response 4: EIR Alternatives,” regarding the proposed Plan’s obligation to accommodate all forecasted growth.

5-2

Impacts related to the supply of natural gas and electric power are addressed in Draft EIR section 3.14, “Public Utilities and Facilities.” Impacts related to the potential wasteful, inefficient, or unnecessary consumption of energy resources is addressed in section 3.6, “Climate Change, Greenhouse Gases, and Energy.”

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

Letter
6

From: [Devon Becker](#)
To: [Plan BayArea Info](#); info@planbayarea.org
Cc: [Kelsi Oshiro](#); [Thomas Niesar](#); [EIR Comments](#)
Subject: RE: Question about inclusion of 2020 UWMP water supply data in the Final PBA 2050 EIR
Date: Tuesday, June 22, 2021 6:21:30 PM
Attachments: [image001.jpg](#)

External Email

Thank you, but no need to respond to this question. I had it answered live at the Public Hearing.

Answer: There will be no revisions to the water supply analysis published in the Draft PBA 2050 EIR. Therefore, the Final PBA 2050 EIR will include only the latest available data as of when the Draft PBA 2050 was published, so in other words, 2015 UWMP data only.

6-1

Thank you very much!
~Devon

Devon Becker
Water Resources Engineer
Alameda County Water District
43885 So. Grimmer Blvd
Fremont, CA 94538
[Redacted]

From: Plan BayArea Info <planbayareainfo@bayareametro.gov>
Sent: Tuesday, June 22, 2021 5:49 PM
To: Devon Becker <Devon.Becker@acwd.com>; info@planbayarea.org
Cc: [Kelsi Oshiro](mailto:Kelsi.Oshiro@acwd.com) <Kelsi.Oshiro@acwd.com>; [Thomas Niesar](mailto:Thomas.Niesar@acwd.com) <Thomas.Niesar@acwd.com>; [EIR Comments](mailto:EIR Comments@bayareametro.gov) <EIR Comments@bayareametro.gov>
Subject: RE: Question about inclusion of 2020 UWMP water supply data in the Final PBA 2050 EIR

Hello, this inquiry is related to the Plan Bay Area 2050 EIR. EIR comments must be submitted to eircomments@bayareametro.gov. We are forwarding this over to the EIR inbox.

Dave Vautin, AICP
Assistant Director, Major Plans
dvautin@bayareametro.gov [Redacted]
BAY AREA METRO | BayAreaMetro.gov
Metropolitan Transportation Commission
Association of Bay Area Governments

From: Devon Becker <Devon.Becker@acwd.com>
Sent: Tuesday, June 22, 2021 5:44 PM
To: info@planbayarea.org
Cc: [Kelsi Oshiro](mailto:Kelsi.Oshiro@acwd.com) <Kelsi.Oshiro@acwd.com>; [Thomas Niesar](mailto:Thomas.Niesar@acwd.com) <Thomas.Niesar@acwd.com>

Subject: Question about inclusion of 2020 UWMP water supply data in the Final PBA 2050 EIR

External Email

Hi There,

I had a question about the following language in the Draft Plan Bay Area 2050 EIR:

“The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.” (draft PBA 2050 EIR, page 3.14-36)

6-2

Does this language mean: **1) The Final PBA 2050 EIR will be revised to include the updated 2020 UWMP data?; or 2) The Final PBA 2050 EIR will only include the 2015 UWMP data and will therefore be 5 years behind the most recent data, as this was all that was available when the Draft PBA 2050 EIR was published?**

Thank you very much!

Devon Becker
Water Resources Engineer
Alameda County Water District
43885 So. Grimmer Blvd
Fremont, CA 94538
[Redacted]

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Letter 6
Alameda County Water District
Devon Becker, Water Resources Engineer
June 22, 2021

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

6-1

The commenter states that the previous EIR question was answered during the EIR public hearing. See Response to Comment 76-10, regarding information included in the 2020 Urban Water Management Plans (UWMPs) and Master Response 3, Water Supply regarding the baseline used for the water supply impact analysis.

6-2

The 2020 UWMPs, though they have been updated, do not change the Draft EIR analysis or conclusions. See Response to Comment 76-10, regarding information included in the 2020 UWMPs and Master Response 3, Water Supply regarding the baseline used for the water supply impact analysis.

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



Letter 7

To: MTC Public Information
 375 Beale Street, Suite 800
 San Francisco, CA 94105
eircomments@bayareametro.gov
 Attn: Draft EIR Comments

From: Pat Mapelli - Land Use Manager

Date: June 22, 2021

Subject: Draft EIR Comments – Plan Bay Area 2050

Thank you for providing us the opportunity to review and comment on this draft document. There has obviously been a lot of work to produce such a significant, regional document that takes a thirty year look ahead.

In order to put some context to my comments, I want to provide you with some background information about Graniterock. Graniterock is a 121-year-old company founded in 1900 around the A.R. Wilson Quarry located in Aromas, California. Graniterock's core businesses are supplying construction materials (aggregate, asphalt and concrete) as well as being a Heavy Civil Contractor – License #22 (the second oldest in the State of California). The A.R. Wilson Quarry was originally used as a source of ballast rock for the Southern Pacific Railroad as the region began to develop in the late 1800's. The mainline rail track that was constructed runs immediately adjacent to the A.R. Wilson Quarry and Graniterock has invested significantly in a rail distribution system in order to transport our aggregate into the Bay Area region. As Graniterock has grown, we have invested in industrial properties in the San Francisco Bay Area located adjacent to the mainline track in order to take advantage of our ability to transport aggregate by rail. Today, Graniterock owns and operates two facilities in San Jose, one facility in Redwood City and one facility in South San Francisco. Each one of these facilities has the ability to produce either concrete and/or asphalt using the aggregate from the A.R. Wilson Quarry. These products are essential to support the maintenance of our existing infrastructure and the future growth of our region.

As the Bay Area has evolved over the past decades, blue-collar and manufacturing jobs (middle-wage) have diminished. This is acknowledged in *Section 2.2.2 – Proposed Plan Strategies – Improve Economic Mobility* – “As these types of jobs available to Bay Area residents continue to shift, fewer and fewer middle-wage jobs become available. Over the past few decades, the traditional path to middle class through a blue-collar industry like manufacturing has become ever more elusive as automation grows and wages sharply diverge. A stronger safety net, coupled with a concerted effort to open more pathways to middle wage jobs, is critical to ensuring that no one is priced out of the Bay Area.” This is also reinforced by Plan strategy

7-1



EC06. Retain and Invest in key Industrial Lands - \$4 Billion – “Implement local land use policies to protect key industrial lands identified as PPAs, while funding key infrastructure improvements in these areas. Key industrial lands do need to be protected throughout our region, but the Plan fails to identify all key industrial lands as PPA’s.

For example, Graniterock owns an operates an industrial yard located immediately adjacent to the UPRR mainline track in south San Jose near Communications Hill located at 120 Granite Rock Way – referred to as our Capitol Yard. Graniterock acquired this site in the early 1970’s, which was formerly owned by the San Jose Brick Company. This site has been in industrial use for more than 130 years and is an important, strategic location for Graniterock’s businesses. Aggregate is loaded into rail cars at the A.R. Wilson Quarry in Aromas, CA and is brought up to our four facilities, including our Capitol Yard. We have produced an EIR to modernize this industrial facility in order to be more efficient and better serve our customers as well as maximize the use of the rail delivery system. Upon review of the Plan and the accompanying maps, I noticed that the area where Graniterock’s Capitol Yard is located is shown as a PDA rather than a PPA. This is in direct conflict with the City of San Jose’s General Plan, the historic use, our current use and our future use of this site. It has been and will continue to be an industrial facility. See below for your reference.

Spring 2020 Priority Development Area (PDA) Letter of Interest Guide Map (updated April 2020). The purpose of this map is to give local jurisdictions interested in nominating new PDAs or modifying the boundaries of an existing PDA.



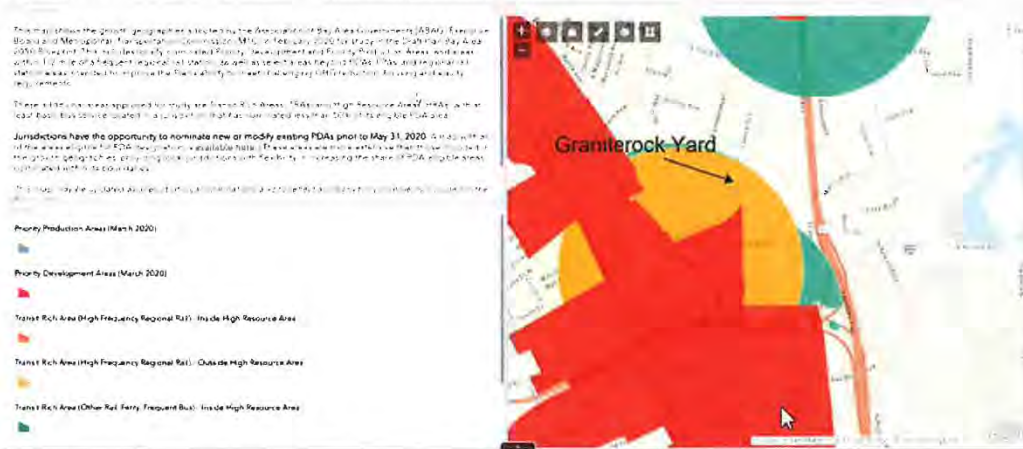
7-1 cont.

Similarly, Graniterock’s South San Francisco yard is located adjacent to the UPRR tracks where aggregate is transported by rail from the A.R. Wilson Quarry to this location for the production of construction materials. The City of South San Francisco is entering the final stretch of updating their General Plan and is continuing to show this area as industrial, which is the preferred alternative. Draft Plan Bay Area 2050 shows Graniterock’s industrial facility as being located in a Transit Rich Area and a significant portion of the surrounding area as being within a



PDA. This is inconsistent with the City’s General Plan Update path and is in conflict with Graniterock’s use. See below for your reference.

Plan Bay Area 2050: DRAFT Blueprint Growth Geographies for Study
 Adopted by ABAG Executive Board and MTC Commission, February 2020, for study in Draft Plan Bay Area 2050



Although the Draft Plan Bay Area 2050 EIR acknowledges that MTC and ABAG do not have land use authority, it is widely known that this document will influence land use decisions by the cities with potential for being incorporated into General Plan Updates – usually with the driving factor being access to transportation funding. This situation puts undue pressure on long standing businesses like Graniterock, who have worked for decades to locate their businesses in strategic locations in order to serve the market.

7-1
cont.

As populations continue to grow, both in housing and jobs (1.5 million new housing units and 1.4 million new jobs over the next 30 years), where will the construction materials come from if plans like this drive the construction materials market out of the area? This would lead to higher costs for construction, construction materials, all with the affects of generating higher GHGs – none of which was studied in any detail.

The Draft Plan acknowledges in *Section 3.11.4 – Impact Analysis – Impact LU-1*: that **“The proposed Plan was designed to accommodate the people, households, and jobs identified in the regional growth forecast.”** The disconnect is that this Draft Plan fails to acknowledge industrial jobs as being identified in the regional growth forecast; otherwise, some of the geographic studies would have incorporated those uses in the Plan. In fact, *Impact LU-2* acknowledges that this Plan will **“cause a significant environmental impact due to a conflict with any land use plan...”**



In summary, Graniterock’s properties will continue to be used for industrial purposes into the foreseeable future and should be shown as such, consistent with each city’s General Plans. To show them otherwise will compromise our future use and business growth. Should you have any questions or desire to discuss, please do not hesitate to contact me at [REDACTED] or alternatively by email at [REDACTED].

7-1
cont.

Sincerely,

A handwritten signature in blue ink that reads "Pat Mapelli".

Pat Mapelli, Land Use Manager
Graniterock
5225 Hellyer Avenue, Suite 220
San Jose, CA 95138

cc: Kevin Jeffery, EVP General Counsel

Letter 7
Graniterock
Pat Mapelli, Land Use Manager
June 22, 2021

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 Draft EIR provides a discussion of proposed Plan growth geographies, including Priority Production Areas (PPAs), on page 2-34, under Section 2.3.4 of Chapter 2, “Project Description.” The boundaries of PPAs are designated by local jurisdictions. As a result, the areas noted in the comment would be identified as a PPA only if they had been nominated by the local jurisdiction in which it is located. Similarly, the boundaries of Priority Development Areas are defined by local jurisdictions. The designation of an area as a growth geography in the proposed Plan does not by itself result in the allocation of future development—either for commercial or residential development. Rather than applying a blanket density across the entire area, the proposed Plan simulates development on a parcel by parcel basis up to a maximum assumed density, taking into account features such as public parks, open spaces, schools, and public rights of way. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. See “Master Response 6: MTC and ABAG Roles and Authority,” for a discussion related to this comment. Concerns regarding potential future changes to local General Plan designations or zoning should be discussed with the local jurisdiction having land use authority (City of South San Francisco or San Jose).

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

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Letter
8

Page 1

RE: DRAFT ENVIRONMENTAL IMPACT REPORT)
PLAN BAY AREA 2050)
PUBLIC HEARING)

**CERTIFIED
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Taken remotely by MARK I. BRICKMAN

Certified Shorthand Reporter No. 5527

State of California

Tuesday, June 22, 2021

Emerick and Finch, Certified Shorthand Reporters
Draft EIR Public Hearing

925-831-9029

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1 A P P E A R A N C E S

2 THE HOST:
3 URSULA VOGLER, MTC Staff
4

5 LOGISTICS/CHAT LINKS:
6 LESLIE LARA-ENRIQUEZ
7

8		Page
9	PUBLIC SPEAKER:	4, 7
10	PUBLIC SPEAKER:	6
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Page 3

1 JUNE 23, 2021 6:19 PM

2 P R O C E E D I N G S

3 ---o0o---

4 MS. VOGLER: The public hearing on the Draft
5 Environmental Impact Report for Plan Bay Area 2050 is now
6 open and is being transcribed.

7 Staff just presented on the Draft EIR and
8 shared highlights of the environmental analysis and
9 findings.

10 All of these documents were posted on Friday,
11 June 4th, 2021 at Plan Bay Area.org and are available for
12 public inspection for the public comment period which
13 will close at 5:00 PM on Tuesday, July 20th, 2021.

14 If you wish to testify, please press the raise
15 hand button or star 9 on your phone's keypad and once I
16 call on you, please unmute yourself by pressing the
17 microphone button in Zoom or star 6 on your phone's
18 keypad.

19 We ask that each speaker be brief and concise
20 and keep their comments to no more than three minutes.

21 When making your comment please state your name
22 for the record organization if applicable, and be sure to
23 speak clearly into your computer or phone's microphone so
24 that Mark can capture your comment accurately.

25 If Mark cannot hear or understand you, he may

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1 interrupt you and ask you to slow down or speak up.

2 Please remember that we will not be responding
3 to comments during the hearing.

4 So let's begin. So again, if you could press
5 the raise hand button on your computer and then unmute
6 yourself. So I'll wait. We're going to wait a minute
7 here to see if we have any comments. I'll give it thirty
8 more seconds.

9 Again, if you wish to testify, use the raise
10 hand button bottom of your screen or press star 9 to be
11 put in the queue.

12 Okay. Susan, please unmute yourself.

13 PUBLIC SPEAKER: So since there aren't other
14 questions coming forward, I -- I --

15 MS. VOGLER: Susan, I'm so sorry. You're
16 muted.

17 PUBLIC SPEAKER: There, okay. I --

18 MS. VOGLER: Repeat your comment again. I'm
19 sorry.

20 PUBLIC SPEAKER: Okay. So my name is Susan
21 Kirsch. I with Catalysts for Local Control and I've been
22 following Plan Bay Area for a long time.

23 And while this isn't specifically about the
24 Draft EIR, I guess my -- and since you're not responding
25 to questions, anyway, I'll make in this a comment to say

8-1

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1 repeatedly going back to 2013, there's been great concern
2 about the process by which you at ABAG/MTC come to
3 conclusions like you are again this year both with the
4 content of Plan Bay Area, which I know is not the subject
5 of the hearing right now. You're talking about the Draft
6 EIR, but that it's very lacking in transparency and it
7 seems to be very lacking in a true interest in calling in
8 the public to understand both what you're doing and the
9 good work that you're intending.

10 But the confusion about -- about what you're
11 doing by the fact that your presentation is filled with
12 the jargon for people who aren't up to speed with all of
13 the acronyms of transit rich areas and priority
14 development areas and whatever the other language is.

15 Yet you have no time that you're providing real
16 interaction that might feel like there is genuine
17 commitment to the well-being of the Bay Area that would
18 give a voice to regular people who are trying to do their
19 part to participate, to local community leaders and to
20 elected officials.

21 And this is kind of like being in the tsunami
22 of you guys having apparently so much money and so much
23 time that you're able to repeatedly go into all of these
24 details for a plan that goes out to 2050 without a
25 commitment for bringing people along with you.

8-1
cont.

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1 So I will just register that as the comment.

2 MS. VOGLER: Thank you, Susan.

3 Are there any other comments on the Draft
4 Environmental Impact Report for Plan Bay Area 2050?

5 Please use the raise hand button now.

6 Gerald. Please unmute yourself.

7 PUBLIC SPEAKER: Okay. Sorry. David
8 mentioned something a little while ago that I wanted to
9 comment on in some way.

10 He talked about transit oriented development
11 and he talked about -- he also mentioned that many trips
12 are not commute trips, and most of the analysis that goes
13 into selecting the value of transit oriented housing
14 would face a commute.

15 The question if you put it close to buses or
16 especially rail, you'll get some additional riders.

17 Is there any data to back up what kind of
18 actual inclusion you will get with all of this clustering
19 around transit entities?

20 Because my personal feeling is that without a
21 lot more than just a bus line or two or maybe a BART
22 line, most people, all of us would continue to do a lot
23 of our travel, which is at least seventy-five percent of
24 all travel is non-commute, by car, and that's -- that's
25 the question or comment.

↓ 8-1
cont.

↑ 8-2

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Page 7

1 MS. VOGLER: Thank you, Gerald.

2 Do we have any other comments on the Draft EIR?

3 Again -- oh, Susan.

4 PUBLIC SPEAKER: Okay. I know that much of
5 the work on Plan Bay Area is done initially with the idea
6 of reducing greenhouse gases.

7 So I want to bring forward an article that I
8 just read in the last day or two. This is under the
9 heading under Environmental -- Environment as a subject
10 saying that carbon dioxide levels hit fifty percent
11 higher than pre-industrial times, and that we have --
12 maybe what we're seeing is that with all the of the
13 planning, with everything that's going on is that we
14 really are not moving the needle for re -- reducing
15 greenhouse gas emissions and that we're actually with
16 many of the kinds of projects that are going forward
17 increasing and contributing to climate change as we have
18 a focus on economic growth that is really unsustainable
19 in light of the way in which economic growth so often
20 contributes to increasing greenhouse gases.

21 MS. VOGLER: Thank you, Susan.

22 Do we have any other comments on the Draft EIR?

23 And I could be mispronouncing it. Is it Ferank? Please
24 unmute yourself.

25 PUBLIC SPEAKER: So I've been away for a while

8-3

T 8-4

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Page 8

1 and not up to your -- your current EIR, but what are your
2 goals? Are they still from last summer?

8-4
cont.

3 MS. VOGLER: Again, this is the comment
4 period. We are not answer -- we -- we are not
5 responding.

6 PUBLIC SPEAKER: I will get you outside. I
7 don't have to comment at this point. Thank you.

8-4
cont.

8 MS. VOGLER: Thank you, Ferank.
9 Do we have any other comments for the public
10 hearing or the Draft EIR?

11 I'll give it twenty more seconds. James, I
12 believe. Please unmute yourself. James, I believe
13 you're unmuted. James, you're muted again. There you
14 go. We can't hear you. If you're speaking, we can't
15 hear you.

16 James, we're unable to hear you. I'm sorry
17 about that. I'm going to provide additional ways to make
18 comments and the comments will all be entered into the
19 record and you can indicate that it's about the
20 Environmental Impact Report. Unless you want to try one
21 more time with your microphone.

22 Okay. I'm sorry about that, James.

23 Does anyone else have any more comments about
24 the Draft Environmental Impact Report? Please use the
25 raise hand button now.

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1 Okay. I guess we don't have any more comments.

2 I will now declare this hearing to be closed.

3 Thank you very much for participating in this
4 public hearing.

5 So again, if you have -- like James, if you
6 have a comment, additional comments, you can e-mail them
7 to us at eircomments@baybreametro.gov, by e-mail to MTC
8 Public Information, Attention: Draft Plan/Draft EIR
9 Comments, 375 Beale Street, Suite 800, San Francisco
10 94105, and by fax at 415-536-9800.

11 All comments must be received by 5:00 PM on
12 Tuesday, July 20th, 2021.

13 We are currently conducting our engagement for
14 the Draft Plan and Draft EIR. Listed here are future
15 workshops and public hearings. We have two left, one on
16 the 28th at 5:00 with a West Bay focus. One on the 30th
17 at noon with a North Bay focus.

18 They are location specific, but we welcome
19 anyone to attend any of the workshops. So you don't have
20 to be from that area to participate.

21 We have one additional public hearing scheduled
22 for July 7th. If you think of additional comments,
23 please attend. This event will also have a court
24 reporter on hand to take the transcript of the comments.

25 For more information and the links to these

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1 events, go to planbayarea.org/learnmore.

2 Also just a final reminder that we will be
3 scheduling a webinar in August where we will summarize
4 the comments that we received on the Draft Plan Bay Area
5 report back what we heard from the public.

6 The information for the webinar will be posted
7 to the Plan Bay Area website soon.

8 For the Draft EIR we will -- staff will prepare
9 responses to every comment received and the record
10 comments and responses will be included in the Final EIR.

11 So we'd like to thank you so much for spending
12 this time with us. Public engagement is very important
13 to this process and we appreciate your comments.

14 Please tune in this summer for our
15 presentation, as I mentioned earlier, and for specific
16 dates and times for this meeting again go to Plan Bay
17 Area website for more information. The link is in the
18 chat.

19 And with that, thank you, again, and have a
20 good evening.

21 (The hearing concluded at 6:32 PM).

22 ---o0o---

23

24

25

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Draft EIR Public Hearing

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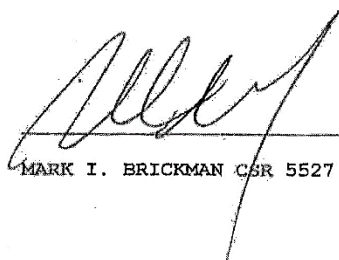
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3
4 I, the undersigned, hereby certify that the
5 discussion in the foregoing hearing was taken at the
6 time and place therein stated; that the foregoing is a
7 full, true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the
10 foregoing hearing and caption named, or in any way
11 interested in the outcome of the cause named in said
12 action.

13
14 IN WITNESS WHEREOF, I have
15 hereunto set my hand this
16 24 th day of June,
17 2021.

18
19
20
21 
22 MARK I. BRICKMAN CSR 5527
23
24
25

Emerick and Finch, Certified Shorthand Reporters
Draft EIR Public Hearing

Letter 8
Draft Environmental Impact Report Plan Bay Area 2050 Public Hearing
Susan Kirsch, Gerald Cauthen, and Ferenc LK
June 22, 2021

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

8-1

The commenter addresses the process used by ABAG and MTC to prepare the proposed Plan. Please see Chapter 1, “Introduction,” in the Draft EIR for descriptions of the outreach processes that MTC and ABAG undertook while preparing the proposed Plan, as well as the EIR public participation process. Outreach conducted in preparing the proposed Plan included the 18-month Horizon initiative, as described in Draft EIR section 1.7.5. As discussed in the first paragraph under Section 1.7.5 of the Draft EIR, “Plan Development Process”:

The proposed Plan—Plan Bay Area 2050—serves as the 2021 RTP/SCS and builds upon the previous strategies developed in the first two iterations of Plan Bay Area, as well as a predecessor initiative “Horizon” discussed below.

The proposed Plan development process was composed of several key phases:

- ▲ **Horizon** (spring 2018 to fall 2019): A predecessor initiative to the proposed Plan, Horizon explored a suite of strategies to ensure a more resilient and equitable future in the face of uncertainty.
- ▲ **Draft Blueprint** (fall 2019 to summer 2020): Integrating the recommendations from Horizon, the Draft Blueprint served as a “first draft” of the proposed Plan. Comprised of 25 strategies, it was designed to advance the Plan vision of a more affordable, connected, diverse, healthy, and vibrant Bay Area for all.
- ▲ **Final Blueprint** (summer 2020 to winter 2021): Building on the Draft Blueprint, the Final Blueprint refined and expanded strategies (35 in total) to make further progress on the five key challenges identified in the Draft Blueprint analysis while integrating robust public feedback received during summer 2020.

In addition, as discussed on the first paragraph under Section 1.7.6 of the Draft EIR, “Public Engagement”:

On June 27, 2018, MTC adopted its *2018 Public Participation Plan* to ensure that Bay Area residents would have ample opportunities for early and ongoing engagement on the proposed Plan's development. The novel coronavirus (COVID-19) pandemic required engagement to be conducted virtually in 2020 and into 2021, forcing the use of digital engagement rather than traditional in-person engagement tactics to ensure that the public continued to have the opportunity to participate.

In total, Horizon and the proposed Plan were discussed at over 130 public meetings through 2020. Meetings included over 100 in-person and digital public workshops, and 60 technical workshop events consisting of webinars and meetings. Public engagement efforts resulted in over 33,000 public comments from nearly 16,000 participants. In addition, MTC partnered with eight community organizations working with communities with low incomes and communities of color to obtain ongoing input on the proposed Plan. Detailed outreach information is included in the supplemental Plan Bay Area 2050 Public Engagement Report found on the Plan Bay Area website at www.planbayarea.org/reports.

Further, the preparation of the EIR has followed all CEQA requirements related to public outreach, the actions of which are documented in Section 1.2 of this Final EIR, "Draft EIR Public Review Process." The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

8-2

The body of peer-reviewed transportation research support the vehicle trip and VMT reduction benefits of focused development around transit. A summary of some of the literature is provided below.

The Plan's growth approach increases housing density in focused areas. Housing density plays a critical role in affecting travel demand, regardless of travel mode. By bringing travel origins (typically a place of residence) and destinations (employment, retail, etc.) closer together, travel distances are reduced and non-auto modes become increasingly viable (Bailey et. al. 2008) Transportation Research Board (TRB) Special Report 298, which examined the connections between the built environment and travel behavior, identified that densification even in lower-density urban fringe areas (a shift from 1 acre residential lots to ¼ acre residential lots) reduces trip distances and total VMT. This effect is multiplied in denser suburban and urban areas where supportive infrastructure, such as sidewalks, bike lanes, and transit access, allow for greater VMT reduction. TRB Special Report 298 also identified that doubling residential densities could lead to per-household VMT reductions of 5 to 12 percent, a substantial impact on the demand for automobile travel. If implemented in coordination with denser employment centers, public transit improvements, and demand management measures, the study forecasted that VMT reductions could reach 25 percent (TRB 2009). This conclusion is supported by numerous other research efforts, all supporting per-capita VMT reduction as a result of increased residential densities (Chatman 2003, Dunphy and Fisher 1996, Ewing et al 2002, Ewing and Cervero 2001, Batholomy et al 2007).

When multi-family housing is developed in close proximity to frequent transit service, the auto trip reduction benefits, discussed above, become even greater as the transit service provides an alternative transportation mode that reduces VMT per capita to a greater extent than high density development that is not located near public transit (Hass et al 2010). Transit oriented developments (TODs) are associated with lower VMT and are associated with substantially less traffic congestion than a typical auto-oriented development project due to greater proximity to daily services and public transit options. On average, 44 percent fewer auto trips were observed entering/exiting TODs than from traditional auto-oriented developments of the same size (U.S. Department of Transportation 2010).

High-density housing near transit hubs leads to notable increases in transit ridership. Population density has been shown to be one of the strongest factors in determining transit mode choice, with an effect ten times greater than land use mix (Davis and Seiskin 1997). TCRP Report 128 identified that TOD residents are twice as likely to not own a car and two to five times more likely to use transit for both commute and non-commute purposes (Cervero and Arrington 2008). That study also identified that transit stations in close proximity to high density housing had increasing transit ridership between 1970 and 2000, even as transit ridership in surrounding metropolitan areas declined as a result of job sprawl. Similar results have been seen in studies of TODs in specific areas. For example, an examination of TODs in Baltimore, MD, and Washington, DC, found that a substantially higher share of trips from the TODs were by modes other than driving when compared to non-TOD areas (Zamir et al. 2014).

National studies linking dense housing near transit and higher transit ridership are supported by California-specific findings (Lund et al. 2004). In an examination of TODs across the country,

researchers found that not only were the share of driving trips lower than expected for residents in those areas, the Fruitvale Village TOD in Oakland had the lowest of the five TODs in the study (Ewing et al. 2017). And more broadly, residents around Bay Area Rapid Transit (BART) TOD projects reported a substantial shift to transit, walking, biking, and carpooling (Lund et al 2004). Analysis of the year 2000 Bay Area Travel Survey results showed that Bay Area residents living within ½ mile of a rail or ferry station are four times more likely to use transit than residents living more than ½ mile from a rail or ferry station. Furthermore, Bay Area residents who live and work within ½ mile of a rail or ferry station use transit for 42 percent of their commute trips, compared to 4 percent for individuals who do not live and work within ½ mile of a station (Gossen 2006).

The reduced TOD auto trip rates found in these studies are in line with the results of the transportation analysis of the Plan, which show lower share of trips by auto by 2050 (see Draft EIR Section 3.15.3, Table 3.15-9, “Count and Share of Daily Trips by Mode”).

8-3

Concerns related to increased GHG emissions are reflected in the proposed Plan and analyzed in the Draft EIR. Section 3.6 of the Draft EIR, “Climate Change, Greenhouse Gases, and Energy,” addresses the potential impacts related to GHG emissions resulting from implementation of the proposed Plan and analyzes their potential contribution to global climate change.

8-4

The objectives (“goals”) of the Draft EIR are discussed under Draft EIR section 2.2.1, “Project Objectives.” As noted in the Draft EIR, the guiding principles developed in conjunction with members of the public, partners, and elected officials, serve as the basis for the seven objectives identified in the Draft EIR.

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



June 23, 2021

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco CA 94105

EXECUTIVE SUMMARY

MTC/ABAG has developed a proposed Plan Bay Area 2050 that focuses excessively high jobs and housing growth in a small geographic region of the South Bay, identified as Super District #9. This concentration challenges one of the key purposes of the proposed Objectives of the Plan: “Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive”.¹

MTC/ABAG has not followed the California Government Code during their preparation of Plan Bay Area 2050. The Code clearly states that the regional government body “explore in public meetings alternate means of dealing with intraregional jobs-housing imbalances”. Despite formal documented requests from citizens requesting a serious study of the positive impacts of dispersing jobs to areas of less concentrated development, MTC/ABAG failed to effectively explore the dispersal of jobs in any of the alternatives they looked at. In fact, without any substantial public discussion they announced in October 2019 that they would not look further at one of their identified strategies—the positive impacts of putting business caps on cities experiencing rapid job growth.

Toward that end, this note asks critical questions about this process and outlines legal reasons why these questions must be addressed. Until they are formally answered in public session, the Plan Bay Area 2050/RHNA process must be halted. Supporting legal precedents, rulings and timelines identify the questions that still await substantive responses before actions are taken that bring unprecedented changes to our communities.

This note outlines the relevant Government Codes, reviews the substantial issues raised in public letters and forums, tracks the dates of key decisions made by MTC/ABAG and HCD after these issues had been raised and ends with critical questions that need to be answered. We ask that the Plan Bay Area 2050/RHNA process be halted until MTC/ABAG meets in meaningful public session to explore the potential community benefits that might flow from a more effective job dispersion plan.

¹ MTC/ABAG, Draft EIR, June 2021, p ES-6..



RELEVANT GOVERNMENT CODES

There are several key California Government Code sections that focus specifically on the process of the development of the regional plan and the associated RHNA allocation. The most relevant is Code Section 65584 dealing with Local Planning for the Housing Element.

Code Section 65584.01 (a) and (b) assert that the regional housing determination shall be a product of cooperation among the regional government body (MTC/ABAG), the Department of Housing and Community Development (HCD) and the State's Department of Finance (DOF).

Code Section 65584.04 (d) points to the essential role of public participation in the process: "Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort."

Of special note is the emphasis on "intraregional balances". In Code Section 65584 (d) (3) it states that the Plan should promote the following objective: "Promoting an improved intraregional relationship between jobs and housing". "Intraregional" in this case clearly means "within the region".

9-2

To emphasize the importance of the importance of "improving" such a relationship, the California Code Section 65890.5 requires HCD to prepare and distribute a Guidebook that would present "methodologies for measuring the balance of jobs and housing" and identify "incentives which local, regional and state agencies may offer the private sector to encourage developments which will facilitate an improved balance between employment generating land uses and residential land use".

HCD followed up the Code requirements by stating in a letter in June 2020 that "HCD and ABAG staff completed an extensive consultation process covering methodology, data sources and timeline" that also involved coordination with the California Department of Finance. The process covered the period between March 2019 and May 2020 and had finalized ABAG's existing and projected housing need.² The letter stated that ABAG is "responsible for adopting a methodology for RHNA allocation that will "promote an improved intraregional relationship between jobs and housing".

ISSUES RAISED IN PUBLIC

During the public comment period before the approval of the methodology to be followed by ABAG, there were two letters signed by 86 citizens sent by Palo Altans for Sensible Zoning in August 2019 and ten speakers appeared before the ABAG Executive Committee on September 19, 2019. There was a further formal note from the West Bay Citizens Coalition in March 2020. These interventions focused on three critical issue areas: the economic and social consequences that were flowing from concentrated growth; the lack of attention paid to the California Codes

9-3

² Letter from Megan Kirkeby, Acting Deputy Director, HCD to Therese McMillan, Executive Director, ABAG, June 9, 2020.

that called for open public discussion of alternate ways of working toward improving the intraregional jobs-housing balances that were appearing around the Bay Area; and, the potential impacts on the mobility that had been a key characteristic of Silicon Valley's historical growth.

Let us review the issues mentioned and the data presented:³

1. Plan Bay Area 2040 made a serious underestimate of the concentration of jobs and housing imbalances: it forecast that the West Bay would have an annual increase in jobs growth about twice as high as Oakland and San Jose combined. In practice, between 2010 and 2018 the rate was well over seven times as high. This would seem to call for a serious public discussion of the accuracy of MTC/ABAG's internal models—REMI and BAUS2.0-- which are used with little or no public input.⁴

2. The concentrated growth in both office space and housing raised land prices significantly in the South Bay having a direct impact on housing prices. In fact, a Federal Reserve study indicated that the share of land prices in total housing costs in the San Francisco Metro Area was the highest in the country, with the San Jose Metro Area being the second highest in the country.⁵

3. Metro Area housing prices and rentals in the San Francisco and San Jose Metro Areas are now the highest in the country.⁶

4. Studies by the Brookings Institute show that the rates of household income inequality in the San Francisco and San Jose Metro Areas are among the highest in the country in Silicon Valley and are growing faster than in almost every other urban area in the country.⁷

5. The bulk of the funds for new affordable housing are paid by residents. The main source of funds comes from inclusionary zoning. This means that market rate renters in each new multifamily building are charged higher rates to cover the subsidized costs for affordable units. This increases the income inequalities in the area that already is the highest in the country. Further housing fees are assessed for affordable housing on all new building construction in the area. But despite the higher ratio of jobs over housing units in the area, residents pay more in impact fees than businesses.⁸ This is important to recognize when affordable housing subsidies in the Bay Area may well total over \$200 billion, with up to 20% of that in the high-cost concentrated growth area of Silicon Valley that makes up only 4% of the population.⁹

³ Presented in PASZ letter of August 17, 2019, WBCC letter of March 18, 2020 and public comments made at the September 19, 2019 ABAG Executive Board Meeting.

⁴ PASZ letter, Table 1.: Source: Plan Bay Area: Strategy for a Sustainable Future (July 2013, "Employment Growth by Jurisdiction", and Census Bureau, ACS Factfinder (Advanced search on B08601).

⁵ Morris A. Davis and Michael Palumbo, Federal Reserve Board, Staff Paper 2006-25, Washington DC.

⁶ Presented in letters of August 17, 2019 and March 18, 2020, Figure 3. Source: Zillow, February 2019.

⁷ Berube, Alan "Income inequality in cities in metro areas: An Update", Brookings: Metropolitan Policy Program, 2016, Appendix X. Glassman, Brian, U.S. Census Bureau, "Income Inequality among Regions and Metropolitan Statistical Areas: 2005 to 2015", SEHSD Working Paper Number 2017-41.

⁸ City of Palo Alto, 2015-2023 Housing Element, "Local Funds", pp 77-79.

⁹ MTC/ABAG, Plan Bay Area, Final Blueprint Compendium, Growth Pattern.

9-3
cont.

6. Further, note that in the crowded urban areas of Silicon Valley, virtually all new housing construction is in multiunit buildings. Between two-thirds and three-quarters of recent market proposals consist of either studios or one bedroom apartments. This means that new young workers may be able to find a place to live but very few families will. This will have a profound impact on our communities. The U.S. urban areas with the densest business/population concentration (San Francisco, Washington DC, Manhattan County) have the lowest shares of children between the ages of five and seventeen. Many communities in Silicon Valley have had declining ratios of school age children over the last 9 years, with the total share of the population between the ages of five and seventeen having fallen by some 8%.¹⁰

7. Most serious historians of Silicon Valley have indicated that the key to the remarkable success of the tech revolution in a group of small suburban cities was the lack of large overriding businesses in the area and the remarkable mobility of both ideas and workers.¹¹ The recent concentration of businesses, the lawsuit against five large Valley firms agreeing to restrict open movements of workers and the growing restrictions on the use of the automobile in the current plans for concentrated development seems to undermine some of the key ingredients of the historical success of mobility in the Valley.

8. One of the organizers of the Plan is MTC which has regional responsibility for transit development. One of the key starting assumptions behind the Plan is to concentrate growth along existing transit corridors. This makes sense within MTC’s transit purview. But the process should deal openly and explicitly with the falling level of use of transit over the last three years before COVID when ridership in both Bay Area-wide transit systems and local Santa Clara County transit systems that serve Silicon Valley fell.¹²

9-3
cont.

THE DECISION PROCESS

The decision process for Plan Bay Area 2050 has moved along without public discussion of the issues raised in the documented letters or public comments cited above. The following dates highlight key MTC/ABAG decisions that follow the requests for public discussion on the issues raised above:

September 19, 2019: ABAG Executive Board approves the Methodology design for Plan Bay Area 2050. Its Attachment A describes the process in detail with a Regional Growth Forecast “produced by ABAG/MTC Planning Staff with consultant and technical Advisory Committee input” using both the REMI model and the Urban Sim 2.0 models to distribute the jobs and housing shares among local communities.¹³ The Methodology was passed on a 19-3 vote.

9-4

¹⁰ California Department of Finance, E-5 Population Estimate for Cities and Counties, 2016-2019.

¹¹ See the discussions of the importance of idea and labor mobility in: Saxenian, Annalee, “Regional Advantage: Culture and Competition in Silicon Valley and Route 128”, Harvard University Press, 1994, p 32-37; and David Angel in Kenney, Martin ed.; “Understanding Silicon Valley: The Anatomy of an Entrepreneurial Region”, Stanford University Press, 2000, p 130-132.

¹² BART, Caltrain, and VTA operating statistics.

¹³ Plan Bay Area 2050: ABAG Executive Board, September 19, 2019: Attachment A.

9-3
cont.

9-4
cont.

October 11, 2019: ABAG Planning Committee released a report that stated that they would not move forward with a Horizon Strategy that recommended exploring a strategy that would “Place Office Caps in Job-Rich Cities”.¹⁴

Fall 2019 – Summer 2020: Key decisions made by the internal Technical Committee with HCD and DOF participation. This Committee relied on their in-house models—REMI and Urban Sim 2.0. This process was based on a strategy of focused growth in Transit-Rich areas and High-Resource Areas along existing transportation networks.¹⁵

May 8, 2020: MTC/ABAG presented a report that stated that while COVID-19 would have an impact on the early part of the period covered by Plan Bay Area 2050 it would not have an effect on the longer term projections of jobs and housing.¹⁶ This downplays the possible longer term impact of remote working on housing needs and keeps a strategic focus on concentrated job growth in already jobs-rich areas.

9-4
cont.

June 9, 2020: HCD approval of final Regional Housing Need Determination for ABAG that confirmed close cooperation between the agencies during the period from March 2019 to May 2020 with consultation with the California Department of Finance. It acknowledged that one of the objectives of the Plan was to “Promote an improved intraregional relationship between jobs and housing” but it had the practical effect of stressing in-house committee work relying on the strictly controlled models of REMI and BAUS2.0.¹⁷

January 21, 2021: ABAG Executive Board adopted the Final Blueprint as the Preferred Alternative.¹⁸

BEFORE YOU APPROVE THE PLAN BAY AREA 2050 EIR,

....WE ASK THAT YOU ANSWER THE FOLLOWING QUESTIONS

1. When will HCD release their Code mandated Guidebook (Government Code 65890.5) that would provide methodologies for an open discussions of a range of possible incentives that local, regional and state bodies could offer the private sector to encourage developments which will facilitate an improved balance between jobs and housing?

9-5

2. Why are ABAG and HCD relying on in-house models (REMI and Bay Area Urban Sim) that have produced such striking errors in the location of job concentrations during the period 2010-2018 without clear and open public discussion about model assumptions and characteristics?

9-6

¹⁴ MTC/ABAG: mtc.ca.gov/sites/default/files/Horizon_Futures_Final_Report_Presentation.pdf. October 11, 2019

¹⁵ Letter from Megan Kirkeby, HCD to Therese McMillan, ABAG, June 9, 2020; Draft Plan Bay Area 2050, “Forecasting and Modeling Report”, pp 14-15 and p 40.

¹⁶ Joint MTC Planning Committee with the ABAG Administrative Meeting: May 8, 2020.

¹⁷ Letter from Megan Kirkeby, HCD to Therese McMillan, ABAG, June 9, 2020.

¹⁸ MTC, Plan Bay Area Monthly Update, February 4, 2021.

9-4
cont.

3. Identify when “alternate methods of improving dealing with intraregional jobs-housing imbalances” were discussed in open public sessions. In that discussion please describe the “controversy” that was identified in the “EIR: AREAS OF CONTROVERSY” section that stated “Strategies integrated in EIR Alternative 2...included office development caps in job-rich cities, that were controversial and ultimately discarded earlier in the process” (EIR, p EC 9-10)?

9-7

4. When was there any discussion of the possible severe economic and social consequences raised by the public from the further concentration of growth in both jobs and housing in a single relatively small geographic area (Super District #9)?

5. It is clear that large businesses benefit from concentrated growth and that the state budget does as well. At the same time, the tax and cost burdens of transit, infrastructure and affordable housing on local residents will move dramatically higher. Why has there been no public discussion of the benefits flowing to large businesses and the state budget while the costs burden is so severe on local residents?

9-8

6. Has there been any public discussion of the growing dominance of very large firms that is a clear consequence of business concentration and its impacts on the mobility of ideas and talent that has been such a key part of Silicon Valley’s emergence and growth?

PASZ (Palo Altans for Sensible Zoning)

Contact: Greg Schmid



Letter 9
Palo Altans for Sensible Zoning
Greg Schmid
June 23, 2021

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 correctly notes that Super District #9, North Santa Clara County, is anticipated to experience considerable growth, accounting for 16 percent and 18 percent of the region's 35-year household and employment growth, respectively. However, when viewing outcomes comprehensively across the region, the proposed Plan achieves a more balanced pattern of jobs and housing through housing and economic strategies than the No Project Alternative. As noted in Table 2-2 on page 2-12 of Chapter 2 of the Draft EIR, "Project Description," the Plan results in regional subareas and subarea counties converging toward the regional jobs-housing ratio of 1.34.

The commenter raises concerns that alternative means of dealing with intraregional jobs-housing imbalances—specifically office development caps on cities experiencing rapid job growth—and the related public engagement process were insufficiently explored. The response below outlines how strategies to address the intraregional jobs-housing imbalance were analyzed and discussed in public forums throughout the Plan development process, during Horizon, the Draft and Final Blueprint phases and the EIR phase. For further information on these phases, see Section 1.7.5 of the Draft EIR, "Plan Development Process." Note that topics related to the need for affordable housing, traffic congestion, housing cost, taxes, and work patterns generally are not subject to analysis under CEQA, because they are economic and social effects that by themselves do not constitute a physical effect on the environment (CEQA Guidelines Section 15382 [{"a}n economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."])).

The strategy, commonly referred to as "office caps" throughout the Plan development process, was first evaluated during Horizon. Analysis found that the strategy may reduce the number of jobs in capped cities and may lead to a somewhat greater east-to-west jobs balance, but that it could also push some jobs out of the Bay Area. These findings were discussed extensively at meetings with the Joint MTC Planning and ABAG Administrative Committee meetings, public meetings and stakeholder workshops. Representatives from job-rich portions of the Bay Area expressed concern about the policy; other representatives were concerned about its unintended economic impacts. Further information can be found in the Futures Final Report (released January 2020) found on the Plan Bay Area website at www.planbayarea.org/2050-plan/horizon/horizon-documents.

Following the Futures analysis in Horizon, four different strategies to address the jobs-housing imbalance—Encourage Job Growth in Housing Rich Places through Subsidies, Assess a Jobs-Housing Balance Fee on Office Development, Assess a Transportation Impact Fee on New Office Development, and Place Office Caps in Jobs-Rich Cities—were discussed extensively during the Commission Workshop in January 2020. With lack of support for the office caps strategy and concern that subsidies would not be as effective as a fee-based approach, the remaining two strategies were advanced for study in the Draft Blueprint. Further information on this workshop can be found on the MTC website.

In analysis of outcomes of the Draft Blueprint, the two fee-based strategies achieved more limited gains than anticipated in shifting the location of jobs. Strategies to address the jobs-housing imbalance were discussed again during public meetings and stakeholder workshops in summer 2021, and public feedback supported using a "carrot"-based approach instead of a fees-based approach to

incentivize employers to shift job locations. For this reason, the strategy recommended for the Final Blueprint in lieu of the fee-based strategies was Strategy EC05, “Provide Incentives to Employers to Shift Jobs to Housing-Rich Areas Well Served by Transit,” which better addressed the jobs-housing imbalance. Strategy EC05 was incorporated into the Draft Plan.

Finally, based on input received during the public scoping meetings for the Draft EIR, additional economic strategies were studied, office development impact fees were considered as part of the TRA Focus Alternative, and office caps in job-rich cities were incorporated into the HRA Focus Alternative. For further information, see Chapter 4 of the Draft EIR, “Alternatives to the Proposed Plan.” In analysis, while the proposed Plan and TRA Focus Alternative succeeded in incentivizing job growth in some housing-rich counties and more evenly distributing jobs and housing across the region, the HRA Focus Alternative further concentrated jobs in San Francisco County. Table 2-2 on page 2-12 of the Draft EIR discloses potential jobs-housing ratios for each county across the region. These findings were discussed during public meetings with the Joint MTC Planning and ABAG Administrative Committee and the public hearings related to the Draft EIR. Further discussion of findings can also be found in the supplemental Plan Bay Area 2050 Performance Report found on the Plan Bay Area website at www.planbayarea.org/reports.

See Response to Comment 8-1 for additional information related to the public outreach process and Master Response 4, EIR Alternatives regarding the range of alternatives studied in the Draft EIR.

9-2

See “Master Response 1: Regional Growth Forecast,” and Response to Comment 13-1 for a discussion of RHNA methodology, and Response to Comment 9-1 for a discussion of jobs-housing balance. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

9-3

See “Master Response 1: Regional Growth Forecast,” and Response to Comment 13-1 for a discussion on RHNA methodology, and Response to Comment 9-1 for a discussion on jobs-housing balance. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

9-4

See “Master Response 1: Regional Growth Forecast,” and Response to Comment 13-1 for a discussion on RHNA methodology, and Response to Comment 9-1 for a discussion of jobs-housing balance. Note that additional meetings occurred during the planning process, such as the joint Commission/Executive Board workshop in January 2020 and the public engagement process in summer 2020, that specifically focused on the policy issue of jobs-housing balance. See Response to Comment 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR.

9-5

See Response to Comment 13-1 for a discussion on RHNA methodology. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

9-6

The models have been calibrated and validated to reflect observed Bay Area conditions, and Travel Model 1.5 has been extensively reviewed by federal and State agencies. As discussed in the first paragraph under Section 2.3.3, “Analysis Tools,” of the Draft EIR:

The California Transportation Commission's (CTC's) 2017 RTP Guidelines recommend that the largest metropolitan areas integrate regional economic and land use models and activity-based travel demand models into a single modeling system. The integrated model framework allows planners to analyze the complex interactions between land use and the transportation strategies. For more information, see the Draft Forecasting and Modeling Report found at the Plan Bay Area 2050 website: www.planbayarea.org/reports."

The modeling tools used to evaluate the proposed Plan are appropriate.

9-7

See Response to Comment 9-1 for a discussion on jobs-housing balance and on the public process related to jobs-housing balance policy discussions. See also Response to Comment 9-8.

9-8

See Response to Comment 8-1 for information related to the public outreach process for and development of the proposed Plan. As noted in Draft EIR section 1.7.5, "Plan Development Process," the development of the Plan included Futures planning that studied three divergent "what-if" scenarios to identify how a range of forces could potentially change the Bay Area. Detailed outreach information is included in the supplemental Plan Bay Area 2050 Public Engagement Report found on the Plan Bay Area website at www.planbayarea.org/reports. The report includes summaries of "What We Heard" and key messages that arose from public discussions. The commenter does not raise specific issues related to the Draft EIR or the analysis of environmental impacts.

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

Letter
10

From: [Cautri](#)
To: [EIR Comments](#)
Cc: [REDACTED]
Subject: Transit-Oriented Housing
Date: Wednesday, June 23, 2021 4:29:56 PM
Attachments: [BATWG LOGO.jpg](#)

External Email



**To: Ms. Ursala Volgen
Facilitator, Plan 2050 EIR**

Dear Ursala,

I made a few comments about transit-oriented housing at yesterday's meeting. Here's a bit of elaboration.

The clustering of housing near transit stops and calling it "transit-oriented" came into vogue two or more years ago, with little if any substantiating evidence as to its viability. "Well at least it's better than more sprawl or more urban stack-and-pack", we were told.

But is it enough?! Is it really the best we can do?

Pre-COVID, roughly 25% of Bay Area trips were commute trips. Meaning that the other 75% were non-commute trips. Will those moving into the transit-oriented housing be abandoning their cars? Not hardly; there are just too many types of non-commute trips that currently work only with cars.

Pre-COVID, 15% of the Bay Area's commuters were transit commuters. That means that pre-COVID less than 4% of Bay Area total trips were transit-commute trips. Even if that number doubled, we'd still have all those non-commute trips and remaining auto commute trips. For this reason the primary transportation emphasis of Plan 2050, the BRTF and other regional improvement efforts should be on how to persuade more non-commuters to drive less. Not enough attention has been paid to this category of traveler and the great economic and environmental damage that he and she unwittingly cause.

10-1

Post-COVID. From all indications, thanks to the surprising popularity of the work-at-home arrangement, there will be a substantial reduction in transit commuting and perhaps also in auto-commuting. Recent studies have suggested that packing oneself into crowded transit vehicles full of strangers is not likely to become very popular any time soon. These fundamental societal changes are occurring long after the assumptions underpinning Plan 2050 were formulated.

Bonafide transit communities might work (Peter Calthrope may have had the right idea way back in the early 1980's). Transit-oriented housing as currently defined, even with the usual smattering of commercial uses stuck on to make things look better, is highly unlikely to produce the desired effect, especially when applied to the 75% or greater percentage of travelers who are not commuters. It is not enough to sing the praises of transit-oriented housing. Absent firm evidence that putting housing near bus stops or a BART Station will both ease congestion and significantly cut regional GHG emissions, basing the future of the region on this house of cards is an extremely risky proposition.

10-1
cont.

Sincerely,

Gerald Cauthen P.E.

Former:

Director, BART/Muni Coordination Program
Manager, Muni Transit Improvement Program while the Muni Metro subway was being put on line
Senior Engineering Manager and Transportation Vice President, Parsons Brinckerhoff
Engineering Manager of Transit Systems, Korve Engineers
Deputy Director Transbay Transit Center/Downtown Extension of Caltrain (DTX) Program

Currently:

Co-Founder and President,
Bay Area Transportation Working Group (BATWG) 510 208 5441
www.batwgblog.com

Letter 10
Bay Area Transportation Working Group
Gerald Cauthen, PE
June 23, 2021

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

10-1

Please see Response to Comment 8-2 for more information about the evidence supporting the vehicle trip and VMT reduction benefits of focused development around transit. In addition, Section 3.6 of the Draft EIR, “Climate Change, Greenhouse Gases, and Energy,” addresses how the proposed Plan would affect GHG emissions in the Bay Area. As discussed for Impact GHG-1, implementation of the proposed Plan is expected to result in a net reduction in GHG emissions in 2050 when compared to 2015 conditions. Mitigation measures are available to reduce GHG emissions; however, because construction-related emissions may not be reduced to a less-than-significant level in all cases, this impact would be significant and unavoidable (page 3.6-43 of the Draft EIR).

See “Master Response 2: COVID-19 Pandemic Considerations” for a discussion related to altered forecasts and remote work behaviors associated with the pandemic. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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



From: Plan Bay Area
To: info@planbayarea.org
Subject: Draft PBA 2050 Comment Form submission
Date: Monday, June 28, 2021 11:24:57 PM

External Email

Submitted on June 28, 2021 Submitted values are: *Name* Julie Weiss *Email* julie.weiss@cityofpaloalto.org [1] *Zip Code* 94303 *Affiliation* City of Palo Alto *Topic* Environment *Comment* Wonderful vision for the Plan. Two other comments related to Sea Level Rise: 1. Impacts to groundwater from sea level rise should be considered and discussed along with SLR in this report. There are significant impacts that will need to be planned for. There are different assumptions used for SLR in the Bay Area. • 2' by 2050 Plan Bay Area 2050 • 3.5' used by OPC Principles for Aligned State Action (wastewater treatment plants are recommended to use this which builds in a margin of safety but I find this number vague. SLR and the margin of safety aren't clearly defined that I can find. • Various levels in OPC 2018 State Guidance to assume based on risk aversion which assumes higher SLR for critical infrastructure. • USACE uses a different calculation for SLR that is different than what CA uses One could see how anticipating changes that are to occur could be problematic when they're not aligned, especially when some assumptions build in margins of safety and others do not. Perhaps Plan Bay Area 2050 could include explanation in the Plan about why the 2' assumption is used, how it relates to the OPC guidance, and also coordinate (if not already) with the regional entities on assumptions. Thank you. [1] mailto:julie.weiss@cityofpaloalto.org

11-1

Letter 11
Julie Weiss
June 28, 2021

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

This comment raises issues related to environmental effects affecting the proposed Plan's forecasted land use development pattern, sea level rise adaptation infrastructure, and transportation projects and programs. As explained in "Master Response 5: Sea Level Rise," the effects of the environment on a project are generally outside the scope of CEQA. Please see Master Response 5 for additional discussion related to this issue.

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

Letter 12

From: [Kristina Hill](#)
To: info@planbayarea.org; [EIR Comments](#)
Subject: comments on Draft Plan Bay Area 2050: rising groundwater impacts on PDA's, and unjust air pollution exposure in East Oakland
Date: Thursday, July 1, 2021 12:31:19 PM
Attachments: [Plane Hill May 2019 Groundwater and Sea Level Rise in the SF Bay Area.pdf](#)

External Email

Dear Colleagues,

I write as a fellow planner, for two reasons: first, I want to compliment you on your efforts to create a regional plan, which is critical to the region's future. Second, **I ask you to reconsider two big issues that the Plan has not addressed. Those are (A) rising groundwater within a mile or more of the shore, and (B) unequal air quality impacts in Oakland that are sustained by the ban on trucks for Interstate 580.**

A. Rising seas and rising groundwater

Unfortunately, as sea levels rise, unconfined shallow coastal groundwater will also rise. Please see our attached peer-reviewed paper for a map of likely impact zones in the Bay Area. This will create new impacts on building foundations, the severity of seismic shaking, new exposure pathways for legacy soil contaminants (landfills, LUSTs, superfund plumes, and other buried contaminants at state-managed contaminated sites) to affect human health and nearshore ecosystems. Rising groundwater will also infiltrate and limit the functional capacity of existing sanitary and storm sewers. Levees will not prevent groundwater from rising, and if pumps are used to manage higher groundwater, this new pumping could increase the rate of land subsidence.

The Plan proposes Priority Development Area in several locations where unconfined groundwater is already quite shallow and very likely to change elevation or flow direction over the next decade and longer. Serious groundwater contamination and/or soil liquefaction hazards already exist in Richmond, Alameda, East Oakland, Sunnyvale/Mountain View, Palo Alto, East Palo Alto, Brisbane, Hunters Point, Treasure Island, Marin City, and San Rafael's downtown. Existing affordable housing in East Palo Alto, East Oakland and Marin City is also very vulnerable to the impacts of rising groundwater. These are all places where development and protection of existing assets must be done in unconventional ways in order to manage the combination of new contamination exposures and increasing seismic hazards. Developers, local elected officials and regulators are not yet paying attention to these problems that are driven by rising groundwater, but they will become "life and death" topics over the next 20 years. The federal government is proposing funds for coastal cleanup, and those funds should be actively pursued for Bay Area contaminated sites - in addition to pressuring private land owners to maximize their cleanup commitments. **The region needs this Plan to identify the very serious impacts associated with rising groundwater so that they will be addressed in local planning and permitting, and so that new housing will not be placed in areas with a high risk of health and safety problems unless it is designed to withstand those impacts.**

In addition, the transportation elements of the Plan also do not address rising groundwater. As just one example, the Capital Corridor realignment in East Oakland and San Leandro will bring train service into a zone with high groundwater - potentially making it more vulnerable to seismic risks. Bridge foundations, berm stability and other transportation structures are at greater risk with a higher water table. In Marin City, the ramps of Highway 101 already flood from a combination of high tides, high groundwater and rain events. This will become more common along many segments of critical roadways, including I-80 in East Oakland and quite a few other locations. Deciding which roadways and rail lines to elevate on a causeway vs. earthen berms, and which to recess in tunnels, is absolutely critical to how communities inland of those roadways will adapt to fresh- and saltwater flooding. Transportation physical design decisions must be made in coordination with new development strategies around the roads and rail lines, in order to achieve safe residential areas at the same time resilient transportation systems are planned. **This critical linkage between the elevation/design of transportation corridors and the elevation/design of both new developments and existing affordable housing is not addressed in Plan Bay Area 2050.**

12-1

B) Unjust air pollution exposure in East Oakland as a result of the I-580 truck ban

The truck ban on Interstate 580 was written into the California Vehicle Code by State Assembly members at the request of three elected legislators from the Oakland and San Leandro area in . **Forcing all truck traffic to travel on I-880, instead of dividing it between I-580 and I-880, is a deeply unjust traffic rule, because it leaves both children and adults in East Oakland with an exceptional, life-threatening exposure to truck exhaust,** in addition to all their other air quality burdens (foundries, metal repair shops, a crematorium, etc.) while the economic benefits of truck traffic are enjoyed by all. Anyone who has spent time in East Oakland, particularly south of 66th Street and east of I-880, has experienced the very high level of air pollution that people who live and play there are currently exposed to on a daily basis. Air pollution levels in East Oakland are unacceptably high, and the truck restriction on I-580 is a clear cause of inequality. This unequal air pollution burden contributes to life-threatening asthma that can follow residents from childhood into adulthood as a life-long health impact, as well as create greater vulnerability to other cardiovascular illnesses related to increased heat, and to new respiratory diseases such as COVID-19. **No other section of Interstate in California has been allowed to ban truck traffic, and there is no physical design reason for the truck ban on I-580. Plan Bay Area could advocate for this CVC element to be changed in the urgent interest of environmental justice.**

12-2

Thank you for considering my comments. I would be happy to provide more information if it would be helpful.
Kristina

Kristina Hill, PhD, she/her
 Associate Professor of Urban Design, Landscape Architecture and Environmental Planning
 Director, Institute for Urban and Regional Development
 University of California, Berkeley
 mobile: [REDACTED]
 [REDACTED]



Article

A Rapid Assessment Method to Identify Potential Groundwater Flooding Hotspots as Driven by Sea Levels Rise in Coastal Cities

Ellen Plane ^{1,*}, Kristina Hill ^{1,*} and Christine May ²

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Received: 21 August 2019; Accepted: 18 October 2019; Published: 25 October 2019



Abstract: Sea level rise (SLR) will cause shallow unconfined coastal aquifers to rise. Rising groundwater can emerge as surface flooding and impact buried infrastructure, soil behavior, human health, and nearshore ecosystems. Higher groundwater can also reduce infiltration rates for stormwater, adding to surface flooding problems. Levees and seawalls may not prevent these impacts. Pumping may accelerate land subsidence rates, thereby exacerbating flooding problems associated with SLR. Public agencies at all jurisdiction levels will need information regarding where groundwater impacts are likely to occur for development and infrastructure planning, as extreme precipitation events combine with SLR to drive more frequent flooding. We used empirical depth-to-water data and a digital elevation model of the San Francisco Bay Area to construct an interpolated surface of estimated minimum depth-to-water for 489 square kilometers along the San Francisco Bay shoreline. This rapid assessment approach identified key locations where more rigorous data collection and dynamic modeling is needed to identify risks and prevent impacts to health, buildings, and infrastructure, and develop adaptation strategies for SLR.

Keywords: sea level rise; inundation; groundwater; coastal aquifer; flooding; urban planning; climate; infrastructure; California; San Francisco Bay; adaptation

1. Introduction

Sea levels are rising over most of the world's coastlines, and the rate of relative sea level rise (SLR) is projected to accelerate [1]. One of the impacts of SLR will be a rising water table in shallow, unconfined coastal aquifers [2]. Coastal regions that are currently above sea level do not typically manage this shallow coastal groundwater as a resource because it is often contaminated by agricultural chemicals, industry, or urban surface runoff. Maps of depth to this shallow groundwater are rare, although soil contamination is sometimes monitored locally using well samples. As a result, many coastal regions are unprepared to manage the potential impacts of a rising water table.

Shallow saline aquifers and unconfined freshwater aquifers with a direct saltwater interface (i.e., freshwater floating atop higher-density seawater) are affected by tidal fluctuation. These aquifers rise and fall with the tides, and the effects decrease exponentially farther inland [3–5]. In the zone where aquifers are affected by tidal flux, they are also affected by SLR. In “flux-controlled” systems, where the rate of groundwater discharge is constant as the sea level rises, SLR causes landward migration of the saltwater toe, otherwise known as saltwater intrusion [6,7]. This saltwater intrusion causes a lift in the level of the overlying freshwater [8]. Therefore, SLR causes an increase in the height as well as the salinity of the water table [4–6,8–10]. This eventually results in the emergence of groundwater as surface flooding, and also increases surface discharges of streams supplied by groundwater [2].

Before emergence occurs, rising groundwater infiltrates sewer pipes, causing a loss of sewage flow capacity. It also conveys pollutants to nearshore aquatic ecosystems, floods basements, causes heaving of foundations and underground structures, remobilizes soil contaminants, and increases the risk of liquefaction in seismic regions. In coastal areas constructed on former wetland soils, lowering the elevation of groundwater by pumping can accelerate subsidence [11].

Planning for rising and emergent groundwater at a regional scale requires mapping methods that are suitable for large geographic regions and heterogeneous subsurface conditions produced by urbanization. Large empirical depth-to-groundwater datasets often exist for urban areas where leaky underground fuel or chemical storage tanks are regulated and monitored. Maps interpolated from these large empirical datasets can be used to support prioritization of limited flood adaptation resources by identifying “hot spots” in the distribution of risk. Similar methods were used to identify gaps in protection of species over large geographic datasets for conservation planning [12], to identify local extremes of the Urban Heat Island effect [13], and for risk assessment [14]. These types of rapid assessments represent conditions over large geographic areas, allowing public resources to be used strategically to gather new data and develop process-based models where future problems are most likely to occur [15]. In the case of groundwater data, the use of an empirical method that interpolates a surface from a dataset of present-day conditions can provide modelers with initial insights into the complex interactions between heterogeneous soil and infrastructure conditions and groundwater elevation and flow in an urban area [4,5]. While empirical methods that use interpolation do not model the dynamics of groundwater, they can be used over very large geographic areas and can reveal localized effects, such as cracked pipe joints, private water pumps, compacted road beds, or faulted sediment. These local anomalies might not appear in a process-based equilibrium model of the water table, yet could present a significant problem for local adaptation. An extensive well dataset allows managers in a coastal region to use interpolation to anticipate the flooding impacts of groundwater as the sea level rises.

Bay Area Sea Level Rise and Groundwater

Sea level has risen 1.1 mm/year on average at the Golden Gate since the historical record began in 1855 [16]. As the rate of rise increases over the next century, flooding is expected to affect a wide range of assets in the San Francisco Bay Area (Bay Area), including low-lying urban areas, two international airports, wetland ecosystems, and essential infrastructure [17,18]. If nothing is done to intervene, ecosystem shifts are likely to occur in San Francisco Bay (the Bay) that could cause all existing inter-tidal marshes to become mudflats with 1.24 m of sea level rise [19]. Extensive impacts on urban development are also anticipated; low-lying coastal homes, businesses, and infrastructure will be in danger of regular flooding as the sea level rises. Planners now have access to maps that predict direct seawater inundation at different sea levels [18,20]. While direct coastal inundation will have a considerable impact in the Bay Area, inundation due to rising groundwater levels is an SLR-induced threat that has received far less attention in coastal adaptation discussions and has been missing from maps of coastal flood risk. Yet, the importance of studying coastal groundwater dynamics in the context of urban and coastal zone management is recognized as an urgent need. In one study, twice as much urban land appeared to be at risk of flooding when rising groundwater was included in coastal flooding predictions [5].

New data on regional rates of land subsidence in the Bay Area indicated that additional flooding could be expected as a result of elevation changes [21]. Subsidence rates of more than 5 mm per year (and up to 10 mm per year in one location, between 2007 and 2010) were identified in areas where urban fill was placed over thick Bay mud deposits. A lower land surface will expose many new areas to flooding from seasonally high groundwater levels, as well as seawater.

The rate of rise in the groundwater surface due to SLR is affected by a number of factors, including tidal forcing, aquifer geology, coastline change, shore slope, surface permeability, precipitation, and groundwater pumping [4–6]. Previous studies indicated that the relationship between SLR and the elevation of the water table is unlikely to be consistently linear, especially near streams [2,10,22]. However, several studies used a linear relationship to approximate the effect of SLR on groundwater levels in flux-controlled urban aquifers [4,5]. Since this method is only applicable in zones where the sea level and tidal fluctuations have an influence on the aquifer, one kilometer was used to represent the limit of that zone in these studies [5].

Like many other coastal regions, the Bay Area did not previously have a depth-to-water map for its shallow coastal aquifers, although some local studies were available. In this paper, we present a rapid assessment method to provide this critical planning tool using empirical data.

2. Materials and Methods

2.1. Study Area

The groundwater basins of the Northern San Francisco Bay Area are largely within valleys formed on alluvial fans. While the deep aquifers are disconnected, the shallow coastal aquifer is continuous in the alluvial deposits [23]. The shallow aquifer in the large Santa Clara Valley basin (which contains five sub-basins) is also unconfined. Due to groundwater withdrawals, saltwater intrusion has historically occurred in this basin. A reduction in pumping and concerted recharge efforts slowed the progression of saltwater inland [23,24]. For the purposes of our analysis, we assume that the shallow coastal aquifer is unconfined and has a direct connection to the Bay. This assumption is reasonable because most of the Bay-front within one kilometer of the Bay is composed of alluvial material and urban fill.

2.2. Monitoring Well Data

Our methods follow similar studies for Honolulu, HI [5] and three locations in coastal California (excluding the San Francisco Bay Area) [4] but cover a much larger geographic area than either of these studies. We used a dataset of groundwater monitoring well measurements that contained values for depth to the water table and covered portions of all nine Bay Area counties [25]. The data points were concentrated in heavily developed areas, with fewer wells in the northern Bay Area (Figure 1). We included wells within 1.6 km of the Bay edge to ensure continuity in our interpolated results, although the only results shown were within 1 km of the Bay. We used the San Francisco Estuary Institute's Bay Area Aquatic Resource Inventory delineation of open water and tidal wetland to define the Bay's edge [26].

We selected the minimum depth-to-water value for each well during the years 1996–2016. This represented the seasonal high water table during wetter years, allowing us to estimate the highest elevation of the water table. Where this maximum groundwater elevation occurred, remobilized pollutants and reduced sewer pipe capacity may have been present in an unusually wet year or during an exceptionally high tide event.

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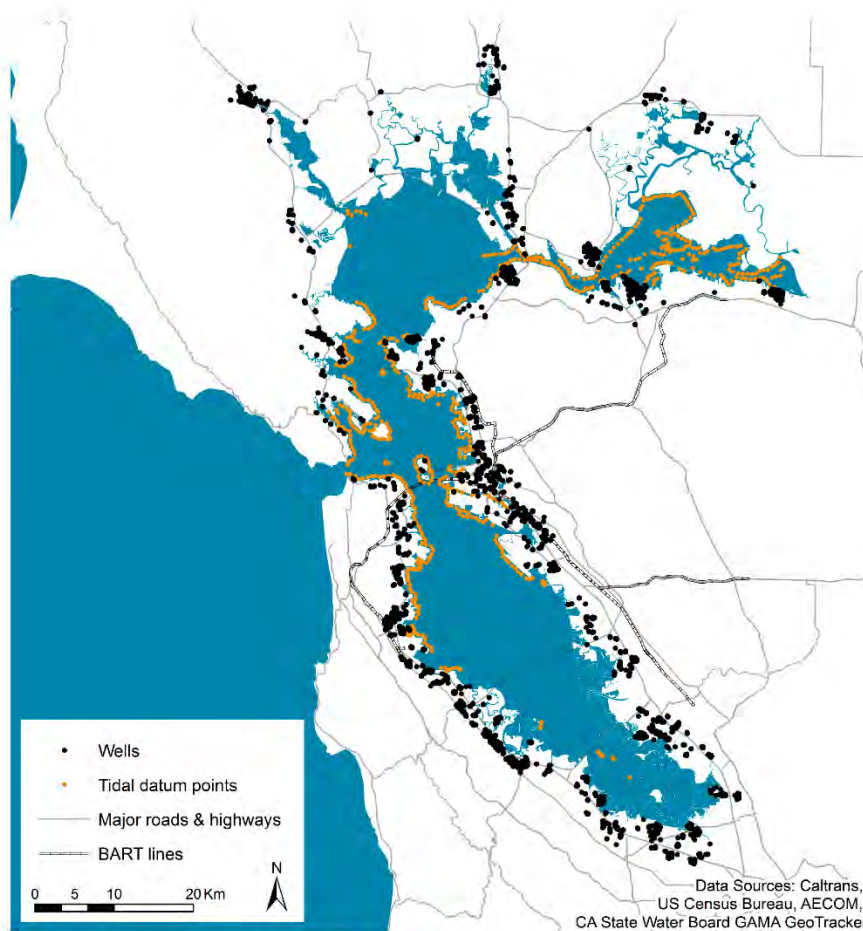


Figure 1. Well and tidal datum distribution. The highest density of data points was in the central and southern parts of the Bay Area, where more urban and industrial land uses are concentrated. Fewer wells and tidal datum measurements were available in the North Bay, where agricultural land use is more common.

2.3. Quality Control for Monitoring Well Data

Many urban wells in this dataset were in close proximity to wells used to measure the water quality in deeper aquifers. Therefore, we deleted wells with a minimum depth-to-water value greater than two standard deviations above the mean (i.e., deeper than 6.46 m). By deleting these wells, we had higher confidence that our interpolated surface represented the shallow coastal aquifer that was responsive to SLR and rainfall. A summary of the depth-to-water data is shown in Table 1.

Table 1. Summary statistics for well minimum depth-to-water data included in the analysis.

Statistic	Value
Count	10,777
Minimum	0 m
Maximum	6.46 m
Mean	1.95 m
Median	1.75 m
Standard Deviation	1.21 m

2.4. Tidal Data

We also included tidal data points from a dataset produced for the Federal Emergency Management Agency and regional agencies [27]. To smooth the interpolated surface toward the Bay, we included 603 mean tide line points, and added 0.3 m to the elevation to reflect the expectation that freshwater usually lies above the mean tide line [28]. Since the tidal water levels varied substantially along the shoreline as a result of the hydrodynamics in San Francisco Bay, tide gauge locations alone were insufficient. The tidal dataset we used was calibrated to National Oceanographic and Atmospheric Administration tide gauges and provided extensive spatial coverage along the Bay shore.

2.5. Analysis

For each well point in the study area, we extracted a ground elevation from the United States Geological Survey (USGS) Coastal and Marine Geology Program 2 m digital elevation model (DEM). We then calculated the maximum water table elevation at each well point by subtracting the minimum depth-to-water value from this ground elevation, following the method used by Hoover et al. [4]. Next, we applied a set of interpolation algorithms to the groundwater elevations and tidal data points. A flowchart describing our analysis methods is shown in Figure 2.

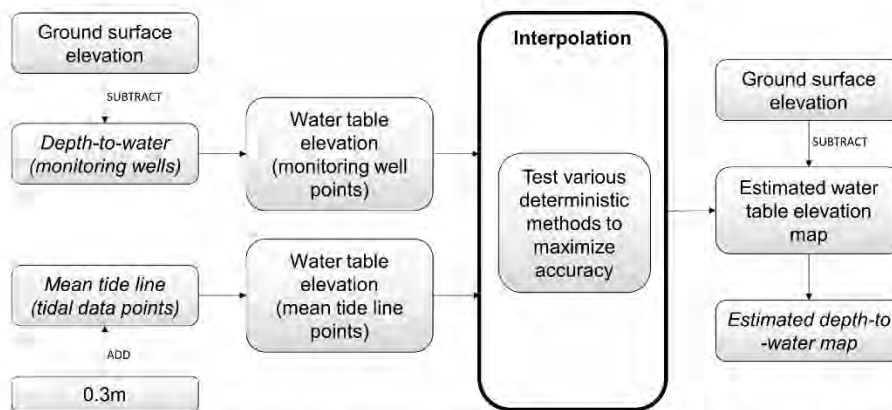


Figure 2. Flowchart of methods. Key inputs and outputs are shown in italics. Both deterministic and geostatistical methods have been used to predict a water table elevation surface from well data in other studies [29–32]. The dataset used here was not well-suited to kriging because it did not fulfill the assumption of stationarity necessary for this method. Data variance was not constant across the study area and could not be explained by directional trends. Given these limitations for geostatistical methods, we only compared deterministic interpolation methods.

To maximize the model accuracy, we compared a variety of methods to determine which was most successful at minimizing the prediction error. We compared the root-mean-square error (RMSE) of predicted values from each model using the cross validation function of the ArcGIS Geostatistical

Analyst toolbox (Table 2). Values of RMSE closer to zero indicated a more accurate model, and values of mean error (ME) closer to zero indicated a less biased model. For each interpolation technique, we chose the input parameters (e.g., power, number of neighbors included) that were most successful at minimizing RMSE, rather than those that produced the smoothest output.

Table 2. Comparison of various tested deterministic interpolation methods.

	Maximum Groundwater Elevation	
	RMSE	ME
Inverse Distance Weighting (IDW)	1.237	−0.021
Global Polynomial Interpolation (GPI)	5.114	−0.001
Radial Basis Functions (RBF): Multiquadric	1.167	−0.010
RBF: Completely Regularized Spline	1.579	−0.006
RBF: Spline with Tension	1.482	−0.006
RBF: Inverse Multiquadric	2.638	−0.003

The method that minimized the RMSE most successfully was the multiquadric radial basis function. A scatterplot of the actual water table elevations (elevation from DEM minus minimum measured depth-to-water) compared to the predicted water table elevations (output from the multiquadric radial basis function interpolation) is shown in Figure 3. Next, we subtracted the interpolated water table surface from the ground surface DEM to produce a depth-to-water map. We excluded areas greater than 1 km from the nearest well due to the increased uncertainty introduced by the lack of well or tidal data points in these areas.

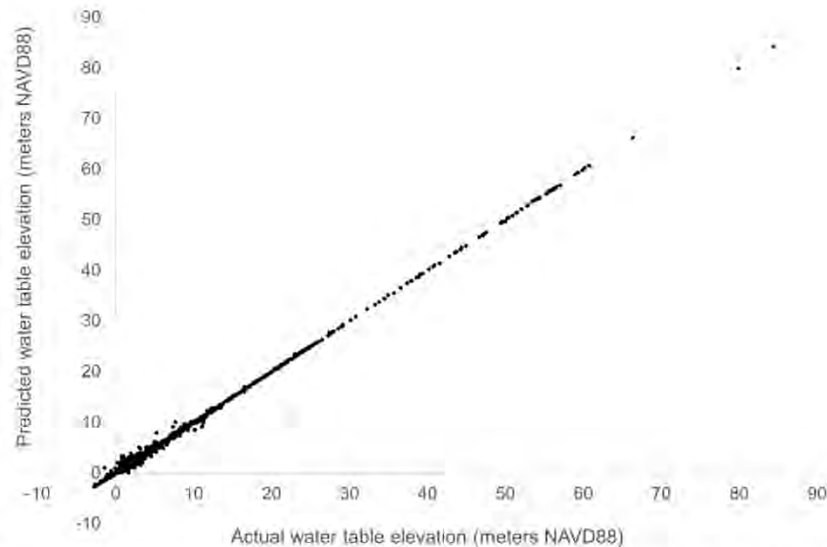


Figure 3. Actual water table elevation compared to predicted elevation from the interpolation. The “actual” water table elevation was ground elevation minus the minimum measured depth-to-water. The predicted water table elevation was the value extracted from the raster output of the radial basis function interpolation at the well point location. The plot includes points within the final study area only (i.e., within 1 km of the Bay edge).

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3. Results

Figure 4 shows the results of our depth-to-water modeling for the coastal Bay Area. A geospatial data file can be downloaded at <https://datadryad.org/stash/dataset/doi:10.6078/D1W01Q>. We found that a shallow groundwater condition exists in many developed areas in the North Bay including Fairfield, Novato, San Rafael, and Petaluma, although fewer well data points were available for the North Bay in general. Many cities in the East Bay also had shallow groundwater along the Bay-front, placing major infrastructure (such as Interstate highways 580 and 880) at risk. Exposure to potential groundwater flooding was perhaps most severe in the Silicon Valley area, where the minimum depth-to-water was already less than one meter in large areas of Mountain View, Redwood City, and San Mateo. Figure 5 shows subset maps of groundwater conditions in selected highly urbanized areas.

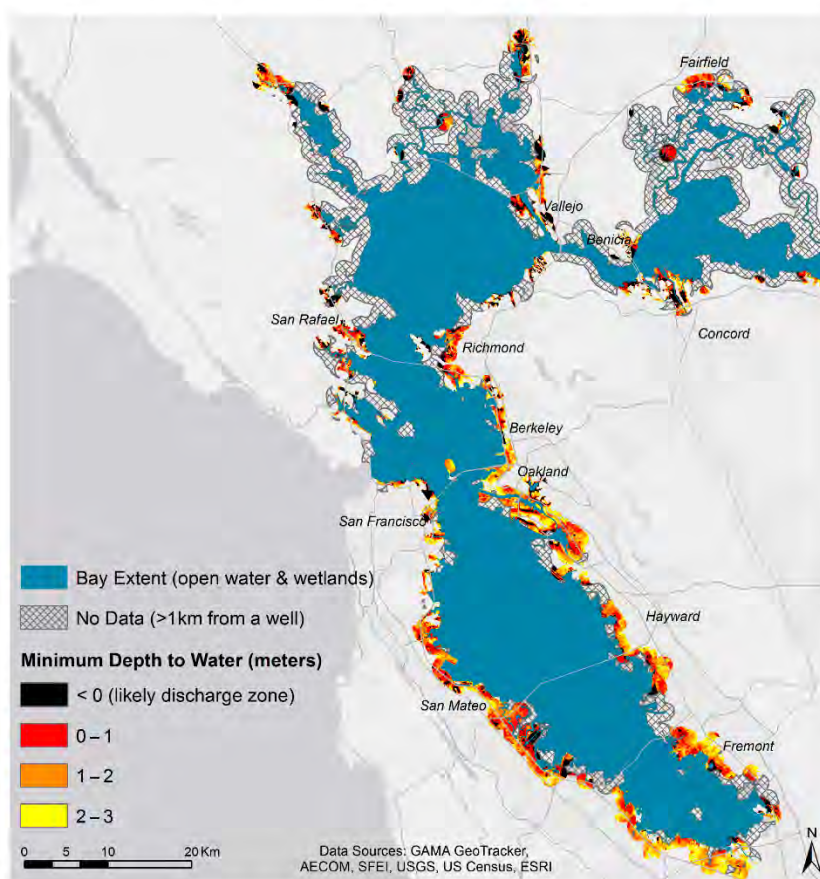
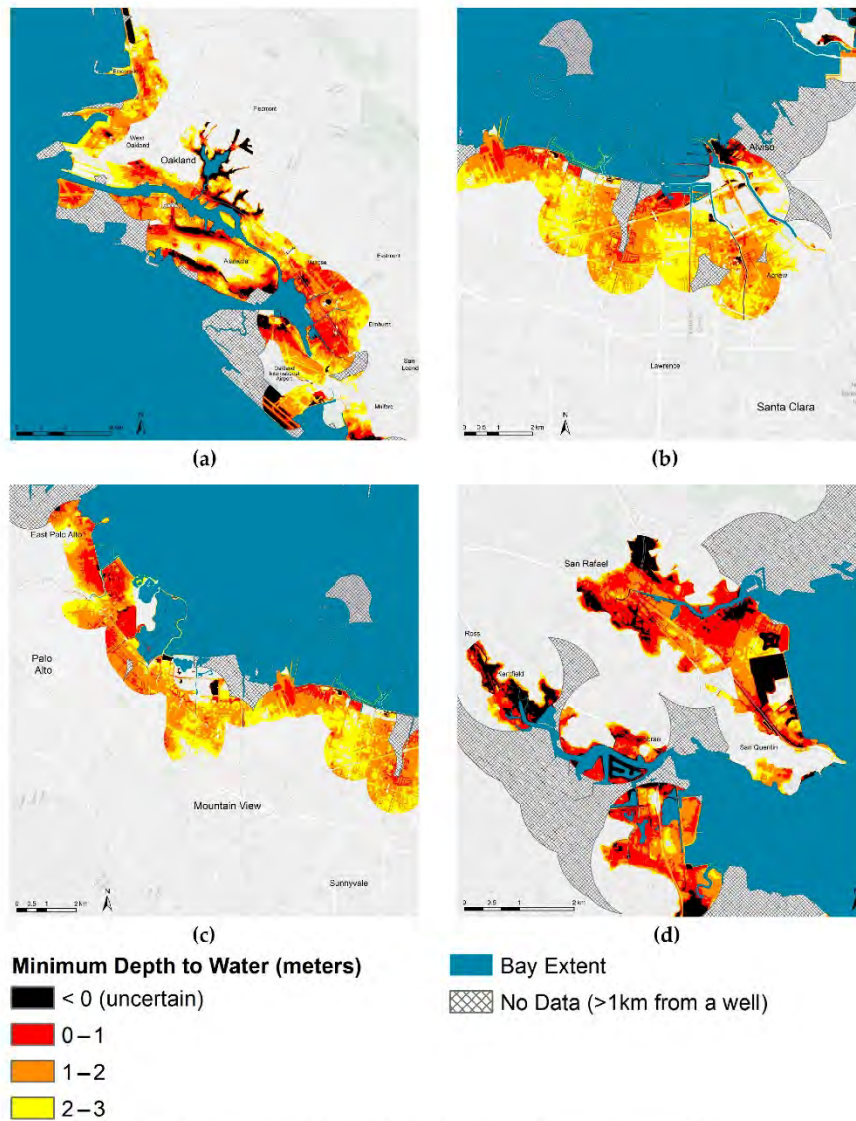


Figure 4. Minimum depth-to-water for the coastal San Francisco Bay Area. Shallow groundwater within one kilometer of the coast is shown in color, with the shallowest areas in red. Our method produced some negative values that suggested groundwater was already emergent, usually where there were no well points in the dataset at the base of a slope or in a valley. These areas (in black) most likely had very shallow groundwater with seasonal surface discharges, but a process-based model would be needed to quantify the volume.



Data Sources: GAMA GeoTracker, AECOM, SFEI, USGS, US Census Bureau, ESRI

Figure 5. Maps of minimum depth-to-water in selected areas. (a) Shallow groundwater conditions were widespread in the Oakland area, including in some low-lying neighborhoods not directly connected to San Francisco Bay. (b) Alviso already experiences groundwater flooding during storms and this flooding will worsen as the sea level rises. The depth-to-water model was likely conservative in this area due to pumping, which results in artificially high depth-to-water values around a landfill. (c) Much of the Silicon Valley coastline had very shallow groundwater, threatening significant properties such as Google’s headquarters. The areas along the shoreline with depth-to-water over 3 m are actively-pumped landfills. (d) Even in Marin County, where the coastline is dominated by steep bluffs, some low-lying coastal flatlands built on fill material were at risk of emergence due to a high groundwater table.

Projecting Future Conditions

To determine the relationship between 1 m of SLR and a rising water table, we used a simple linear approximation within 1 km of the Bay edge. This replicated the distance used by Rotzoll and Fletcher [5] in Honolulu, HI based on measured tidal efficiencies, and by Hoover et al. [4] in three smaller areas along the California coast. Hoover et al. [4] described this linear approximation of the effect of rising sea levels on groundwater depth as conservative, because additional tidal effects would only increase the impacts on groundwater emergence and shoaling at high tides. Using this linear approximation of sea level rise impacts, areas of the map in Figure 4 where minimum depth-to-groundwater was less than one meter would likely experience groundwater emergence during the wet season of wet years with one meter of SLR. The State of California recommended that public agencies consider one meter of SLR likely at the Golden Gate by 2100 under the RCP 8.5 IPCC emissions scenario, and by 2150 under the RCP 4.5 and RCP 2.6 scenarios [33].

Figure 6 shows the minimum depth-to-groundwater in the highly urbanized Bay Area with 1 m of SLR. Our analysis revealed widespread areas where surface flooding from groundwater emergence is possible. Table 3 reports the extent of flooding from emergent groundwater with 1 m of SLR, compared to the extent of direct flooding from the Bay with the same SLR, based on projections from the *Our Coast, Our Future Flood Map* (USGS CoSMoS flood model) [20]. To match the groundwater study area, we excluded areas more than 1 km away from a groundwater monitoring well from the direct SLR flooded area calculation.

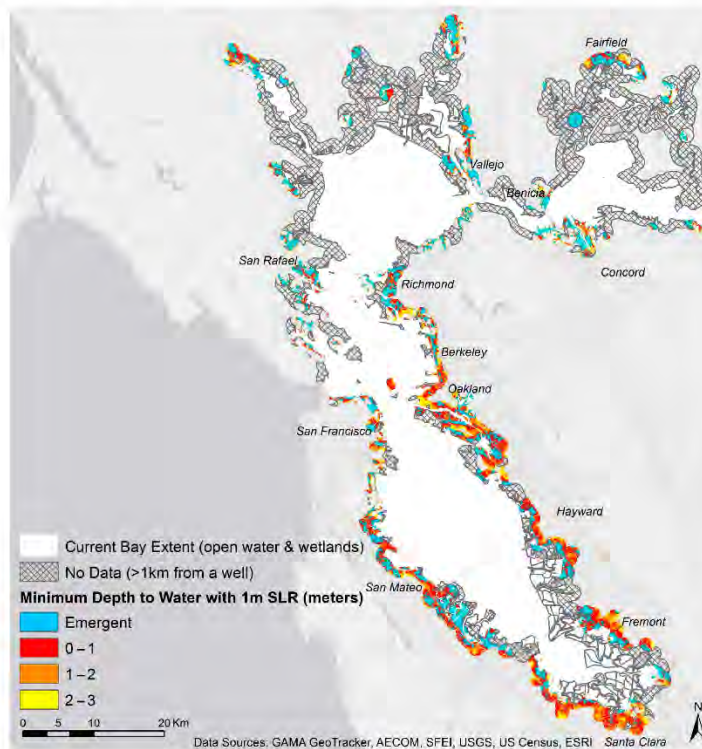


Figure 6. Future groundwater flooding. This map shows areas where groundwater is likely to emerge as surface flooding with 1 m of sea level rise (SLR). However, ponding may not necessarily occur in all of these areas, as the model does not account for surface discharge.

Table 3. Comparison of flood extent from direct tidal flooding due to SLR and groundwater emergence due to SLR intrusion.

Extent of Potential Flooding with 1 m SLR, km ² (% of Total)				
County	Direct SLR only ¹	Emergent Groundwater only	Both Direct SLR ¹ and Emergent Groundwater	Total
Alameda	3.3 (8%)	28.3 (72%)	7.7 (20%)	39.3
Contra Costa	0.7 (3%)	19.5 (87%)	2.2 (10%)	22.5
Marin	-	9.1 (65%)	4.8 (35%)	13.9
Napa	-	8.2 (98%)	0.2 (2%)	8.4
San Francisco	-	4.3 (88%)	0.6 (12%)	4.8
San Mateo	11.7 (30%)	8.3 (21%)	19.0 (49%)	39.1
Santa Clara	7.3 (56%)	2.3 (18%)	3.5 (27%)	13.1
Solano	1.3 (6%)	15.6 (68%)	6.1 (26%)	23.0
Sonoma	1.2 (9%)	9.3 (73%)	2.2 (17%)	12.7
Total	25.6 (14%)	104.9 (59%)	46.2 (26%)	176.8

¹ From the *Our Coast, Our Future Flood Map* [20], with 1 m of SLR and no storm event. The area calculation for direct SLR matches the extent of the groundwater study area; (1) areas greater than 1 km from well points were excluded, and (2) we assumed that the existing water line was the extent of open water and tidal wetland from the San Francisco Estuary Institute's Bay Area Aquatic Resource Inventory [26].

The results of our analysis, based on an interpolation of empirical groundwater well data and a linear relationship between SLR and groundwater levels, can be used to identify hotspots that require a second phase of analysis using higher-resolution elevation and hydrologic data, field measurements of tidal efficiency, and process-based models. Process-based models developed at smaller geographic scales may be able to account for recharge and discharge, the diminishing influence of SLR inland from the coast, wave run-up, and variations in geologic and infrastructure conditions.

4. Discussion

We created an interpolated surface that estimated the depth of shallow groundwater for 489 square kilometers of San Francisco Bay's coastline using measured depth-to-water and tidal data. This rapid assessment method indicated that many parts of the Bay Area coastline are vulnerable to rising groundwater. Based on these results, many San Francisco Bay Area communities should conduct further modeling studies to prepare for potential flooding from groundwater, in addition to direct flooding from SLR. Our study suggested that there is significant potential for groundwater flooding in important Silicon Valley economic hubs (e.g., Mountain View, East Palo Alto, Redwood City), East Bay cities with fast-growing populations (e.g., Oakland, Hayward, Fremont), and major transportation infrastructure, including freeways (e.g., Interstate 580) and airports (Oakland International Airport, San Francisco International Airport). Our results indicate that flooding from emergent groundwater could impact more land by area than direct SLR flooding, with a SLR scenario of one meter in seven of the nine Bay Area counties, and in the region as a whole (Table 3). However, the calculated area impacted by emergent groundwater does not account for surface discharge to streams and other water bodies.

In addition to groundwater emergence, risks posed to developed areas include increased infiltration and inflow of underground water and wastewater pipes [15], and increased liquefaction risks in active seismic zones. Rising groundwater can also mobilize contaminants from wastewater and legacy soil pollution, producing human and ecosystem health risks. Groundwater emergence is likely to occur even where levees and seawalls are built to serve as barriers to saltwater coastal inundation. These structures alone will be inadequate to prevent flooding and other hazards without additional adaptation measures.

5. Conclusions

We used a rapid assessment interpolation method to create the first depth-to-groundwater map for the San Francisco Bay shore zone. The empirical data we used reflects existing human impacts from pumping, storm sewer infiltration, and leaky water pipes in a complex urban environment. We maximized the accuracy of the interpolated surface map by testing a variety of methods and selecting the one that minimized errors. The results of the analysis revealed widespread shallow groundwater conditions along most of the shore of San Francisco Bay. Using the conservative assumption of a linear relationship between SLR and shallow, unconfined groundwater depth within one kilometer of the shore, we showed that many densely developed areas are at risk from rising and even emergent groundwater as the sea level rises.

The method presented here is useful as a rapid assessment technique for comparing relative exposure to groundwater hazards and identifying hotspots where localized dynamic modeling is needed [15,34,35]. The minimum depth-to-water surface shown here did not represent a particular point in time, but rather an estimate based on the shallowest measurement taken at each monitoring well in the dataset during the study timeframe. Sampling was not consistent over time in this best-available dataset. Therefore, seasonal changes in precipitation and infiltration were not captured by this minimum depth-to-water method, although they are an important consideration [30]. Since it was empirical rather than modeled, the dataset we used for this interpolation reflected human impacts on coastal groundwater, including current pumping and leaky pipes. In many areas, the results shown here were influenced by local leachate pumping at landfills or other groundwater pumping that was already in place to prevent flooding.

Any interpolation-based method contains errors. More consistent sample point coverage would have reduced the level of error introduced by interpolation. Additionally, the simple linear approximation we used to estimate rising groundwater levels due to SLR did not account for a number of factors that would have been important to consider in a more nuanced modeling effort. Additional factors to consider in future refinements of this technique include the diminishing influence of SLR inland from the coast, the potential effects of tides, waves, and extreme rainfall events, and the need for more accurate local measurements to establish the effects of different geologic conditions and underground pipe and pump systems on the level of groundwater rise. Modeling efforts incorporating measurements of tidal influence and groundwater flow, such as those that Habel et al. conducted in regard to Honolulu, HI [36], are needed in the areas that were identified as potential hotspots by our method.

While previous studies established the existence of rising groundwater due to SLR [2,4–6,9,10,22,31], as well as the potential impact at case study sites [2,4,5,28,31,37], this paper provides a method for building a regional-scale view of the potentially widespread impacts on surface flooding, underground infrastructure, and the health of people and ecosystems. Understanding the full range of SLR impacts is essential for prioritizing adaptation investments, and selecting appropriate strategies in coastal cities [15,35,36]. Other low-lying urban areas around the world with shallow and unconfined coastal aquifers have an urgent need to identify the potential for future groundwater flooding as a result of sea level rise. In eastern and southeastern US, major metropolitan regions around rivers and bays such as Boston, New York, Philadelphia, Baltimore, Washington DC, Norfolk, Charleston, Ft. Lauderdale, Miami, Tampa, and Galveston could benefit from similar assessment methods for groundwater flooding that make use of existing groundwater quality datasets. On the west coast, Seattle, Tacoma, and many smaller cities and towns on bays along the Oregon, Washington, and California coasts are likely to face groundwater flooding. Many low-lying cities along bays and deltas in northwestern Europe, coastal areas of the United Kingdom, coastal Africa, South America, and Southeast Asia face similar threats. The rapid assessment method presented here provides a valuable approach for the identification of hotspots where rising groundwater poses a threat to urban development and human health. Once hotspots are identified, process-based groundwater data collection and modeling efforts will be needed at a local scale to more

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fully represent the dynamics of rising groundwater in coastal zones and to account for variables such as projected future changes in subsidence, recharge, and discharge rates.

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Letter 12
Kristina Hill, PhD
July 1, 2021

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

12-1

This commenter raises issues related to environmental effects affecting the proposed Plan's forecasted land use development pattern, sea level rise adaptation infrastructure, and transportation projects and programs. As explained in "Master Response 5: Sea Level Rise" the effects of the environment on a project are generally outside the scope of CEQA. Please see Master Response 5 for additional discussion related to this issue.

12-2

This comment expresses concerns related to the existing truck ban on Interstate 580, which is included in California Vehicle Code.

Toxic air contaminants (TACs) are addressed in Impact AQ-4. As discussed in the last two paragraphs on page 3.4-52 of the Draft EIR:

Overall TAC and PM_{2.5} exhaust emissions from diesel and gasoline vehicles decrease throughout the Bay Area between existing conditions in 2015 and the proposed Plan's horizon year 2050. Region-wide, for all TAC emissions (diesel PM, benzene, and 1, 3 butadiene), on-road vehicle exhaust is estimated to decrease between 71 and 93 percent. Region-wide PM_{2.5} emissions from all on-road vehicle exhaust are expected to decrease by approximately 83 percent. The reductions in TAC and PM_{2.5} exhaust emissions expected from 2015 to 2050 within CARE community and within areas without CARE community status vary by county. Areas without CARE status are considered non-CARE communities. As shown in Table 3.4-16, reductions in TAC and PM_{2.5} exhaust emissions are greater in CARE communities than non-CARE Communities.

These reductions are largely attributed to the implementation of CARB's On-Road Heavy-Duty Diesel Vehicle Regulations, which requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

As described in the second to last paragraph on page 3.4-54 of the Draft EIR:

While exhaust-related emissions would decrease in both CARE communities and non-CARE communities, total PM_{2.5} emissions would increase in the Plan area as would total PM_{2.5} emissions in the Santa Clara County CARE community. The projected increase in total PM_{2.5} emissions in the Santa Clara County community CARE community from 2015 to 2050 would constitute a change in PM_{2.5} exposure levels that disproportionately affect minority and low-income populations.

This impact was determined to be potentially significant. Mitigation measures that would reduce the effects of TACs were included in the Draft EIR; however, Impact AQ-4 is considered significant and unavoidable because the extent to which mitigation measures would reduce TACs is unknown.

The comment recommends advocacy for changes to the California Vehicle Code that would allow for truck travel along Interstate (I)-580, to further reduce TACs by shifting some truck travel away from I-880. MTC agrees that this is an important issue. While advocating for a legislative change does not meet the definition of mitigation under CEQA Guidelines Section 15370 (advocacy does not avoid, minimize, rectify,

reduce, or compensate for an impact), if it successfully results in legislative change, potential reductions in exposure to TAC and PM_{2.5} emissions could occur for people living along the I-880 freeway corridor. MTC will collaborate with Caltrans to determine the feasibility of changing the truck ban along I-580.

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



Letter
13

OFFICE OF THE CITY MANAGER
 500 Castro Street • Post Office Box 7540 • Mountain View • California • 94039-7540
 650-903-6301 • Fax 650-962-0384

July 2, 2021

Mr. Dave Vautin
 Assistant Director, Major Plans
 Bay Area Metro
 375 Beale Street
 San Francisco, CA 94105

Via Email

DRAFT PLAN BAY AREA AND REGIONAL HOUSING NEEDS ALLOCATION

Dear Mr. Vautin:

The City of Mountain View congratulates ABAG/MTC for the completion of the Draft Plan Bay Area, the culmination of three years of regional planning work, and commends the regional agencies' staff for their openness and cooperation with local jurisdictions. Plan Bay Area is a momentous effort that incorporates a broad range of diverse stakeholder goals and values, State laws, and good planning principles.

Despite these accolades, the City of Mountain View has several comments on the Draft Plan Bay Area and some suggestions for future iterations of the Plan. We would appreciate you sharing these comments with your peers and decision-makers.

Plan Bay Area Baseline in the Regional Housing Needs Allocation Methodology

Over the last decade, Mountain View has been a proactive leader in zoning for housing, including the following:

- New Precise Plans that increased allowed densities along the El Camino Real transit corridor and allowed new high-density housing in the commercial and office areas of San Antonio, North Bayshore, and East Whisman.
- Authorization and approval of rezoned development projects that target high-density housing to key opportunity sites.
- Updates to the City's Below-Market-Rate (BMR) code to increase office impact fees and inclusionary requirements.

13-1

Mr. Dave Vautin
 July 2, 2021
 Page 2

- Partnerships with nonprofits and other jurisdictions to create affordable and supportive housing.
- Leadership in housing production, including the most units permitted of all cities in the County (including San Jose) in 2020.

Mountain View’s Draft Regional Housing Needs Allocation (RHNA) is 11,135 units. At 32% of existing households, Mountain View received the third most in the region (as a percentage of existing households) and the most of any jurisdiction larger than 5,000 population. A major input of this allocation is the Plan Bay Area model. The model adds significant variation between similar jurisdictions, such as between Mountain View and the City’s neighbors in northwest Santa Clara County, all of which are built-out with similar land uses and have similar access to jobs, high-opportunity areas, and transit. To illustrate this, Table 1 below shows Mountain View and nearby cities’ RHNA as a percentage of existing population, with and without the Plan Bay Area forecast baseline, but keeping the RHNA adjustment factors the same (the equity adjustment is not shown, but it is relatively small and only applies to Mountain View and Santa Clara below).

Table 1: RHNA Comparison of Similar Cities in Northwest Santa Clara County

City	RHNA as a Percentage of Existing Households with Plan Bay Area Baseline and with Factors	RHNA as a Percentage of Existing Households without Plan Bay Area Baseline but with Factors
Mountain View	32%	24%
Palo Alto	22%	24%
Sunnyvale	21%	21%
Santa Clara	25%	20%

13-1
 cont.

Mountain View recognizes that the methodology cannot be revised for the sixth cycle at this time. However, future RHNAs should not use Plan Bay Area growth forecasts as the RHNA baseline. There are multiple reasons for this:

- The Plan Bay Area forecast is less transparent and intuitive than the RHNA factors, and the technical inputs and methodology have less stakeholder input.
- The forecast results in dissimilar allocations between similar cities, focusing growth into fewer jurisdictions and bringing equity concerns.
- Model outcomes, though reasonable at the regional level, may be arbitrary at the local level. For example, an area near downtown Sunnyvale was projected to add

Mr. Dave Vautin
 July 2, 2021
 Page 3

only 195 units to the year 2050—despite having approximately 30 acres of underutilized office near their baby-bullet Caltrain station, while an area near downtown Mountain View was projected to add almost 3,000 units, with similar amount or even less area of underutilized land. In addition, model outcomes are not the only, or even the most preferred, possible future of Plan Bay Area policy.

- RHNA should not have existing zoning as an input. The purpose of the RHNA is to support housing construction where it is needed, not where it has already been zoned for. Putting more RHNA where cities have proactively zoned for more housing simply encourages jurisdictions to wait until the RHNA to zone for housing.
- The Housing Methodology Committee (HMC) and other stakeholders did not have an opportunity to review the final forecast before the methodology was recommended.

13-1
 cont.

While it is important to ensure consistency between Plan Bay Area and RHNA, there are other ways to achieve this. For example, RHNA could be an input to Plan Bay Area, RHNA could include growth geographies as a factor, Plan Bay Area modeling could be an adjustable factor rather than the baseline, or marginal cases of inconsistency could be adjusted after the factors are applied.

RHNA disparities between similar cities raise concerns about the allocation, including concerns about equity, transparency, and the relationship between regional goals and the RHNA outcomes. In addition, such a high RHNA on a single small city actually works counter to the region’s housing goals since it is unrealistic for so much development activity to occur in one small city in eight years, no matter how much land that city zones for it.

Environmental Impact Report Alternative 2 – High-Resource Area Focus Alternative

San Francisco proposed a Plan Bay Area Environmental Impact Report (EIR) alternative that focused more growth to high-resource areas. This alternative was studied in the EIR and resulted in significantly more housing growth in northwest Santa Clara County, including Mountain View.

13-2

San Francisco’s stated reason for studying the alternative was to help preserve their equity priority communities by reducing housing targeted to their city and increasing housing targeted to higher-resource areas elsewhere in the Bay Area. However, according to the EIR, this alternative actually had the opposite effect, increasing

Mr. Dave Vautin
 July 2, 2021
 Page 4

displacement and gentrification in San Francisco. While this may be a positive “pull” effect, where poorer residents of San Francisco decide to move to Santa Clara County, where more housing is being built, it is more likely a negative “push” effect, where higher housing prices as a result of constrained supply in San Francisco disrupt and displace existing communities. Mountain View has deep concerns about this effect and encourages ABAG and MTC to preserve and protect vulnerable communities throughout the Bay Area by rejecting this alternative.

This process provides more evidence to remove Plan Bay Area modeling from RHNA inputs. In the future, Plan Bay Area should be based on best practices to achieve regional goals and should not be subject to various demands by local agencies, which may be motivated by RHNA. Divorcing Plan Bay Area from the RHNA inputs would reduce these demands. Planners, modelers, and technical experts should have the flexibility to use their expertise to build models that provide the regional analysis of impacts that policy-makers and the public demand. However, the process should recognize that the Plan Bay Area process is generally reasonable and well-documented at the regional scale and is not suited to be applied at a small scale, such as the RHNA.

13-2
 cont.

Transportation Funding

Major transportation projects planned for North San Jose have limited benefit to Mountain View. No matter how the North First Street corridor is improved, it will likely be easier to access most destinations in San Jose by Caltrain than by light rail. However, the increased densities prescribed to Mountain View between the Draft and Final Blueprint presumed that these improvements amount to a change in transit accessibility.

13-3

San Jose wields outsized influence in collecting transportation funds for the South Bay. Meanwhile, Northwest County cities are expected to grow more than San Jose. Plan Bay Area should include provisions to ensure jurisdictions receive funding for transportation and other public services consistent with the Plan Bay Area growth geographies and the City’s obligations under RHNA. Specifically, future transportation funding decisions should look more carefully at the beneficiaries of the improvements and weigh them directly against RHNA.

Conclusion

The comments above are intended to provide feedback and guidance on Plan Bay Area implementation and future iterations of Plan Bay Area and RHNA. We appreciate the effort that MTC/ABAG has undertaken in this difficult process. We also recognize

13-4

Mr. Dave Vautin
July 2, 2021
Page 5

Mountain View's important role in the future sustainability and success of the region, and look forward to continuing collaboration toward those ends.

Please contact me or Assistant City Manager/Community Development Director Aarti Shrivastava at aarti.shrivastava@mountainview.gov or 650-903-6306 if you have any questions. We look forward to implementing this regional plan with you.

13-4
cont.



Sincerely,
Kimbra McCarthy
City Manager

KMC/EA/1/CDD
899-07-02-21L

Letter 13
City of Mountain View
Kimbra McCarthy, City Manager
July 2, 2021

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

13-1

See Draft EIR section 3.11, “Land Use, Population, and Housing,” for a discussion of the regulations containing the requirements of the preparation of the RHNA, which is a separate process and approval from the proposed Plan. On May 20, 2021, the ABAG Executive Board approved the 2023 – 2031 RHNA methodology and draft RHNA allocations. Please see ABAG’s RHNA – Regional Housing Needs Allocation webpage, <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation> for additional information. For more information regarding RHNA, please see “Master Response 1: Regional Growth Forecast.” The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

13-2

The comment expressing a preference to reject Alternative 2 is noted. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during the review of the merits of the alternatives.

See Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion related to the RHNA process.

13-3

For a more detailed discussion of the process used to arrive at the fiscally constrained Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports, please refer to “Master Response 7: Fiscally Constrained Transportation Project List.” The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

13-4

The comment provides concluding remarks. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
14

From: [Bill Mayben](#)
To: [EIR Comments](#)
Subject: Comments on the PBA 2050 draft EIR
Date: Monday, July 5, 2021 4:19:21 PM

External Email

Dear Bay Area Metro Staff;

Please submit the article cited below, and this brief introduction, as public comment to the PBA 2050 Draft EIR. The article represents a brief narrative preview of a UN Intergovernmental Panel on Climate Change, the IPCC, draft of a 4000 page climate update due in February, 2022.

The draft itself is not yet available to the public, but the information it contains is not new to PBA 2050. Just not seriously considered.

Fortunately this report covers the same timeframe as PBA 2050, and its findings are directly pertinent to the context of the plan.

While PBA 2050 has access to an extraordinary amount of analysis of all aspects of the coming 30 years, it appears to use this information selectively; avoiding many profound, overarching climate projections as "outside the scope of the plan". Truth be told, the decisions we enact now have a great deal to do with the success of PBA 2050 as well as the resilience and sustainability in many decades following PBA 2050.

One example is the decision in the Draft EIR to utilize seawalls at the Bay shore, to "protect existing assets". The IPCC points out that the sea level rise criteria, and resulting decisions regarding the coming 30 years, are wholly dependent on our world human culture holding global warming within one to two degrees. The effects of failing to do this; something we have as yet to master; are spelled out. Instead of the 2-3' of sea level rise predicted in the draft EIR, it can rise up to 43', based on the loss of Greenland glaciers alone. There are many other profound effects; but we have 30 years.

I have encouraged decentralization as our only viable long-range initiative to retain our culture, given the complexity of stopping the warming of an entire planet. Any effort to hold back rising seas is presently fully known to be temporary at best; expensive, endless, and ultimately vain. Our true challenge is no less than progressively relocating the Bay Area societal foci ; a planned retreat from the inevitable. The longer this inevitable fact is met with denial; the more severe, the deeper, the long-lasting our future emergency. In the words of Joe Romm, with "Houston Tomorrow"; "We basically have three choices: mitigation, adaptation and suffering. We're going to do some of each. The question is what the mix is going to be. The more mitigation we do, the less adaptation will be required and the less suffering there will be."

In line with the alternatives, I did a survey of lands atop the mountains surrounding the Bay. There are a number of large ranches currently for sale, and many more rolling acres available to a government entity that chose to develop a planned, viable option for those that follow us. So, 2050 can either be seen as what we choose to do as the minimal changes necessary to continue our present lives; or as the interval during which we prepare long range strategies far beyond 2050. It is

14-1

restoring to the spirit to look at those lands, and I encourage each of you to do so, from your desktop, by researching Bay Area ranchlands.

I have oversimplified this as the spending of each public dollar one time for its maximum effect; rather than spending that dollar 100's of times; later; desperately trying to achieve the effects of that single dollar.

<https://www.france24.com/en/europe/20210623-the-worst-is-yet-to-come-draft-un-climate-report-warns-of-drastic-changes-over-30-years>

Thanks,

Bill Mayben

14-1
cont.

Letter 14
Bill Mayben
July 5, 2021

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

Climate change is discussed in Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” of the Draft EIR. See “Master Response 5: Sea Level Rise” for a discussion related to the comment. The commenter provides suggestions related to decentralization for future planning. The comment is general in nature and does not raise a specific issue pertinent to the Draft EIR. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

Letter
15

From: [Linda Jensen](#)
To: [EIR Comments](#)
Subject: ABAG Missing the Mark
Date: Wednesday, July 7, 2021 10:41:37 PM

External Email

ABAG, a non-elected group should not have the right to determine where jobs and housing should be. If ABAG continues to enforce its will on tax paying citizens it must at least have all open meetings with public comment.

Stop trying to force people to live in expensive areas that are already too dense. Think of new ways to reduce traffic. COVID has given you the perfect opportunity to find new ways to improve the commuting workforce issue. Stop imposing your will on our cities.

15-1

Linda Jensen, tax payer

Sent from my iPhone

Letter 15
Linda Jensen
July 7, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. See Response to Comment 8-1 regarding public outreach conducted for preparation of the proposed Plan and Draft EIR. See Section 3.15 of the Draft EIR, "Transportation" for a discussion on the proposed Plan's potential effects on transportation conditions. See "Master Response 1: Regional Growth Forecast," "Master Response 2: COVID-19 Pandemic Considerations," and "Master Response 6: MTC and ABAG Roles and Authority" for discussions related to this comment.

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

Letter
16

From: [Andrew Robin](#)
To: [EIR Comments](#)
Subject: Please Reconsider
Date: Wednesday, July 7, 2021 10:31:09 PM

External Email

Please reconsider your Bay Area 50 plan. Jamming more people and jobs into areas already experiencing crazy housing prices and terrible traffic makes no sense. It also destroys quality of life for many people. And you're sure to get sued for going against a variety of state codes. Instead, please hold public hearings to figure out ways to spread new jobs and more affordable housing throughout the Bay Area.

16-1

Thank you,
Andy Robin
Palo Alto

Sent on the m o v e

Letter 16
Andy Robin
July 7, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. Housing strategies H02, H04, and H05 would yield sufficient affordable housing to meet that threshold, helping to bring down housing costs for low-income Bay Area households to a greater degree than the region at large (See Draft EIR Section 2.2.2). See Response to Comment 9-1 for a discussion on intraregional jobs-housing imbalances. See Response to Comment 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR.

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



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

Letter
17

COUNCIL MEMBERS:
Mary-Lynne Bernald
Kookie Fitzsimmons
Rishi Kumar
Lina Walia
Yan Zhao

July 7, 2021

Therese McMillan
ABAG/MTC Executive Director
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Subject: Plan Bay Area 2050 Draft Environmental Impact Report

Dear Ms. McMillan,

On behalf of the Saratoga City Council, I want to thank you for the opportunity to comment on the Plan Bay Area 2050 Draft Environmental Impact Report (EIR). Plan Bay Area 2050 is intended to serve as the guiding plan for addressing projected economic, environmental, housing, and transportation needs of the counties and cities in the San Francisco Bay Area, including the City of Saratoga. By setting transportation investment priorities and related policies, this plan will have significant impacts throughout the Bay Area, especially to smaller communities that are already built out and have little capacity to respond in any practical way to major changes in surrounding land uses. And of course, it will influence allocation of grant funds for projects such as road improvements, set the framework for public transportation funding, and inform Regional Housing Needs Allocations (RHNA). Each of these will have tremendous impacts on communities throughout the Bay Area region.

17-1

Plan Bay Area 2050 predicts the San Francisco Bay Area population will reach 10 million over the next 30 years, and it outlines strategies for the addition of new housing while preserving existing housing stock and increasing housing density. The City of Saratoga is already seeing the impact of this strategy in its 2023 to 2031 RHNA as we are expected to plan for the addition of more than 1,700 new homes in a community that is largely built out. Roughly half of Saratoga is in the Wildland Urban Interface area and at high risk for wildfires. Saratoga's downtown business district, a location most cities plan for higher density mixed use housing, is in a Very High Fire Hazard Zone and Wildland

Urban Interface area. Saratoga is not alone in this. Many communities along the Bay Area hills will face a similar challenge in planning for the future housing needs projected in Plan Bay Area 2050.

17-1
cont.

The Draft EIR acknowledges that wildfire risks will be exacerbated by implementation of Plan Bay Area 2050, and it identifies several mitigation measures, such as educating the public and enforcing defensible space requirements. However, the Draft EIR states the intensified risk of wildland fires will be a significant and unavoidable impact even after implementation of mitigation measures. The proposed mitigation measures are already being used throughout California, yet every year California’s fire season gets worse with new record-breaking wildfires. Increasing the number of people exposed to extreme fire risk in a fire-prone region while simultaneously increasing our population is irresponsible at best.

17-2

The Draft EIR also notes there will be adverse impacts to the performance of critical public services, such as fire and law enforcement, because of the growth proposed in Plan Bay Area 2050. The Draft EIR also identifies these impacts as unavoidable. While the Draft EIR suggests that local agencies can attempt to mitigate negative outcomes by assessing service impacts through the normal environmental review process and requiring developers to plan for future service needs, the State legislature is placing increasing restrictions on local governments’ ability to take such measures. Laws like Senate Bill 35, which requires ministerial approval of qualifying housing projects within 60 to 90 days, are exempt from environmental review. Other laws prohibit imposition of new fees and development standards that could limit the intensity of housing development even if needed to address the significant impacts identified in the Draft EIR. In 2020, the City of Saratoga received its first Senate Bill 35 project to convert a shopping center into a 90-unit townhome development that will include only 9 affordable units. Though these laws may be well-intentioned, projects like this do very little to address the affordable housing crisis. Instead, they benefit developers and property owners while stripping away our ability to properly review and address service needs, particularly those that keep our residents safe.

17-3

Earlier this month, Santa Clara Valley Water declared a water shortage emergency and instituted a mandatory 15% reduction in water use compared to 2019. Nearly all of California is experiencing extreme drought conditions. With approximately 50% of Santa Clara County’s water supply coming from outside the County, Santa Clara County is extremely sensitive to drought conditions locally as well as elsewhere in the State. Our current drought conditions are far from unusual. California experiences droughts regularly, with the longest drought in California history running from 2011 to 2017. As [reported](#) in the *San Jose Mercury News*, a recent study of this year’s runoff from the Sierra indicates that due to climate change past hydrology models are no longer reliable. The Draft EIR for Plan Bay Area 2050 states that even after mitigation measures are implemented, water supplies will be insufficient. Calling this a significant and

17-4

unavoidable impact is accurate but does not begin to address the problem. How can we move forward with Plan Bay Area 2050 in good conscience knowing this?

17-4
cont.

In addition to concerns related to safety and access to water, Plan Bay Area 2050 fails to fully account for changes resulting from COVID-19. The Draft EIR notes that the Regional Growth Forecast and associated revenue forecasts were adjusted to reflect weaker economic conditions due to COVID-19. Yet, the plan does not address workplace trends that have started to emerge as a result of the pandemic. For example, major employers, such as Oracle and Hewlett-Packard, have relocated out of the Bay Area. Other employers are exploring more flexible work models that allow employees to work remotely. Facebook, for example, introduced new policies that allow employees to work remotely from any location. Google has announced a hybrid plan that includes a combination of in office and remote working. These changes could result in a fundamental shift for the Bay Area, such as where employees choose to live, demands for public transportation, and unexpected traffic conditions. Since these unanticipated and unprecedented trends are still unfolding, it seems impossible that Plan Bay Area 2050 could accurately account for future environmental, housing, and transportation needs over the next 30 years.

17-5

The City of Saratoga is incorrectly identified in the draft Plan Bay Area 2050 as being in a Transit-Rich Area (TRA), “areas near rail, ferry, or frequent bus service that were not already identified as a PDA. Specifically, these are areas where at least 50 percent of the area is within ½ mile of either an existing rail station or ferry terminal (with bus or rail service), a bus stop with peak service frequency of 15 minutes or less, or a planned rail station or planner ferry terminal (with bus rail service)”. Currently, there are no bus routes within the City limits with peak service frequency of 15 minutes or less. Public transportation options in Saratoga consist of only 5 bus lines that serve only a small part of the City, with varying service on weekdays of every 20 to 60 minutes. Clearly, Saratoga is far from any reasonable interpretation of Transit-Rich.

17-6

Plan Bay Area 2050 also calls for greater density of commercial development in Transit-Rich Areas to encourage jobs near public transit. Even if Saratoga met the criteria for a Transit-Rich Area, the current circumstances make the policy goal impossible to achieve here. Saratoga has only a small amount of land suitable for commercial development. Given the demands of the housing laws, much of this is under consideration for development as housing. The City is being forced to consider reducing the limited commercial job producing development that it has to accommodate the new housing required by the State, leading to longer commutes and personal trips for current and future residents.

This issue is further compounded by the contradictory goal of Plan Bay Area 2050 to convert existing retail and office spaces into housing to accommodate projected housing needs as well as growing State legislative pressure to covert commercial spaces into housing. Saratoga’s commercial space is already extremely limited, especially after 80,000

17-7

square feet of retail and office space was lost to a Senate Bill 35 project. Replacing commercial space with residential development in a community where there is little commercial development to begin with pushes housing further away from jobs and requires residents to travel further for essentials, such as grocery stores, dry cleaning, or other everyday services. With hardly any public transportation options in Saratoga, this forces residents into their cars, and that ultimately increases emissions and traffic. This is counterproductive to the City’s efforts thus far and future goals to reduce greenhouse gas emissions.

The strategies contemplated by the plan for Saratoga place an undue burden on those that cannot drive to access resources and services. For example, older adults that can no longer drive or those with disabilities. Ultimately, the conversion of commercial spaces into residential developments will displace some of the most vulnerable members of our community. The Draft EIR goes so far as to acknowledge that one of the impacts is substantial displacement of existing people or housing. Even with the implementation of mitigation measures, this outcome is unavoidable according to the Draft EIR. This calls into question the integrity of Plan Bay Area 2050. The Plan Bay Area 2050 goal to “make the Bay Area more equitable for all residents” is profoundly incompatible with strategies that will displace those who already live here.

17-7
cont.

We firmly stand behind the goal of Plan Bay Area 2050 to “ensure by the year 2050 that the Bay Area is affordable, connected, diverse, healthy and vibrant for all.” However, Plan Bay Area 2050 as it is drafted will not achieve the desired outcome. The current draft of Plan Bay Area 2050 fails to acknowledge emerging changes, and the strategies within the plan create unacceptable outcomes that cannot be mitigated. We urge you to reconsider Plan Bay Area 2050 and seek out solutions that truly promote equity and resiliency.

17-8

Sincerely,



Yan Zhao, Mayor
City of Saratoga

Letter 17
City of Saratoga
Yan Zaho, Mayor
July 7, 2021

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

17-1

The comment provides introductory information and describes the City of Saratoga's challenges in meeting housing requirements. See Response to Comment 13-1 and "Master Response 1: Regional Growth Forecast" for a discussion of RHNA methodology.

17-2

The comment states that the Draft EIR acknowledges the potential for exposure to significant risk of loss, injury, or death involving wildfire is significant and unavoidable. This risk is reflected under Impact HAZ-7 in Draft EIR section 3.9, "Hazards and Wildfire." The proposed Plan designates specific geographic areas—known as growth geographies—to guide where future household and job growth would be focused under the proposed Plan's strategies over the next 30 years. As discussed in the list of bulleted item on page 2-35 of the Draft EIR, "Very High and High Fire Hazard Severity Areas identified by the California Department of Forestry and Fire Protection or locations within a county-adopted wildland-urban interface area are excluded from growth geographies." The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

17-3

The comment refers to demands on public services with the addition of housing. Mitigation Measure PSR-1(a) requires implementing agencies to:

...ensure that adequate public services, and related infrastructure and utilities, will be available to meet or satisfy levels identified in the applicable local general plan or service master plan, through compliance with existing local policies related to minimum levels of service for schools, police protection, fire protection, medical emergency services, and other government services (e.g., libraries, prisons, social services).

This mitigation measure could reasonably be implemented through fees associated with development permits, including projects subject to ministerial approval. However, the impact is considered to be significant and unavoidable because MTC and ABAG cannot require local implementing agencies to adopt mitigation measures included in the EIR (see "Significance after Mitigation" on page 3.13-15 of the Draft EIR). Comments pertaining to Senate Bill 35 and other legislative actions that may affect review time for local jurisdictions are noted; however, the effects of implementing these laws are independent of and outside the scope of the proposed Plan and EIR.

17-4

The comment correctly indicates that issues of water supply would be significant and unavoidable, as discussed in Impact PUF-2. Population projections associated with the proposed Plan are discussed in "Master Response 1: Regional Growth Forecast." Please see also "Master Response 3: Water Supply" for a discussion related to water supply.

17-5

As the commenter mentions, the Regional Growth Forecast and transportation revenue forecasts were adjusted to reflect weaker economic conditions attributable to COVID-19. See "Master Response

2: COVID-19 Pandemic Considerations” for a discussion related to the comment, including policy considerations informed by actions and reactions of the public during the pandemic.

17-6

The Transit-Rich Areas (TRA) growth geography was based on transit service frequencies reported in January 2020, as well as any service improvements submitted by county transportation agencies and incorporated into the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. Based upon this information, the peak frequencies of stops on VTA Route 57 provided the basis for designation of TRAs partially or fully within the City of Saratoga. As noted in chapter 2, “Project Description,” TRAs are areas near rail, ferry, or frequent bus service that were not already identified as a PDA. Specifically, these are areas where at least 50 percent of the area is within ½ mile of either an existing rail station or ferry terminal (with bus or rail service), a bus stop with peak service frequency of 15 minutes or less, or a planned rail station or planner ferry terminal (with bus rail service).

With respect to the capacity of land for commercial development in TRAs in the City of Saratoga, the designation of an area as a growth geography in the proposed Plan does not by itself result in the allocation of future development—either for commercial or for residential development. Rather than applying a blanket density across the entire area, the proposed Plan simulates development on a parcel by parcel basis up to a maximum assumed density, taking into account features such as public parks, open spaces, schools, and public rights of way.

Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. Project approvals would remain the responsibility of local agencies, including the City of Saratoga. See “Master Response 6: MTC and ABAG Roles and Authority” for a discussion related to MTC’s role in land use planning.

17-7

Residential development would not necessarily result in the displacement of commercial space. Strategies included in the proposed Plan, such as Strategy H03, would enable mixed-use development where commercial space could co-exist on the first floor with residential units above.

The Draft EIR discloses the proposed Plan's potential effects on auto travel in Chapter 2, "Project Description," under the heading “Regional Travel Forecasts” on page 2-26. Furthermore, Impact TRA-2 in Section 3.15 of the Draft EIR, “Transportation,” discusses the Plan's potential effect on VMT in the region. Strategies included in the proposed Plan, such as Strategy T10 and T12, would improve transportation facilities in and around the City of Saratoga. For example, the proposed Plan includes frequency increases on VTA Route 57, connecting Saratoga to jobs-rich North San Jose, as well as new express lanes on State Route 85, providing an alternative to congestion for bus passengers, carpoolers, and toll-paying solo drivers. See Sections 2.2.2 and 2.2.3 of the Draft EIR for more information.

17-8

This is a comment expressing opposition to the proposed Plan. Please see Responses to Comments 17-1 through 17-7. The comment is noted for consideration during the review of the merits of the alternatives.

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

Letter
18

From: [Virginia Smedberg](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Wednesday, July 7, 2021 10:19:03 PM

External Email

Dear MTC/ABAG people:

What I have read is this:

ABAG, the unelected regional planning agency, decided that new jobs and housing should go where jobs are already concentrated — to jobs- rich areas like Palo Alto.

When setting those goals, ABAG blatantly ignored California Government codes requiring them to hold open meetings to explore ways to disperse jobs throughout the Bay Area. After approving their methodology in September 2019, they quickly announced they wouldn't even look at the benefits of dispersing new jobs around the Bay Area, preferring to put both new jobs and new housing in one of the costliest areas of the country. They even refused to consider the impacts of changing work patterns like working remotely.

if this is true, then I have to demand, as a Bay Area resident, that you return to the drawing board and follow the codes, and hold those open meetings, and find ways to disperse those jobs. As well as ways to ensure affordable, sustainable housing and good transit are built, that will benefit the entire Bay Area and its entire population.

Sincerely,
Virginia Smedberg
Palo Alto

18-1

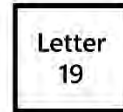
Letter 18
Virginia Smedberg
July 7, 2021

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

18-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. See Response to Comment 8-1 regarding the public process used to develop the proposed Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for a discussion related to MTC’s role in land use planning. In September 2020, MTC and ABAG provided support for a series of strategies to comprise the Final Blueprint. Policies for telecommuting were addressed under the proposed Strategy EN07, “Institute Telecommuting Mandates for Major Office-Based Employers.” However, revisions were made to Strategy EN07 after discussions with key stakeholders in October 2020 and November 2020 to address concerns from the business community with the original strategy. Strategy EN07 was revised to “Expand Commute Trip Reduction Programs at Major Employers.” The scope of Strategy EN07 was expanded beyond telecommuting to recognize the importance of other alternative modes like transit, walking, and bicycling. The revised strategy provides greater flexibility for business while achieving the same GHG emissions reductions. Furthermore, the revised strategy reduces effects on small businesses by raising the requirement to employers with 50 or more employees, consistent with the existing Commuter Benefits Program. To accommodate these changes, the strategy scope was expanded to all major employers, given the reduced focus on telecommuting.

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



From: [Nathan Szajenberg](#)
To: [EIR Comments](#)
Subject: We Oppose Plan Bay Area 2050
Date: Wednesday, July 7, 2021 11:47:33 PM

External Email

We insist that this be put to democratic vote.

N, Szajenberg, MD
Y. Wu, Ph.d.

I 19-1

Letter 19
Nathan Szanjnberg, MD and Y. Wu, PhD
July 7, 2021

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

19-1

Pursuant to State and federal laws discussed in Draft EIR Section 1.7.3 “Federal and State Requirements,” the proposed Plan will be subject to approval by the MTC Commission and ABAG Executive Board. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

925-831-9029

emerickfinch@emerickfinch.co

Letter
20

Page 1

RE: DRAFT ENVIRONMENTAL IMPACT REPORT)
)
PUBLIC HEARING)

**CERTIFIED
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TAKEN REMOTELY VIA ZOOM MEETING BY CHRISTY CURRY

Certified Shorthand Reporter No. 13982

State of California

Wednesday, July 7, 2021

Emerick and Finch, Certified Shorthand Reporters
Reporter's Transcript of Proceedings

925-831-9029

emerickfinch@emerickfinch.com

Page 2

1 A P P E A R A N C E S

2 PANELISTS:

3 LESLIE LARA-ENRIQUEZ, ADAM NOELTING, MARCELLA
4 ARANDA, ANUP TAPASE, AMY HIGUERA, URSULA VOGLER, and
5 FRAN RUGER

6

7 PUBLIC SPEAKERS:

8 NICK PILCH, TIM FRANK, and KRISTINA HILL

9

10 ATTENDEES:

11 ANGELINA PEREZ, ARIANNA, AUDIN LEUNG, AUDREY
12 MOMOH, BILL HEIN, CHARLES SCHAFER, DANIELLE MCPHERSON,
13 GARY CARTER, JFLAMAND, JUAN ESPINOZA, KKRAVE, MARISELA
14 BARBOSA, MIRANDA TAYLOR, MITZY DE LA PENA MEDINA, NICK
15 PILCH, RICHARD HEDGES, TONY STIEBER, and one attendee
16 via a (925) telephone number.

17

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emerickfinch@emerickfinch.com

Page 3

1 Wednesday, July 7, 2021 2:24 p.m.

2 ---o0o---

3 LESLIE LARA-ENRIQUEZ: All right. Let's get
4 started. The public hearing on the Draft Environmental
5 Impact Report for Plan Bay Area 2050 is now open and is
6 being transcribed.

7 Fran just presented on the draft EIR and shared
8 highlights of the environmental analysis and findings.
9 All of these documents were posted on Friday, June 4th,
10 2021, on the Plan Bay Area website, at planbayarea.org,
11 and are available for public inspection for the public
12 comment period, which closes at 5:00 p.m. on Tuesday,
13 July 20th, 2021.

14 If you wish to testify during this hearing,
15 please press the raise-hand button, or star 9 on your
16 phone's keypad. And once I call on you, please unmute
17 yourself by pressing the microphone button or -- in
18 Zoom, or star 6 in your phone's keypad.

19 We ask that each speaker be brief and concise,
20 and keep their comments to no more than three minutes.
21 When making your comment, please state your name for the
22 record, and your organization if applicable, and be sure
23 to speak clearly into your computer or phone's
24 microphone so that Christy can capture your comments
25 accurately. If Christy cannot hear or understand you,

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emerickfinch@emerickfinch.com

Page 4

1 she may interrupt you and ask you to slow down or speak
2 up.

3 Please remember that we will not be responding
4 to comments or questions during the public hearing. So
5 with that, let's begin. And I have -- let's see.

6 Nick, please unmute yourself. You have three
7 minutes to make your comment.

8 PUBLIC SPEAKER NICK PILCH: Thank you. This is
9 Nick Pilch. The draft EIR process has yielded a great
10 outcome. It is determined that Plan Alternative 1 is
11 the environmentally superior alternative. What reason
12 should we have to pick any other plan?

13 Climate change is an existential crisis for the
14 Bay Area, the state, the country, and the world, for
15 that matter. And the state and the governor have made
16 climate action a top priority. The environmentally
17 superior alternative favors dense growth and transit
18 over sprawl.

19 And -- after all, transportation and unnecessary
20 transportation is a -- one of the significant
21 contributors to greenhouse gas emissions. The
22 environmentally superior alternative will best serve the
23 desires for an affordable, connected, diverse, healthy,
24 and vibrant plan, which are the guiding principles for
25 this -- this -- for this plan. ABAG-MTC should move

20-1

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Page 5

1 forward with adjusting the draft plan to resumable or
2 incorporate entirely the environmentally superior
3 alternatives. Thank you.

20-1
cont.

4 LESLIE LARA-ENRIQUEZ: Thank you, Nick.

5 Next, I have Tim. Tim, if you could unmute
6 yourself, please. You have three minutes.

7 PUBLIC SPEAKER TIM FRANK: Perfect. Again, I'm
8 Tim Frank representing the Center for Sustainable
9 Neighborhoods, and I just wanted to ask two questions.

10 First, I'd like to note that the construction
11 sector is the most dangerous sector in our economy,
12 accounting for about 30 percent of all workplace
13 fatalities, and also that training is an effective
14 mitigation measure for this risk.

20-2

15 So the question is, how much of the work
16 financed by Plan Bay Area would carry rigorous
17 requirements for construction worker apprenticeship to
18 mitigate this risk?

19 And then the second question I wanted to ask
20 revolves around the same general concept of training and
21 the idea of building a local workforce. The
22 construction sector is disproportionately responsible
23 for in-commutes into the Bay Area from entirely outside
24 of the Bay Area, which contributes to our GHG emissions.

20-3

25 And so to the extent that we incorporate

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Page 6

1 measures to build the local skilled and trained
 2 workforce within the Bay Area, we can actually mitigate
 3 those transportation impacts, and reduce not only the
 4 GHG impacts, but also the burden that places on
 5 families.

20-3
cont.

6 LESLIE LARA-ENRIQUEZ: Thank you, Tim.

7 Next we have Kristina Hill. Kristina, if you
 8 could please unmute yourself. You have three minutes.

9 PUBLIC SPEAKER KRISTINA HILL: Hi. I'm the
 10 director of the Institute for Urban and Regional
 11 Development at UC Berkeley. I'm an environmental
 12 planner.

13 And I'm concerned about the gap between the plan
 14 and the EIR in terms of how rising sea levels and
 15 groundwater-driven flooding and impacts on water quality
 16 and structural stability of foundations and so on will
 17 be addressed, given that the EIR focused mostly on the
 18 impacts of the proposed changes on the environment.

20-4

19 And I just wanted to put a placeholder into the
 20 record, that it's absolutely critical -- because some of
 21 the priority development areas are located in areas
 22 where our research shows a groundwater rise problem that
 23 will cause additional problems of liquefaction,
 24 potentially might cause contamination from landfills and
 25 hazardous waste, areas where there are legacy pollutants

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1 in the soil.

2 And all of this priority development area work
3 is absolutely critical to our density and our
4 development, but I hope that someone on the planning
5 side or the EIR side will start considering how the
6 environment itself is changing, and what that context
7 change means for the plan.

8 Thank you for your work.

9 LESLIE LARA-ENRIQUEZ: Thank you, Kristina. We
10 don't have anyone else in the cue right now, so I'll
11 give folks a few more seconds to raise your hand if you
12 would like to make a comment to be entered into the
13 record. Please press the raise-hand button at the
14 bottom of your Zoom screen or press star 9 to raise your
15 hand.

16 Okay. It doesn't look like we have anyone else
17 in the comment cue, so I now declare this hearing to be
18 closed.

19 (Public Comment Hearing concluded at 2:31 p.m.)

20
21
22
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25

20-4
cont.

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emerickfinch@emerickfinch.com

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1 STATE OF CALIFORNIA)

2

3 COUNTY OF SAN FRANCISCO)

4

5 I, the undersigned, hereby certify that the
6 discussion in the foregoing hearing was taken at the
7 time and place therein stated; that the foregoing is a
8 full, true, and complete record of said matter.

9

10 I further certify that I am not of counsel or
11 attorney for any of the parties involved in the
12 foregoing hearing, or in any way interested in the
13 outcome of the cause named in said action.

14

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 9th day of July, 2021.

17

18

19

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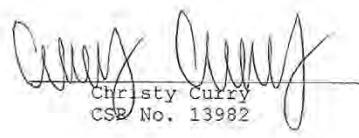
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Christy Curry
CSP No. 13982

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Letter 20
Draft Environmental Impact Report Public Hearing
Nick Pilch, Tim Frank, and Kristina Hill
July 7, 2021

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

This is a comment expressing support for Alternative 1. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 4: EIR Alternatives” for a discussion related to CEQA requirements associated with the environmentally superior alternative. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

20-2

Concerns related to worker safety are noted; however, personal injuries associated with construction are not considered to be environmental effects under CEQA. Implementing the proposed Plan would not affect construction practices relative to existing conditions. As discussed on page 3.9-14 of the Draft EIR, the California Division of Safety and Health is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials. No changes to the document are necessary.

20-3

Construction worker-commute trips are considered within the evaluation of construction emissions under Impact GHG-1, presented in the Draft EIR. As discussed under Impact GHG-1, implementation of the proposed Plan is expected to result in a net reduction in GHG emissions in 2050 when compared to 2015 conditions. Mitigation measures are available to reduce GHG emissions; however, because construction-related emissions may not be reduced to a less-than-significant level in all cases, this impact would be significant and unavoidable (page 3.6-43 of the Draft EIR).

The comment suggests that incorporating measures to build the local skilled and trained workforce within the Bay Area could reduce GHG emissions associated with construction. The comment does not provide substantial evidence to support the suggestion that the construction sector is disproportionately responsible for commute travel to and from the Bay Area. The reduction in emissions associated with construction-related commute trips is addressed in Mitigation Measure GHG-1, on page 3.6-43, which states: “Project proponents shall implement a program that incentivizes construction workers to carpool, and/or use public transit or electric vehicles to commute to and from the project site.” As noted in MTC’s September 2021 presentation, “Implementation Plan Partnership Phase Findings and Final Steps to Adoption,” the Plan Bay Area 2050 Final Implementation Plan proposes revisions to actions under Strategy EC2: Expand Job Training and Incubator Programs. The revisions are intended to emphasize the importance of apprenticeship opportunities and high-road career opportunities, including construction, through regional advocacy efforts, and the revisions proposed enhanced collaboration with both labor and business on regional modeling of workforce supply factors moving forward.

20-4

See “Master Response 5: Sea Level Rise” and Response to Comment 12-1 regarding the potential for issues related to changes in groundwater elevation associated with sea level rise. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

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

Letter
21

From: [Kristen Altbaum](#)
To: [EIR Comments](#)
Subject: Oppose Plan 2050
Date: Thursday, July 8, 2021 12:45:52 PM

External Email

I am writing to oppose Bay Area Plan 2050. Housing policy in CA should be **solely** focused on reversing long commutes, by **incentivizing economic development away from the south bay and to east cities**. MTC should be headquartered in Antioch and set an example for others to follow. Don't require cities without jobs to add housing. And don't support the building of "environmentally friendlier" dense housing without considering the amount of idle car emissions this type of housing adds to the environment – the more dense we are, the more idle cars will become, unless housing density **comes with relative jobs density** accessible by *safe and protected* bike/pedestrian commute-ability in the same locales.

21-1

Kristen Altbaum
Lafayette, CA

Letter 21
Kristen Altbaum
July 8, 2021

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 opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. See “Master Response 1: Regional Growth Forecast” for a discussion related to how population projections were developed for the proposed Plan and “Master Response 6: MTC and ABAG Roles and Authority” for a discussion of local control over density, housing, and development. See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. See Section 3.15 of the Draft EIR, “Transportation” for a discussion on the proposed Plan’s potential effects on transportation conditions. See Section 3.4 of the Draft EIR, “Air Quality” for a discussion on regional air quality impacts of implementing the proposed Plan.

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

Letter
22

From: [Andrew Fetter](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Thursday, July 8, 2021 6:34:23 AM

External Email

Dear Plan Bay Area,

Could you let me know what the housing plan is for the next 30 years for the Bay Area?

22-1

Who will pay for it?

Could you explain what ABAG is and how it was formed?

22-2

How can people provide input into housing issues?

22-3

Best,

Andrew

Letter 22
Andrew Fetter
July 8, 2021

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 proposed Plan's eight housing strategies are discussed under Section 2.2.2 of the Draft EIR, "Proposed Plan Strategies." Detailed information on proposed housing strategies and anticipated revenues are included in the supplemental Plan Bay Area 2050 Technical Assumptions Report found on the Plan Bay Area website at www.planbayarea.org/reports. The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts.

22-2

The formation of ABAG is described under the second paragraph of Section 1.7.2 of the Draft EIR, "Regional Planning Agencies":

ABAG was formed in 1961 by a joint powers agreement among Bay Area local governments and serves as the comprehensive regional planning agency and Council of Governments for the nine counties and 101 cities and towns of the San Francisco Bay region. It is a public entity created by local governments to meet their planning and research needs related to land use and is responsible under State law for conducting the Regional Housing Needs Allocation process. ABAG also hosts several joint powers and administrative entities related to environmental and water resource protection, disaster resilience, energy efficiency, hazardous waste mitigation, financial services, and staff training to local counties, cities, and towns.

The commenter does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. See "Master Response 6: MTC and ABAG Roles and Authority" for a discussion related to MTC's role in land use planning.

22-3

The comment period for the proposed Plan ended on July 20, 2021. It is unclear to which housing issues the commenter seeks to provide input. See Response to Comments 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
23

From: [Jeanne Fleming](#)
To: [EIR Comments](#)
Cc: [REDACTED]
Subject: Please hold open public meetings
Date: Thursday, July 8, 2021 4:35:28 PM

External Email

Dear MTC/ABAG Board members:

Transparency is the cornerstone of a democracy.

Hence I am writing to urge you to come out from behind closed doors and hold public meetings with respect to the policies you seek to establish.

The consequences of Plan Bay Area 2050 and its RHNA allocation process for the communities of the Bay Area are enormous, and the public is entitled, by law, to hear directly from you, and to speak directly to you, in open meetings about these matters.

Thank you for your consideration.

Sincerely,

Jeanne Fleming
Palo Alto, CA 94301



23-1

Letter 23
James Fleming
July 8, 2021

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

23-1

The commenter expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See Response to Comment 13-1 for a discussion of RHNA, which is a separate process and approval from the proposed Plan. See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. Also see Response to Comment 8-1 regarding public outreach conducted for preparation of the proposed Plan and Draft EIR.

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

Letter
24

From: [Yogabear23](#)
To: [EIR Comments](#); [Redacted]
Subject: I Say NO to Plan Bay Area 2050!
Date: Thursday, July 8, 2021 11:33:29 AM

External Email

Dear MTC/ABAG,

Your Bay Area Plan 2050 ignores our need for affordable housing, our historic droughts, creates high levels of congestion, pushes up already high housing costs, increases local taxes, ignores changing work patterns, and eliminates local zoning control. 24-1

As an unelected regional planning agency, you have ignored California government codes requiring you to hold open meetings to explore ways to disperse housing throughout the Bay Area. I insist that you open your meetings to the public. 24-2

I am a concerned Palo Alto homeowner and adamantly oppose your plan. Please provide a written response. 24-3

Respectfully, Carolyn V. Garbarino
[Redacted] Palo Alto CA 94306

Letter 24
Carolyn V. Garbarino
July 8, 2021

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

24-1

The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. See "Master Response 3: Water Supply" for a discussion related to drought. See Section 3.15 of the Draft EIR, "Transportation" for a discussion on regional transportation impacts of implementing the proposed Plan. See "Master Response 2: COVID-19 Pandemic Considerations" for a discussion related to changed assumptions associated with shelter-in-place orders. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan.

24-2

See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. Also see Response to Comment 8-1 regarding public outreach conducted for preparation of the proposed Plan and Draft EIR.

24-3

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
25

From: [Jim Holmlund](#)
To: [EIR Comments](#)
Subject: Please stop jobs / housing growth
Date: Thursday, July 8, 2021 10:51:15 AM

External Email

Please stop! If demand outstrips supply, you can increase supply or decrease demand.
Increase supply - jobs/housing: traffic, already bad, gets even worse. Housing becomes more dense, more parking on the street, ... in what way does that benefit people who already live here?? Cities such as Palo Alto are not equipped to deal with more traffic - we just don't have the needed expressways, etc.

Decrease demand: Things can remain as they are . Other areas that could use some more jobs housing can benefit.

ijh

25-1

Letter 25
Jim Holmlund
July 8, 2021

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

25-1

This is a comment expressing general opposition to the proposed Plan. It does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast” for a discussion related to how population projections were developed for the proposed Plan. For a discussion of local control over density, housing, and development, refer to “Master Response 6: MTC and ABAG Roles and Authority.” See Section 3.15 of the Draft EIR, “Transportation,” for a discussion on regional transportation impacts of implementing the proposed Plan.

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

Letter
26

From: [Frank Ingle](#)
To: [EIR Comments](#)
Cc: webmaster@sensiblezoning.org
Subject: NO to Plan Bay Area 2050
Date: Thursday, July 8, 2021 5:45:42 PM

External Email

Do not destroy our small cities.

This plan will force cities to allow more housing to accommodate job growth by overriding city council control of density and balance of housing and commercial development.

This is a bad plan.

Instead, implement state policies which allow cities to follow the wishes of the citizens who elected them, to implement policies which balance housing and commercial development as deemed appropriate and feasible for the city.

Frank Ingle
Palo Alto resident for 40 years

26-1

Letter 26
Frank Ingle
July 8, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development.

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

Letter
27

From: Cheryl Lillienstein
To: EIR Comments
Subject: concentrating jobs creates more impoverished communities
Date: Thursday, July 8, 2021 2:46:16 PM

External Email

To the DEIR,

If California were not such valuable real estate in certain places, what would be different?

Consider how Japan, France, and other more advanced nations choose to grow.

They look at the geography, they look at the economic need of a region, they decide what industries goes where, and what industries DON'T go where, and agencies are funded to **develop infrastructure first so that the vision is successful:** transportation, housing, services, schools, which establishes the basis for new jobs.

Obviously California does not do this. We of course chart our own course without regard to negative consequences, since we are a "new" society. Nonetheless ABAG/MTC plans remain retrograde and serve the wrong interests. Concentrating jobs in places that already have too many jobs impoverishes areas that need jobs, drives up cost of housing with less space for everyone who lives or will live here. More high rises does not produce a lower cost of housing but the opposite (Vancouver, New York, Hong Kong) and it means more heat, more traffic, more pollution, less water, less recreational options. And still no possibility for mass transit to serve public needs.

When was the last time any of you either got into or looked at a bus in the South Bay and saw ANY passengers? Nobody rides the bus and you think it's because we need more concentrated cities. But what if nobody wants to LIVE in concentrated cities any more? Covid has produced outflow into less populated places for this very reason, yet you push ahead. What people want, and what ABAG/MTC is planning are at odds. Look at the interactive map below:

<https://www.bloomberg.com/graphics/2021-citylab-how-americans-moved/>

We need to create economic equity: we need to stop pushing growth, downsize this region, put jobs in places that need them, and let the bay area become more economically and culturally diverse. We need to let it ecologically recover (and rebalance its incredibly inflated housing cost) , and not continually emphasize "wealth creation" while claiming to protect the environment...

Sincerely,
Cheryl Lillienstein

27-1

Letter 27
Cheryl Lilienstein
July 8, 2021

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

27-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. See also "Master Response 2: COVID-19 Pandemic Considerations" for a discussion related to this comment.

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

Letter
28

From: [Stepheny McGraw](#)
To: [EIR Comments](#)
Subject: No more density
Date: Thursday, July 8, 2021 10:44:09 PM

External Email

It is time to spread California’s population out, to encourage businesses and those looking for starter homes to move to wider, open spaces. ABAG should not mandate that each town, each community should cram in every last person who has a yen to live there. Local communities with locally developed zoning are responsible for a sustainable quality of life with adequate water, green spaces, schools and services.

28-1

Please leave the zoning up to our individual communities.

Letter 28
Stepheny McGraw
July 8, 2021

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

28-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing.

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

Letter
29

From: [Walter Murray](#)
To: [EIR Comments](#)
Subject: My comments
Date: Thursday, July 8, 2021 11:33:05 AM

External Email

I am appalled at the "Plan Bay Area" proposals. Its the tantamount of throwing gasoline on a fire. Not only will it not make things better it will make them worse.

We must stop creating jobs in zones that currently have more jobs than people. Places like Palo Alto are the last place to try and build "affordable" housing. Every time a new office block is put up creating more jobs it matters little that this forces the builder to fund some housing since the number of jobs created is far more than the subsidized housing provided. Moreover these units are not for poor people they are for the not quite so rich. Both land and building costs within cities like Palo Alto are far higher than many places elsewhere.

29-1

Walter Murray

Letter 29
Walter Murray
July 8, 2021

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

29-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. See Response to Comment 9-1 for a discussion on intraregional jobs-housing imbalances.

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

Letter
30

From: [phyllis sherlock](#)
To: [EIR Comments](#)
Subject: NO to Plan Barea2050
Date: Thursday, July 8, 2021 5:10:08 PM

External Email

No,No,No

STOP making these rules that will only increase jobs, traffic congestion, disgusting invasions of our neighborhoods over crowded lots with multiple apartments, parking problems and more!!!!

ABAG needs to be reconfigured so that only elected officials make rules that effect local citizens and not just greedy developers. !!!!!

Sincerely, Phyllis Sherlock, PhD. [REDACTED] Palo Alto, CA, 94301

30-1

Letter 30
Phyllis Sherlock, PhD
July 8, 2021

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

30-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. See Section 3.15 of the Draft EIR, "Transportation" for a discussion on the proposed Plan's potential effects on transportation conditions.

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

Letter
31

From: [REDACTED]
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Thursday, July 8, 2021 8:42:24 AM

External Email

Plan Bay Area 2050 is a misguided plan that will mostly benefit contractors and investors. It will not help increase affordable housing. 31-1

This Plan will be very detrimental to our infrastructure, putting increased demands on our roads, schools, public services, our power grid, and water supplies. Concentrating growth in areas like Palo Alto will fundamentally change our way of life here and is not a solution to the affordable housing crisis. Prices for property will still remain high, a boon for contractors and investors, especially for those building new properties to rent out. 31-2

My understanding is that ABAG is required to have public discussions which have not happened. We believe that concentrating growth is not the right solution. 31-3

Nancy Steinbach

Letter 31
Nancy Steinbach
July 8, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing.

31-2

Impacts on roadways are discussed in Section 3.15 of the Draft EIR, "Transportation"; impacts on schools and other public services are discussed in Section 3.13 of the Draft EIR, "Public Services and Recreation"; and effects on utility infrastructure and water supply are addressed in Section 3.14, "Public Utilities and Facilities." For additional discussion related to water supply, see "Master Response 3: Water Supply." See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

31-3

See Response to Comment 8-1 for a discussion related to public outreach associated with the proposed Plan and Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
32

From: [Jon Zweig](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Thursday, July 8, 2021 2:52:01 PM

External Email

Dear ABAG,

I am writing to object to the plan to concentrate job growth and housing in already job-rich areas.

We have already overpopulated the area beyond its capacity to support us. With increasing droughts, we do not have enough water to supply the needs of our current residents. This will only get worse. Now that businesses have summoned workers back to their offices, traffic is again horrible on the freeways. Given the current housing density and real estate costs, there is no realistic hope of installing a practical rapid transit system to alleviate this problem.

We demonstrated during the pandemic that working from home can be very effective. The association should be focusing on growth in less populated areas and encouraging work-from home.

We are already in danger of over-urbanizing our area.

Sincerely,

Jon Zweig

Palo Alto

32-1

Letter 32
Jon Zweig
July 8, 2021

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

32-1

This is a comment expressing general opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast” for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development.

See “Master Response 3: Water Supply” for a discussion related to drought. See “Master Response 2: COVID-19 Pandemic Considerations” for a discussion related to altered forecasts and remote work behaviors associated with the pandemic and Response to Comment 18-1 for additional discussion on telecommuting strategies. See Responses to Comments 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. See Section 3.15 of the Draft EIR, “Transportation” for a discussion on the proposed Plan’s potential effects on transportation conditions.

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

Letter
33

From: [Nancy Karp](#)
To: [EIR Comments](#)
Subject: We need local control
Date: Friday, July 9, 2021 5:46:30 AM

External Email

NO to Plan Bay Area 2050

Our density is too high without more ways to move people in and out! It's too many people in too little space with no way to move....

Sent from [Mail](#) for Windows 10

33-1

Letter 33
Nancy Karp
July 9, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast” for a discussion related to how population projections were developed for the proposed Plan and “Master Response 6: MTC and ABAG Roles and Authority” for a discussion of local control over density, housing, and development. See Section 3.15 of the Draft EIR, “Transportation” for a discussion on the proposed Plan’s potential effects on transportation conditions.

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

Letter
34

From: [Sally Supplee](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2010
Date: Friday, July 9, 2021 4:46:56 PM

External Email

Dear Sirs:

I would like to express my concern about ABAG's desire to build much more dense housing in my neighborhood. I live in Evergreen Park in Palo Alto, and we are increasingly getting cross traffic, not to mention the parking of commuters in the neighborhood.

I would be very averse to having an apartment, even a four story one, right next to my home! I live near Cal Train, but that is not a subway connecting to many other outlets. It is one dimensional track, nothing like to a subway.

It is ridiculous to think that Cal Train is like a subway of NY city or London!!!

I would appreciate your response as to what you think my neighborhood would be like with lots of high rises??!!

Regards, Sally Supplee

34-1

Letter 34
Sally Supplee
July 9, 2021

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

34-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. See Section 3.15 of the Draft EIR, "Transportation" for a discussion on the proposed Plan's potential effects on transportation conditions.

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

From: [Davina Brown](#)
To: [EIR Comments](#)
Subject: Building
Date: Saturday, July 10, 2021 1:58:26 PM

Letter
35

External Email

Stop the concentration
Of building. Look to other areas. Leave the Bay Area alone. It is too congested already.
Sent from my iPhone

I 35-1

Letter 35
Davina Brown
July 10, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development.

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

Letter
36

From: [Tina Peak](#)
To: [EIR Comments](#)
Subject: Please halt Plan Bay Area 2050/RHNA process
Date: Sunday, July 11, 2021 8:39:57 PM

External Email

Dear ABAG -

MTC/ABAG has developed a proposed Plan Bay Area 2050 that focuses excessively high jobs and housing growth in a small geographic region of the South Bay, identified as Super District #9. This concentration challenges one of the key purposes of the proposed Objectives of the Plan: "Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive".

36-1

MTC/ABAG has not followed the California Government Code during their preparation of Plan Bay Area 2050. The Code clearly states that the regional government body "explore in public meetings alternate means of dealing with intraregional jobs-housing imbalances". Despite formal documented requests from citizens requesting a serious study of the positive impacts of dispersing jobs to areas of less concentrated development, MTC/ABAG failed to effectively explore the dispersal of jobs in any of the alternatives they looked at. In fact, without any substantial public discussion they announced in October 2019 that they would not look further at one of their identified strategies—the positive impacts of putting business caps on cities experiencing rapid job growth.

36-2

Toward that end, this note asks critical questions about this process and outlines legal reasons why these questions must be addressed. Until they are formally answered in public session, the Plan Bay Area 2050/RHNA process must be halted.

MTC/ABAG must meet in meaningful public session to explore the potential community benefits that might flow from a more effective job dispersion plan.

We need an open public discussion of alternate ways of working toward improving the intraregional jobs-housing balances that are appearing around the Bay Area; and, the potential impacts on the mobility that has been a key characteristic of Silicon Valley's historical growth.

Questions to be answered are:

1. When will HCD release their Code mandated Guidebook (Government Code 65890.5) that would provide methodologies for an open discussions of a range of possible incentives that local, regional and state bodies could offer the private sector to encourage developments which will facilitate an improved balance between jobs and housing?

36-3

2. Why are ABAG and HCD relying on in-house models (REMI and Bay Area Urban Sim) that have produced such striking errors in the location of job concentrations during the period 2010- 2018 without clear and open public discussion about model assumptions and characteristics?

3. Identify when “alternate methods of improving dealing with intraregional jobs-housing imbalances” were discussed in open public sessions. In that discussion please describe the “controversy” that was identified in the “EIR: AREAS OF CONTROVERSY” section that stated “Strategies integrated in EIR Alternative 2... included office development caps in job-rich cities, that were controversial and ultimately discarded earlier in the process” (EIR, p EC 9-10)?

4. When was there any discussion of the possible severe economic and social consequences raised by the public from the further concentration of growth in both jobs and housing in a single relatively small geographic area (Super District #9)?

5. It is clear that large businesses benefit from concentrated growth and that the state budget does as well. At the same time, the tax and cost burdens of transit, infrastructure and affordable housing on local residents will move dramatically higher. Why has there been no public discussion of the benefits flowing to large businesses and the state budget while the costs burden is so severe on local residents?

6. Has there been any public discussion of the growing dominance of very large firms that is a clear consequence of business concentration and its impacts on the mobility of ideas and talent that has been such a key part of Silicon Valley’s emergence and growth?

7. What changes may be needed given Covid 19 working changes and housing needs?

Please halt any RHNA targets until this questions have been answered.

Sincerely,
Tina Peak
Palo Alto, CA

36-3
cont.

Letter 36
Tina Peak
July 11, 2021

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

See Response to Comment 9-1 for a discussion related to Superdistrict #9. The comment expresses opposition to the proposed Plan and does not raise specific issues related to the Draft EIR or the analysis of environmental impacts.

36-2

The comment references development of an alternative that would explore the dispersal of jobs, as well as the potential for placing business caps on cities experiencing rapid job growth. See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. See Response to Comment 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR. See Response to Comment 13-1 and Section 3.11 of the Draft EIR, “Land Use, Population, and Housing,” for a discussion of the regulations requiring preparation of the RHNA, which is a separate process and approval from the proposed Plan. See also “Master Response 1: Regional Growth Forecast” and “Master Response 6: MTC and ABAG Roles and Authority.”

See “Master Response 4: EIR Alternatives” regarding the range of alternatives studied in the Draft EIR.

36-3

See Responses to Comments 9-5 through 9-8 for responses to questions 1 through 6. See “Master Response 2: COVID-19 Pandemic Considerations” for a discussion related to changed assumptions associated with shelter-in-place orders, and Response to Comment 13-1 for a discussion of RHNA methodology. For a discussion of public outreach associated with development to the proposed Plan, see Responses to Comments 8-1 and 9-1.

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

Letter
37

From: [Dave Vautin](#)
To: [Rick Coates](#)
Cc: [EIR Comments](#); [Marti Paschal](#)
Subject: RE: New tsunami maps
Date: Monday, July 12, 2021 5:29:52 PM

Hi Rick, thanks for this comment. It has been tagged as an EIR comment and sent along to the EIR team for review/response via the Final EIR.

Dave Vautin, AICP
Assistant Director, Major Plans
dvautin@bayareametro.gov - [REDACTED]
BAY AREA METRO | BayAreaMetro.gov
Metropolitan Transportation Commission
Association of Bay Area Governments

From: Rick Coates [REDACTED]
Sent: Monday, July 12, 2021 5:04 PM
To: Dave Vautin <DVautin@bayareametro.gov>
Subject: Re: New tsunami maps

External Email

That could be too late. The Plan Bay Area 2050 has not yet received CEQA approval so it is not too late to make changes.

Rick Coates
Member
Policy Advisory Council, MTC
[REDACTED]

37-1

On Jul 12, 2021, at 2:37 PM, Dave Vautin <DVautin@bayareametro.gov> wrote:

Hello Rick,

Draft Plan Bay Area 2050 was released in May 2021, but the new state tsunami maps were not made available by the State until July 2021. Therefore, these datasets were not available for use in Plan Bay Area 2050. We can certainly consider how to use them when developing the next iteration of Plan Bay Area in a few years' time.

Dave Vautin, AICP
Assistant Director, Major Plans
dvautin@bayareametro.gov - [REDACTED]
BAY AREA METRO | BayAreaMetro.gov
Metropolitan Transportation Commission
Association of Bay Area Governments

From: Marti Paschal <mpaschal@bayareametro.gov>
Sent: Monday, July 12, 2021 2:08 PM
To: Dave Vautin <DVautin@bayareametro.gov>; Rachael Hartofelis <rhartofelis@bayareametro.gov>; Michael Germeraad <mgermeraad@bayareametro.gov>
Subject: FW: New tsunami maps

Hi all,

Please see the question below from a Policy Advisory Council member. Thanks.

Marti Paschal
 Public Information Officer
mpaschal@bayareametro.gov

BAY AREA METRO | BayAreaMetro.gov
 Association of Bay Area Governments | abag.ca.gov
 Metropolitan Transportation Commission | mtc.ca.gov

Bay Area Metro Center | 375 Beale Street | Suite 800
 San Francisco, CA 94105

O: [REDACTED]

From: Rick Coates [REDACTED]
Sent: Thursday, July 8, 2021 2:31 PM
To: Marti Paschal <mpaschal@bayareametro.gov>
Subject: New tsunami maps

External Email

Were the new tsunami maps below used when determining resilience in Plan Bay Area 2050?

https://www.sfchronicle.com/bayarea/article/Downtown-S-F-North-Beach-included-in-new-Bay-16299591.php?utm_source=newsletter&utm_medium=email&utm_content=briefing&utm_campaign=sfc_baybriefing_am&sid=5fcaa145fe90a43f442d2ad1

Rick Coates
 Member
 Policy Advisory Council, MTC
 [REDACTED]

37-1
cont.

Letter 37
Rick Coates
July 12, 2021

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

37-1

This comment raises issues related to environmental effects impacting the Plan. As explained in “Master Response 5: Sea Level Rise” the effects of the environment on a project are generally outside the scope of CEQA. The following is provided for informational purposes.

Draft Plan Bay Area 2050 was released in May 2021, prior to release of the new State tsunami maps in July 2021. When the Draft EIR was prepared and based on the date of the NOP (September 28, 2020), the most recent and best available datasets were used to inform the findings of the Draft EIR. No changes to the Draft EIR are required in response to this comment.

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

Letter
38



**To: MTC Chair Alfredo Pedroza, Supervisor Napa County, and Commissioners
ABAG President Jesse Arreguin, Mayor, City of Berkeley, and Executive Board**

Re: Plan Bay Area, MTC Implementation Plan, EIR report--Comment

The League of Women Voters Bay Area since 1959 has been committed to the power and impact of regional planning on land use, transportation, environmental resilience, and the economic health of the San Francisco Bay Area region and local communities. We applaud the release by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) of "Plan Bay Area 2050, A Vision for the Future." This regional long-range plan, which outlines 35 integrated strategies across four key issues (housing, the economy, transportation, and the environment), reflects League priorities we believe are key to making the Bay Area more equitable for all residents and more resilient. As the Plan proclaims, the aim is to make the region "more affordable, connected, diverse, healthy and vibrant."

Crafted to advance equity with focus on the needs of people living in Equity Priority Communities, we think Plan Bay Area 2050, MTC Implementation Plan, and EIR report will help ensure successful housing, transportation, equitable environmental strategies social equity and economic development. This underlying focus on Equity Priority Communities, which is defined as geographic areas that have concentration of both residents of color and residents with low incomes, people who have limited English proficiency, seniors, and those with disabilities, is fundamental to creating resilient equitable communities. In this equitable future of Plan Bay Area 2050, all Bay Area residents, regardless of race, age or income would and should have access to open space, clean air and water, safe housing, and a full suite of sustainable transportations choices.

That is why as part of our equity priority, we believe that the proposed *EIR Alternative 1* should be promoted. It demonstrates that focusing an even greater share of growth near high-quality transit, while scaling back investments in highways and express lanes, would yield the smallest growth footprint, the least environmental impacts, and most balanced growth pattern, while enabling the most low-income residents in Equity Priority Communities to remain in place (i.e., lowest displacement risk). Supporting this Alternative would be part of steps forward in supporting long-term strategies to protect those most at risk from environmental hazards and the effects of climate change. This means including retrofitting residential buildings against wildfires and earthquakes and protecting vulnerable communities from sea level rise. This focus and action is part of our League commitment to "Making Democracy Work."

Regards,

Sherry Smith, President
League of Women Voters Bay Area

38-1

Letter 38
League of Women Voters
Sherry Smith, President
July 12, 2021

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

38-1

This is a comment expressing support for Alternative 1. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
39

From: [Stepheny McGraw](#)
To: [EIR Comments](#)
Subject: NO to Plan Bay Area
Date: Monday, July 12, 2021 10:14:45 AM

External Email

Please do not remove single family zoning and local control. Consider subsidizing businesses in less developed areas where affordable housing and land to spread out in is available — Folsom etc.

Palo Alto, Portola Valley, Mountain View, Redwood City are losing their charm. Not everyone should or would want to live here. This is not a class or racist issue, but a question of pragmatism.

39-1

Letter 39
Stepheny McGraw
July 12, 2021

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

39-1

This is a comment expressing concerns about the proposed Plan. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 1: Regional Growth Forecast” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment.

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

Letter
40

From: [Magic](#)
To: [EIR Comments](#)
Subject: NOI to Bay Area 2050
Date: Monday, July 12, 2021 3:36:10 PM

External Email

Dear ABAG people,

I feel profound sadness about the inevitable adverse consequences of your ill-informed actions to continue to promote growth of population and buildings in the Bay Area. The human species is in overshoot. Dieback is inevitable. The longer we live in overshoot and the more we exacerbate it, the more we degrade the environment on which we and those who follow rely to survive and thrive.

The society we've built on growing human population and growing our conversion of nature to our ends is a Ponzi scheme. Like all such ventures, it will come to an end. Increasingly volatile climate, plummeting biodiversity, and the growing gap between a tiny handful and the masses of humankind promise that end will come sooner rather than later.

A first principle of sustainability is durability. What we build now, if built properly, will last a hundred years or more. Who will occupy it on a planet with a human population much smaller than the current, making its way without the immense energy subsidy of fossil fuels?

Thank you for considering these views.

David Schrom

40-1

Letter 40
David Schrom
July 12, 2021

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

40-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development.

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

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director

Letter
 41



July 13, 2021

Mr. Adam Noelting
 Metropolitan Transportation Commission
 375 Beale Street, Suite 800
 San Francisco, CA 94105
anoelting@bayareametro.gov

Subject: Plan Bay Area 2050 (Regional Transportation Plan/Sustainable Communities Strategy), Draft Environmental Impact Report, SCH No. 2020090519, Nine Counties of the San Francisco Bay Area

Dear Mr. Noelting:

In a letter dated October 30, 2020, the California Department of Fish and Wildlife (CDFW) provided comments on the Notice of Preparation (NOP) of a draft Environmental Impact Report (Draft EIR) for Plan Bay Area 2050 (Regional Transportation Plan/Sustainable Communities Strategy) (Plan). Plan implementation is the "Project" for purposes of California Environmental Quality Act (CEQA) review (Cal. Code Regs., tit. 14, §15378). CDFW has reviewed the Draft EIR for the Project, which encompasses all San Francisco Bay Area counties, and is submitting comments on the Draft EIR to inform the Metropolitan Transportation Commission, as Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Plan.

CDFW is a Trustee Agency pursuant to CEQA and is responsible for the conservation, protection, and management of the State's biological resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Permit, a Native Plant Protection Act Permit, or a Lake and Streambed Alteration (LSA) Agreement, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

41-1

PROJECT LOCATION AND ENVIRONMENTAL SETTING

The San Francisco Bay Area (Bay Area) includes nine counties aggregated geographically into four subareas: North Bay (i.e., Marin, Napa, Solano, and Sonoma counties), East Bay (Alameda and Contra Costa counties), South Bay (Santa Clara County), and the West Bay (San Francisco and San Mateo counties). There are 101 cities spread throughout the nine counties covering a total area of approximately 4.4 million acres, of which approximately 20 percent is developed (as of 2018). The Bay Area is bordered by Mendocino, Lake, and Yolo counties to the north; Sacramento, San

Conserving California's Wildlife Since 1870

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Joaquin, Stanislaus, and Merced counties to the east; San Benito, Monterey, and Santa Cruz counties to the south; and the Pacific Ocean to the west.

Natural communities that occur within the Bay Area include: native perennial grasslands and non-native annual grasslands, costal scrub and chaparral, woodlands and forests, riparian areas, aquatic habitat (including the San Francisco Bay and Delta), wetlands, and ruderal and agricultural areas, all of which support an abundance of native plant, fish, and wildlife species, including special-status species (i.e., species that are legally protected or are otherwise considered sensitive by Federal, State, or local resource agencies).

PROJECT DESCRIPTION

The proposed Plan is a long-range regional plan for the Bay Area that encompasses housing, economic, transportation, and environmental strategies designed to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. The Plan serves as the third Regional Transportation Plan/Sustainable Communities Strategy for the Bay Area and is a major update to Plan Bay Area 2040. The Plan details economic strategies (i.e., land use) to invest \$702 billion in expected revenues to accommodate 2.7 million new persons, 1.4 million new households, new forecasted housing units, and 1.4 million new jobs between 2015 and 2050; details transportation strategies to invest \$579 billion in expected revenues from Federal, State, regional, and local sources over the next 30 years; details environmental strategies to invest \$102 billion in expected revenues to protect the Bay Area from at least two feet of future permanent sea level rise inundation, reduce climate emissions, and maintain and expand the region’s parks and open space system; and complies with Senate Bill 357, which requires integration of land use and transportation planning to reduce per-capita passenger vehicle Green House Gas emissions by 2035 and provide adequate housing for the region’s forecasted persons and households.

41-1
cont.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the Metropolitan Transportation Commission in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Several of the topics and comments below are similar to those in CDFW’s letter responding to the NOP. CDFW appreciates that the Draft EIR incorporated several of our comments on the NOP, however we recommend the additional detail identified below, as applicable.

41-2

Tiering and Subsequent Project Checklist

The Draft EIR is identified as a Program EIR, which presents a programmatic assessment of the potential impacts of the proposed Project, focusing on the entire set

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of projects, programs, and strategies contained in the proposed Project. Individual transportation, sea level rise adaptation, and development project impacts are not addressed in detail in the Draft EIR. The Draft EIR will be used to evaluate subsequent projects and activities under the proposed Project. While Program EIRs have a necessarily broad scope, CDFW recommends providing as much additional information related to anticipated types of residential and non-residential development as possible, particularly that may occur in the marine environment near the waterfront. Depending on the type of development proposed and the impact to specific habitat, CDFW may have further comments on the broad elements of proposed development to avoid and minimize potential impacts to marine species and habitat.

In addition, as subsequent projects will have site-specific impacts and require site-specific mitigation measures, CDFW strongly recommends creating a procedure for evaluating these subsequent projects. CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR." CDFW recommends developing the checklist with this Draft EIR to guide the appropriate CEQA review level for future projects as an attachment to the Draft EIR. A procedure or checklist will be critical to ensuring adequate analysis of Project effects on biological resources. CDFW recommends using the procedure and checklist developed for infill projects as a model; it can be found in CEQA Guidelines section 15183.3 and Appendix N. The checklist should also outline how habitat will be analyzed per species or habitat type, how impacts will be assessed, and whether any mitigation is necessary.

41-2
cont.

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the Draft EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the Draft EIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the Draft EIR.

Identifying Responsible Agencies

CDFW recommends that the Draft EIR clearly identify the Responsible Agencies expected to use the Draft EIR in their decision making, provide a list of permits and other approvals required to implement the project, and provide a list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies [Cal. Code Regs., tit. 14, § 15124, subd. (d)(1)(A)-(C)].

41-3

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Advance Mitigation Considerations

CDFW recommends that the Draft EIR incorporate advance mitigation considerations. The Legislative Report from Assembly Bill 1282 Transportation Permitting Task Force states:

“Historically, transportation agencies have implemented mitigation on a project-by-project basis once funding is approved for the final stages of a project and environmental permits are obtained. Advance mitigation presents an innovative opportunity for many transportation projects, with potentially significant reductions of time and costs associated with providing necessary mitigation. It can be applied in highway, rail, and transit projects in both urban and rural areas.”

In addition, in a 2016 Memorandum of Understanding between the California Department of Transportation (Caltrans), CDFW, the State Water Resources Control Board, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency EPA, the U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration through a Statewide Advanced Mitigation Initiative states the following:

- Considering biological conservation and mitigation needs early in a project's timeline, prior to project design and development, can reduce costs and allow natural resources conservation and mitigation to enhance the sustainability of those natural resource systems.
- Long-range advance mitigation and conservation planning would allow transportation agencies to anticipate potential mitigation and conservation needs for planned transportation projects and to meet those needs in a more timely and cost-efficient way.
- Advance mitigation and conservation planning would allow mitigation funding for transportation projects to be directed to agreed-upon conservation priorities and would allow for the establishment, enhancement, preservation, and/or restoration, as appropriate, of habitat that enhance the sustainability of natural systems by protecting or restoring connectivity of natural communities consistent with, but not limited to the Endangered Species Act section 7(a)(1), California Fish and Game Code section 2055, Rivers and Harbors Act section 10, and Clean Water Act sections 401 and 404.

CDFW currently has three programs that can accommodate advance mitigation planning: Conservation and Mitigation Banking, Natural Community Conservation Planning (NCCP), and Regional Conservation Investment Strategies (RCIS). For banking, proponents can create a bank or credits to meet future mitigation needs, and as of 2021, they now have the ability to purchase multiple credits from existing banks in

41-4

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advance of using them for future permits. Participation in NCCPs can provide streamlined permitting coverage and required mitigation for covered activities under the plan, which can have terms of 20-50 years. Finally, the RCIS program, created in 2017, can provide advance mitigation for CEQA, LSA, and CESA impacts through the creation of Mitigation Credit Agreements for focal species and habitats covered in the strategy. Three Bay Area counties are part of two approved RCISs: Santa Clara (Santa Clara County RCIS) and Alameda and Contra Costa (East Bay RCIS). Additionally, a Wildlife Conservation Board grant was recently approved for a North Bay Baylands RCIS, which will cover portions of Marin, Napa, Solano, and Sonoma counties along the Bay.

41-4
cont.

Fish Passage Analysis – Senate Bill 857

Senate Bill 857 (SB-857), which amended Fish and Game Code section 5901 and added section 156 to the Streets and Highways Code states in section 156.3, "For any project using state or federal transportation funds programmed after January 1, 2006, the department [Caltrans] shall insure that, if the project affects a stream crossing on a stream where anadromous fish are, or historically were, found, an assessment of potential barriers to fish passage is done prior to commencing project design. The department [Caltrans] shall submit the assessment to the Department of Fish and Game [Wildlife] and add it to the CALFISH database [California Fish Passage Assessment Database]. If any structural barrier to passage exists, remediation of the problem shall be designed into the project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the Department of Fish and Game [Wildlife]."

41-5

To adequately describe the environmental setting and reduce impacts to less-than-significant, CDFW recommends discussing in the Draft EIR potential fish barrier locations noted in the CALFISH Database that occur within the Project limits as it pertains to SB-857. The fish passage section should discuss the current status of the crossing locations noted in the CALFISH Database, conduct first pass and or second pass fish assessments, as necessary, and provide images of the upstream and downstream ends of water conveyance structures.

Light Pollution Analysis, Avoidance and Minimization

Light pollution has the potential to significantly and adversely affect biological resources because unlike the natural brightness created by the monthly cycle of the moon, permanent and continuously powered lighting fixtures create an unnatural light regime producing a constant light output. Continuous light output for 365 days a year can have a cumulatively significant impact on fish and wildlife populations. CDFW strongly recommends reducing artificial light outputs within the Project limits to avoid potentially significant impacts from light pollution.

41-6

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Night lighting can disrupt the circadian rhythms of many species. Many wildlife species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Artificial night lighting has also been found to impact juvenile salmonid overwintering success by delaying the emergence of salmonids from benthic refugia and reducing their ability to feed during the winter (Contor and Griffith 1995).

To adequately describe the project and reduce impacts to less-than-significant, CDFW recommends that the Draft EIR include the analysis and Mitigation Measures 1-5 below.

Analyze currently existing light sources output within proposed Project limits. Reduce or remove the number of light sources proposed within Project corridors such as informational signs, bicycle/pedestrian access light sources and overhead light poles. Reduction in the number of light output sources can be accomplished by increasing the standard spacing from light pole source to light pole source within the Project limits and by avoiding light source installation in highly sensitive resource locations. In addition, utilizing light shielding, light output restrictions and measures discussed in detail below may reduce the potentially significant impacts created by artificial lighting sources.

1. The lead agency shall provide Isolux Diagrams that analyze current light levels present during pre-Project conditions and provide the predicted Project light levels that will be created upon completion of the Project. The analysis shall include an analysis of all potential light sources proposed for new install or replacement. Upon Project completion the lead agency shall conduct a ground survey that compares current and predicated light levels with actual light levels achieved upon completion of the Project through comparison of Isolux diagrams. If an increase from the projected levels to the actual levels is discovered additional avoidance, minimization or mitigation measures may be required and shall be implemented in coordination with CDFW.
2. All LEDs or bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2700 kelvin that results in the output of a warm white color spectrum.
3. Solid concrete barriers at a minimum height of 3.5 feet should be installed in areas where they have the potential to reduce illumination from overhead lights and from vehicle lights into areas outside of the roadway. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to wildlife movement. Additional barrier types should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.

41-6
cont.

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4. Retro-reflectivity of signs and road stripping shall be implemented throughout the Project to increase visibility of roads to drivers and reduce the need for electrical lighting. Reflective highway markers have also been proven effective to reduce raptor collisions on highways in California's central valley if installed along highway verges and medians.
5. All light poles or sources of illumination that are new or replacement installations shall be installed with the appropriate shielding to avoid excessive light pollution into natural landscapes or aquatic habitat with the Project corridor in coordination with the natural resource agencies. In addition, the light pole arm length and mast heights should be modified to site specific conditions to reduce excessive light spillage into natural landscapes or aquatic habitat within the Project corridor. In areas with sensitive natural landscapes or aquatic habitat, placing light poles at non-standard intervals shall occur to further reduce the potential for excessive light pollution by decreasing the number of light output sources.

41-6
 cont.

Marine Environment Biological Significance

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. The outer coast of Sonoma, Marin, San Francisco, and San Mateo Counties hosts diverse habitats, including sandy beaches, kelp forests, and rocky reefs, and is considered one of the most biologically productive marine systems in the world. This ecologically significant ecosystem supports both State and federally threatened and endangered species, such as Sacramento River spring- and winter-run Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*) - Central California Coast and Central Valley evolutionarily significant units, green sturgeon (*Acipenser medirostris*) - southern Distinct Population Segment, longfin smelt (*Spirinchus thaleichthys*), Delta smelt (*Hypomesus transpacificus*), tidewater goby (*Eucyclogobius newberryi*), and California Ridgway's rail (*Rallus obsoletus obsoletus*); and State fully protected species such as brown pelican (*Pelecanus occidentalis californicus*) and American peregrine falcon (*Falco peregrinus anatum*).

41-7

The marine environment also sustains important commercial and recreational fisheries, such as dungeness crab (*Cancer magister*), Pacific herring (*Culpea pallasii*), rockfish (*Sebastes* spp.), California halibut (*Paralichthys californicus*), surfperches (*Embiotocidae*), and California grunion (*Leuresthes tenuis*).

For an adequate environmental setting and to reduce impacts to less-than-significant, CDFW recommends that the Draft EIR include: 1) the above information in Section 3.5, Biological Resources, under the heading *San Francisco Bay Aquatic Resources*, on page 3.5-17, and 2) both runs of listed Sacramento River Chinook salmon in Appendix

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C, Table C-1, titled *Special-Status Species Evaluated for Plan Bay Area 2050*. Additionally, potential impacts on these runs of Chinook salmon and mitigation should be included.

41-7
cont.

Wildlife Connectivity

To adequately describe the environmental setting and reduce impacts to less-than-significant, CDFW recommends that Mitigation Measure BIO-3(a) include reference to CDFW’s *California Wildlife Barriers 2020* and Caltrans *Wildlife Crossings Guidance Manual* (2009) as documents that will be consulted when designing projects under the Plan to minimize impacts on wildlife movement and habitat connectivity.

41-8

FILING FEES

CDFW anticipates that the Plan will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

41-9

CONCLUSION

CDFW appreciates the opportunity to comment on the Draft EIR to assist the Metropolitan Transportation Commission in identifying and mitigating Plan impacts on biological resources.

41-10

For questions regarding this letter or for further coordination, please contact Mr. Garrett Allen, Environmental Scientist – Bay Delta Region, at Garrett.Allen@wildlife.ca.gov; Mr. Arn Aarreberg, Environmental Scientist – Marine Region, at Arn.Aarreberg@wildlife.ca.gov, or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Stacy Sherman
692D021D81CA4F7...
Stacy Sherman
Acting Regional Manager
Bay Delta Region

ec:
State Clearinghouse (SCH #2020090519)
Garrett Allen, CDFW Bay Delta Region – Garrett.Allen@wildlife.ca.gov
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Letter 41
California Department of Fish and Wildlife
Stacy Sherman, Acting Regional Manager, Bay Delta Region
July 13, 2021

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 comment is an introductory statement. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Responses to Comments 41-2 through 41-10.

41-2

The comment correctly characterizes the proposed Plan. The comment provides recommendations related to development of a checklist to be used to evaluate subsequent projects and activities under the proposed Plan but does not raise a specific issue pertinent to the Draft EIR. MTC agrees that an initial study checklist would be helpful in facilitating an assessment of subsequent projects that might tier from the Draft EIR (CEQA Guidelines Section 15168[d]). The recommendation is noted. As stated on Draft EIR page 1-19 in section 1, "Introduction,"

Implementation of the projects addressed in the proposed Plan must individually demonstrate compliance with the requirements of CEQA and/or NEPA (for projects requiring federal funding or approvals). As appropriate, individual projects may be required to prepare a project-level analysis to fulfill CEQA and/or NEPA requirements. The lead agency responsible for reviewing these projects shall determine the level of review needed, and the scope of that analysis will depend on the specifics of the particular project. These projects may, however, use the discussion of impacts in this program EIR as a basis of their assessment of these regional or cumulative impacts.

Regarding the comments on attaching a sample checklist to the EIR, Section 15168(c) effectively suggests that an Initial Study checklist is used to determine if the effects of subsequent projects are within the scope of the Program EIR and, if not, whether a mitigated negative declaration or EIR is the appropriate subsequent document. In cases in which MTC is the lead agency on a subsequent project, it would use a modified version of the CEQA Guidelines Appendix G checklist; however, other lead agencies would consider their own methods of consistency.

In regard to detail provided on proposed development within the marine environment near the waterfront, the Draft EIR provides a discussion of potential impacts to the degree feasible at this time (see Section 3.5 of the Draft EIR, "Biological Resources"). The programmatic analysis in the Draft EIR does not allow for a precise description of the details of project-specific mitigation, because details related to the location, size, design, or setting of specific projects are unknown and therefore a meaningful evaluation could not occur at this time.

41-3

The Draft EIR states the following on page 2-42 in section 2, "Project Description:"

Other agencies expected to use this EIR include the California Department of Transportation, county transportation authorities, transit providers in the region (such as Muni, BART, AC Transit, SamTrans, Caltrain, SolTrans, WestCAT, Altamont Corridor Express, and Water Emergency Transit Authority), the Bay Conservation and Development Commission, the Bay Area Air Quality Management District, and cities and counties.

It should be noted that, because specific projects are not evaluated in this program EIR, there may be other agencies not listed here.

41-4

This comment recommends an advance mitigation approach for addressing potential impacts on biological resources. It outlines several methods for applying advance mitigation, including conservation and mitigation banking, natural community conservation planning, and regional conservation investment strategies (RCISs). Mitigation Measure BIO-1(a), on pages 3.5-38 and 3.5-39 of the Draft EIR, includes an option for providing compensatory mitigation for unavoidable loss of habitat or other impacts on special-status species in advance of impacts through purchase or creation of mitigation credits or implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP). Conservation and mitigation banking, natural community conservation planning, and RCISs are examples of RAMP. Therefore, advance mitigation was included in the Draft EIR as an option for addressing potential impacts on biological resources. For clarification, Mitigation Measure BIO-1(a) has been edited to include the specific RAMP methods provided in the comment as examples of advance mitigation. This clarification does not alter the conclusions with respect to the significance of any environmental impact, because it provides examples of a mitigation method already included in the Draft EIR.

The last bulleted item of Mitigation Measure BIO-1(a), on page 3.5-39 of the Draft EIR, is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

- ▲ Compensatory mitigation for unavoidable loss of habitat or other impacts on 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) (i.e., Conservation and Mitigation Banking, natural community conservation planning, Regional Conservation Investment Strategies), as deemed appropriate by the permitting agencies. Projects will prioritize mitigation banking within the same county as the project, if possible (i.e., if mitigation banks or mitigation credits are available in a given county).

41-5

The commenter recommends identifying fish barrier locations noted in the CALFISH Database in the “Environmental Setting” section of Section 3.5 of the Draft EIR, “Biological Resources.” The analysis in the Draft EIR is programmatic, and as a result, specific detail regarding the location of projects and potential impacts on specific fish passages is not known at this time. At this program level, identifying specific fish barrier locations is not possible. However, these recommendations for future project-level analysis are important and would be required by law, as noted by the commenter. See the discussion of programmatic assessment of potential impacts on page ES-3 of the Executive Summary in the Draft EIR. As noted in that discussion, the analysis in this EIR does not evaluate project-specific impacts of individual projects, although it provides environmental analysis and mitigation that is intended to address the range of impacts that may be associated with individual projects. This approach does not relieve local jurisdictions of responsibility for determining whether project-specific impacts require additional CEQA analysis. To include additional recommended requirements to reduce impacts on fish movement and to add a more complete list of implementation requirements, Mitigation Measure BIO-3(a) has been edited to include consultation of the CALFISH Database. This clarification does not alter the conclusions with respect to the significance of any environmental impact, because it adds to a mitigation measure already included in the Draft EIR. Note that Mitigation Measure BIO-3(a) is also revised in response to comment 41-8, below. All text changes to this mitigation measures are reflected here.

Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, is revised as follows (new text is underlined):

Mitigation Measure BIO-3(a) Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting ECA lands to determine the wildlife species that may use these areas and the habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open space lands, including wildlands and agricultural lands, or otherwise may contain land used as wildlife movement corridors (e.g., green belts in urban areas) shall also assess whether significant wildlife corridors are present, what wildlife species may use them, and what habitat those species require. The assessment shall be conducted by qualified professionals and according to applicable agency standards with consideration of the local, regional, and global context of landscape connectivity for a given project in a given area.

Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Design projects to minimize impacts on wildlife movement and habitat connectivity and preserve existing and functional wildlife corridors.
- ▲ Design projects to promote wildlife corridor redundancy by including multiple connections between habitat patches.
- ▲ Consult relevant guidance documents regarding wildlife movement and habitat connectivity during the project design phase, including but not limited to statewide and Bay Area region guides (e.g., CLN mapping, CDFW's *California Wildlife Barriers 2020* [CDFW 2020], the California Department of Transportation's *Wildlife Crossings Guidance Manual* [Meese et al. 2007], *Critical Linkages: Bay Area & Beyond* [Penrod et al. 2013]), and local guides (e.g., Gray et al. 2018; Diamond and Snyder 2016).
- ▲ Conduct wildlife movement studies for projects that may fragment or constrict regional or local corridors and impede use to nursery sites. These studies will include, but would not be limited to, the following objectives: identify activity levels and directional wildlife movement trends within the study area, consult the California Fish Passage Assessment Database (CALFISH database) to identify potential fish barrier locations and conduct first pass or second pass fish assessments as necessary, assess current functionality of existing underpasses, and determine what species or groups of species exhibit sensitivity to the existing roadways. Movement studies shall identify project-specific measures to avoid or mitigate impacts on corridors and movement to nursery sites that may include, but are not limited to, developing alternative project designs that allow wider movement corridors to remain; provide for buffer zones adjacent to corridors, such as passive recreation zones; implement physical barriers that prevent human and/or domestic predator entry into the corridor or block noise and lighting from development; incorporate shielded and directed lighting in areas near corridors; implement a “natives only” landscaping policy within 200 feet of identified wildlife corridors; incorporate periodic larger habitat patches along a corridor’s length; minimize the number of road crossings of identified wildlife corridors; and replace roadway culverts with bridges to allow for wildlife movement.
- ▲ For projects that cannot avoid significant impacts on wildlife movement corridors or native wildlife nursery areas, consult with CDFW to determine appropriate measures to minimize

direct and indirect impacts and implement measures to mitigate impacts on wildlife corridors or native wildlife nursery sites.

- ▲ Conduct site-specific analyses of opportunities to preserve or improve habitat linkages with areas on- and off-site. Preservation or improvements of habitat on both sides of a wildlife crossing should be prioritized.
- ▲ Analyze habitat linkages and wildlife movement corridors on a broad scale for long linear projects with the possibility of adversely affecting wildlife movement to avoid critical narrow choke points that could reduce function of recognized movement corridor.
- ▲ Construct wildlife-friendly overpasses and culverts. These structures should be designed to meet the needs of appropriate species, considering factors such as the size or diameter of the structure, interval frequency, and/or physical design to allow conditions similar to the surrounding habitat.
- ▲ Upgrade existing culverts or implement directional fencing to guide animals to existing culverts or underpasses when conducting expansion or enhancement projects on existing roads.
- ▲ Fence major transportation corridors in the vicinity of identified wildlife corridors.
- ▲ Use wildlife-friendly fences that allow larger wildlife, such as deer, to cross over and smaller wildlife to move under.
- ▲ For projects that require the placement of stream culverts in a fish spawning stream, follow USACE, NOAA Fisheries, USFWS, and CDFW permit conditions and design requirements to allow fish passage through the culverts.
- ▲ Limit wildland conversions in identified wildlife corridors such that the function of the wildlife corridor is not impaired.
- ▲ Retain wildlife-friendly vegetation in and around developments.
- ▲ Monitor and maintain fencing, under crossings, and/or other crossing structures as needed to ensure corridor permeability and functionality. Development and implementation of a fencing and wildlife crossing structure maintenance plan is recommended to maintain permeability for wildlife across corridors.
- ▲ Prohibit construction activities within 500 feet of occupied breeding areas for wildlife afforded protection pursuant to Title 14 Section 460 of the California Code of Regulations protecting fur-bearing mammals, during the breeding season.
- ▲ Comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures to protect wildlife corridors.

41-6

The commenter describes potential impacts on biological resources resulting from artificial night lighting and recommends several mitigation measures to address these impacts. The Draft EIR acknowledges the potential adverse effect of night lighting on critical habitat in Impact BIO-1b, starting on Draft EIR page 3.5-42. Mitigation Measure BIO-1(a), on pages 3.5-38 and 3.5-39, and Mitigation Measure BIO-3(a), on pages 3.5-56 through 3.5-58, include a measure that requires

nighttime lighting to be directed away from sensitive habitats and the use of light glare shields to avoid illumination onto adjoining areas. This comment provides more specific measures to reduce impacts of nighttime lighting on biological resources than is currently provided in Mitigation Measure BIO-1(a). To provide more specific requirements to address potential impacts from nighttime lighting and incorporate recommendations in this comment, Mitigation Measure BIO-1(a) has been edited. This edit does not alter the conclusions with respect to the significance of any environmental impact because impacts resulting from nighttime lighting were addressed in the Draft EIR and this edit supplements existing Draft EIR mitigation measures.

The 14th bulleted item of Mitigation Measure BIO-1(a), on page 3.5-39 of the Draft EIR, is revised as follows (new text is underlined):

- ▲ Impacts resulting from nighttime lighting associated with construction and future permanent lighting shall be assessed at the project level. This assessment shall include an analysis of current light sources in the vicinity of the project using the best available and most applicable methods, which may include Isolux diagrams that analyze current light levels during pre-project conditions and provide predicted project light levels. All feasible measures to reduce impacts from nighttime lighting shall be considered and implemented at the project level based on site-specific conditions. They may include but shall not be limited to the following measures:
 - To the extent feasible, nighttime lighting sources shall not be installed in areas that support highly sensitive natural resources.
 - Nighttime lighting shall be directed at the construction or project site and away from sensitive habitats. Light glare shields shall be used to reduce the extent of illumination onto adjoining areas. Permanent lighting shall be shielded and directed at intended use areas.
 - LEDs or bulbs installed as part of a project shall be rated to emit or produce light at or under 2700 Kelvin, which results in the output of a warm white color spectrum.
 - Physical barriers, including solid concrete barriers or privacy slats in cyclone fencing, shall be installed where they have the potential to reduce illumination from overhead lights and vehicle lights. Barriers should only be utilized as a light pollution minimization measure if they do not create a substantial barrier to wildlife movement such that the height and/or width of the barrier do not allow wildfire to move through the area. Additional barrier types should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.
 - Reflective highway markers shall be used to reduce raptor collisions on roadways.
 - Projects on previously unlit roadways with adjacent sensitive habitat and open space shall explore design options that address safety needs without the use of artificial lighting.
 - If nighttime lighting has the potential to result in adverse effects on a listed or candidate wildlife species (e.g., a nest, den, or other important habitat feature is identified near the project site), then consultation with the appropriate natural resource agency may be required.

41-7

The special-status wildlife referenced in the recommended text in this comment are addressed in other portions of the “Environmental Setting” section in the Draft EIR, including the “Aquatic Habitat” section, on pages 3.5-15 through 3.5-17 (steelhead [Central California Coast and Central Valley evolutionarily significant units], Chinook salmon, green sturgeon, longfin smelt, delta smelt, tidewater goby); the “Wetlands” section, on pages 3.5-18 and 3.5-19 (California Ridgway’s rail); and the “San Francisco Bay Aquatic Resources” section, on pages 3.5-17 and 3.5-18 (California brown pelican). The commenter accurately identifies inadvertent omission of American peregrine falcon, Sacramento River winter-run Chinook salmon, and Central Valley spring-run Chinook salmon in the EIR text, and omission of the aforementioned Chinook salmon populations in Appendix C. For clarification and to incorporate some of the additional language recommended in this comment, the “San Francisco Bay Aquatic Resources” section, on pages 3.5-17 and 3.5-18 of the Draft EIR, has been edited. To correct the omission of two Chinook salmon populations, Appendix C also has been edited. These edits do not alter the conclusions with respect to the significance of any environmental impact, because impacts on wildlife species in the Bay Area were addressed at the program level in the Draft EIR.

This comment also states that potential impacts on Chinook salmon populations and mitigation to address these potential impacts should be included. The analysis in the Draft EIR is programmatic, and as a result, specific detail regarding the location of projects and potential impacts on specific wildlife species is not known at this time. Regarding mitigation, consistent with State CEQA Guidelines Section 15126.4, the Draft EIR includes feasible mitigation measures based on resources that may be affected by overall buildout, on the location of where development may occur, or on performance criteria, as appropriate for a programmatic analysis under CEQA. The programmatic analysis provided in the Draft EIR is adequate and appropriate under CEQA.

The “San Francisco Bay Aquatic Resources” section, on pages 3.5-17 and 3.5-18 of the Draft EIR, is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

San Francisco Bay Aquatic Resources

Natural Community Summary

The San Francisco Bay and Delta make up the Pacific Coast’s largest estuary, encompassing roughly 1,600 square miles of waterways and draining more than 40 percent of California’s fresh water. The outer coasts of Sonoma, Marin, San Francisco, and San Mateo Counties host diverse habitats, including sandy beaches, kelp forests, and rocky reefs. The Sacramento and San Joaquin Rivers flow from northern California’s inland valleys into the Delta’s winding system of islands, sloughs, canals, and channels before emptying into San Francisco Bay and the Pacific Ocean. Major transportation corridors bridge the open waters of San Francisco Bay, and many others are located close to the bay.

The marine environment varies widely between the six transportation corridors that cross the open waters of the San Francisco Bay. Most of the transbay corridors consist of open water habitat—that is, habitat below the low-tide line (also known as subtidal habitat).

Eelgrass (*Zostera marina*) may occur near the footings of bridges in the transbay corridors and is considered a sensitive habitat by CDFW. Eelgrass is an important habitat for many organisms and may influence benthic community structure by stabilizing sediments, providing forage and detritus food sources, and creating a refuge and nursery for small organisms. Eelgrass beds also provide an important attachment substrate for Pacific herring eggs and thus support an important Bay Area commercial fishery (USFWS 1994). As the largest estuary on the west coast, the San Francisco Bay also supports millions of birds that depend on the bay for rest and

refueling on migratory routes. American peregrine falcons (*Falco peregrinus*) nest near the San Francisco Bay and prey on shorebirds and waterfowl.

More than 100 species of fish are described from the San Francisco Bay system (USFWS 1983). The majority of these are native species that live year-round in San Francisco Bay, though a few, such as striped bass (*Morone saxatilis*), have been introduced. Anadromous fish also use San Francisco Bay seasonally during their migrations to and from spawning grounds throughout the Bay Area and in California's Central Valley. The species composition within the bay varies by season and changes to reflect the regularly changing physical conditions created by the freshwater flow from the San Joaquin and Sacramento Rivers and other tributaries into San Francisco Bay. Native fish commonly found within the bay include such diverse species as starry flounder (*Platichthys stellatus*), California halibut (*Paralichthys californicus*), leopard shark (*Triakis semifasciata*), tule perch (*Hysterothorax traski*), Pacific herring (*Clupea harengus pallasii*), northern anchovy (*Engraulis mordax*), ~~and~~ sturgeons (*Acipenser* spp.), steelhead, and Chinook salmon (Central Valley spring-run and Sacramento River winter-run ESUs). Nonnative fish species in the bay include largemouth bass, threadfin shad (*Dorosoma petenense*), and yellowfin goby (*Acanthogobius flavimanus*).

The benthic invertebrate community of the bay is composed of various annelids, mysid shrimp, copepods, amphipods, shrimp, crabs, and other macroinvertebrates. All of these organisms provide important food sources for estuary fish and bird species.

Riprap occurs along many areas of the bay shore and can provide some, but not all, of the habitat values and functions that naturally occurring rocky shore habitat would provide, including a substrate for marine plant and sessile intertidal organisms, such as mussels (*Mytilus* spp.) and barnacles. Rocky shore habitat also provides cover for invertebrates such as rock crabs (*Cancer antennarius* and *Cancer productus*) and for fish such as plainfin midshipmen (*Porichthys notatus*), which are known to seek cover and to spawn under concrete slabs. The marine plants, clams, mussels, barnacles, annelids, and crustaceans inhabiting rocky shore habitat are food sources for larger marine invertebrates, fishes, birds, and marine mammals.

The marine environment associated with San Francisco Bay also sustains important commercial and recreational fisheries, such as Dungeness crab (*Cancer magister*), Pacific herring, rockfish (*Sebastes* spp.), California halibut, surfperches (*Embiotocidae*), and California grunion (*Leuresthes tenuis*).

Special-Status Wildlife

The two marine mammals most commonly found in San Francisco Bay are the California sea lion (*Zalophus californianus*) and the harbor seal (*Phoca vitulina*). Both species forage in the open waters of the bay and bask on exposed rocks, piers, or wharves throughout the bay. The federal Marine Mammal Protection Act protects both species.

NOAA Fisheries recognizes several threatened and endangered species that occur in San Francisco Bay. These include loggerhead sea turtle (*Caretta caretta*), leatherback turtle (*Dermochelys coriacea*), olive ridley sea turtle (*Lepidochelys olivacea*), and several fish species, including coho salmon, steelhead, Delta smelt, tidewater goby, and Sacramento splittail. The goby, smelt, and splittail are resident species; the salmonids, however, are expected to use open water habitats of the bay only seasonally or infrequently. Although California brown pelican (*Pelecanus occidentalis californicus*) and Steller sea lion (*Eumetopias jubatus*) are now delisted, brown pelican is still a fully protected species under the California Fish and Game Code, and Steller sea lion is still protected under the Marine Mammal Protection Act.

The "Fish" section, on pages C-15 through C-16 of Appendix C of the Draft EIR, is revised as follows (new text is underlined):

Fish						
<u>Green sturgeon</u>	<u><i>Acipenser medirostris</i></u>	FT	=	=	SSC	<u>Spawns in the Sacramento, Klamath, and Trinity Rivers. Preferred spawning substrate is large cobble but can range from clean sand to bedrock.</u>
Sacramento perch	<i>Archoplites interruptus</i>	–	–	–	SSC	Historically found in the sloughs, slow-moving rivers, and lakes of the Central Valley.
Tidewater goby	<i>Eucyclogobius newberryi</i>	E	–	–	SSC	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River.
Delta smelt	<i>Hypomesus transpacificus</i>	T	E	–	–	Sacramento-San Joaquin Delta. Seasonally in Suisun Bay, Carquinez Strait and San Pablo Bay.
Russian River tule perch	<i>Hysteroecarpus traski pomo</i>	–	–	–	SSC	Low elevation streams of the Russian River system.
Navarro roach	<i>Lavinia symmetricus navarroensis</i>	–	–	–	SSC	Habitat generalists. Found in warm intermittent streams as well as cold, well-aerated streams.
Gualala roach	<i>Lavinia symmetricus parvipinnis</i>	–	–	–	SSC	Found only in the Gualala River.
Tomales roach	<i>Lavinia symmetricus</i> ssp. 2	–	–	–	SSC	Tributaries to Tomales Bay.
Monterey roach	<i>Lavinia symmetricus subditus</i>	–	–	–	SSC	Tributaries to Monterey Bay, specifically the Salinas, Pajaro, and San Lorenzo drainages.
Hardhead	<i>Mylopharodon conocephalus</i>	–	–	–	SSC	Low to mid-elevation streams in the Sacramento-San Joaquin drainage. Also present in the Russian River.
Coho salmon - central California coast ESU	<i>Oncorhynchus kisutch</i>	E	E	–	–	Aquatic.
Steelhead - central California coast DPS	<i>Oncorhynchus mykiss irideus</i>	T	–	–	–	Aquatic, Sacramento/San Joaquin flowing waters
Steelhead - south-central California coast DPS	<i>Oncorhynchus mykiss irideus</i>	T	–	–	–	Aquatic, Sacramento/San Joaquin flowing waters
Steelhead - Central Valley DPS	<i>Oncorhynchus mykiss irideus</i>	T	–	–	–	Aquatic, Sacramento/San Joaquin flowing waters
<u>Chinook salmon – Central Valley spring-run ESU</u>	<u><i>Oncorhynchus tshawytscha</i> pop. 11</u>	I	I	=	=	<u>Aquatic, Sacramento/San Joaquin flowing waters</u>
<u>Chinook salmon – Sacramento River winter-run ESU</u>	<u><i>Oncorhynchus tshawytscha</i> pop. 7</u>	E	E	=	=	<u>Aquatic, Sacramento/San Joaquin flowing waters</u>
Sacramento splittail	<i>Pogonichthys macrolepidotus</i>	–	–	–	SSC	Endemic to the lakes and rivers of the Central Valley, but now confined to the Delta, Suisun Bay and associated marshes.

Fish						
Longfin smelt	<i>Spirinchus thaleichthys</i>	C	T	—	SSC	Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column.
Eulachon	<i>Thaleichthys pacificus</i>	T	—	—	—	Eulachon range from Monterey Bay, California, to the Bering Sea and Pribilof Islands. Spawn in lower reaches of coastal rivers with moderate water velocities and bottom of pea-sized gravel, sand, and woody debris

41-8

The commenter recommends the inclusion of two guidance documents in Mitigation Measure BIO-3(a). To reference these specific documents, Mitigation Measure BIO-3(a) has been edited. This clarification does not alter the conclusions with respect to the significance of any environmental impact because it is an addition to a mitigation measure already included in the Draft EIR.

See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR.

41-9

The comment is noted. MTC will pay CDFW filing fees when the Notice of Determination is filed, as outlined in the California Governor's Office of Planning and Research instructions for CEQA document submission.

41-10

The comment is general in nature and does not raise a specific issue pertinent to the Draft EIR. The comment is noted for consideration during project review.

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

Letter
42

From: [Hamilton Hitchings](#)
To: [EIR Comments](#)
Subject: My Public Comment Inputs & Question's on MTC/ABAG's proposed Plan Bay Area 2050 DEIR
Date: Tuesday, July 13, 2021 4:18:52 PM
Attachments: [Plan Bay Area 2050 Input By Hamilton Hitchings 2021-7-13.pdf](#)

External Email

This letter is my public comment on MTC/ABAG's proposed Plan Bay Area 2050 DEIR

Plan Bay Area 2050 over estimates population growth

Plan Bay Area 2050 is estimating 25% population growth from 8 million residents today to 10 million in 2050. However, California's population growth has been steadily declining since 2016 with zero growth in 2018 and negative growth in 2019 and 2020. Santa Clara county fell 0.6% in 2020 after being zero in 2018 and 2019. Due to high costs, many companies are relocating to other states offsetting jobs growth in California. This is good for our nation and will also contribute to less upward pressure on housing in the Bay Area. The Plan Bay Area 2050 is over estimating population growth.

42-1

California / Bay Area Housing Projections are too high

The California Department of Finance estimated housing growth at about half of the latest Housing and Community Development estimates. Freddie Mac's estimates were very similar to the original DOF estimates. Without evidence state legislators claimed these estimates were too low and had HCD revise their estimates much higher via Senate Bill 828. Senate Bill 828 introduced double-counting errors and resulted in double counting of housing needs estimated by the Department of Housing and Community Development.

42-2

RHNA Allocation Numbers are more than double the last cycle and unrealistically high

In the previous (fifth) RHNA cycle 99% of all jurisdictions in California did not meet their numbers because they were too high. The sixth RHNA cycle is more than twice as high for 2023-2031 with 441,176 new housing units vs. the previous 187,989 for the fifth cycle for the Bay Area. This is additional housing for 1,160,293 people. This is also more than half of the Plan Bay Area 2050 and is dramatically front loaded. The front-loading has not been properly justified by RHNA and ABAG.

42-3

It's more equitable to move job growth close to existing affordable housing

By concentrating job growth near lower housing and land, you can create more job opportunities for existing economically disadvantaged communities and enable more lower cost housing to be built. Placing new job growth on the most expensive land in the most affluent areas which are hardest to reach, such as the Peninsula, disadvantages lower income families to the benefit of the largest corporations.

42-4

Plan Bay Area 2050 does not evenly distribute jobs and housing in the Bay Area

The proposed Bay Area Plan 2050 objectives include to "Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing

42-5

jobs and housing in the Bay Area and by enabling the regional economy to thrive”

Instead of adding more jobs and commuters to a small geographic region of the South Bay, identified as Super District #9, they should add new jobs near areas with cheaper land and housing to communities which do not have a high jobs to housing ratio. This includes San Jose, the East Bay and Central Valley (e.g. Stockton). They should use job caps programs to limit job growth on the peninsula instead of concentrating new jobs in an area with the most expensive land values, which will only drive them higher. We should not be adding jobs in areas with high jobs to housing ratios as those will add additional commuters for the next century. In addition, rezoning office parks and areas to housing is also helpful. One look at Manhattan and Tokyo will make clear that high density does not result in affordable housing.

42-5
cont.

Plan Bay Area 2050 did not hold public meetings to explore alternate means of addressing the intra-regional jobs-housing imbalances

MTC/ABAG has not followed the California Government Code during their preparation of Plan Bay Area 2050. The Code clearly states that the regional government body “explore in public meetings alternate means of dealing with intraregional jobs-housing imbalances”. Despite formal documented requests from citizens requesting a serious study of the positive impacts of dispersing jobs to areas of less concentrated development, MTC/ABAG failed to effectively explore the dispersal of jobs in any of the alternatives they looked at. In fact, without any substantial public discussion they announced in October 2019 that they would not look further at one of their identified strategies—the positive impacts of putting business caps on cities experiencing rapid job growth

42-6

Plan Bay Area 2050 Housing and Transportation Funding Estimates are overly optimistic

The funding needed to achieve the plans proposed by Plan Bay Area 2050 is overly optimistic and relies on a set of assumptions unlikely to fully materialize. This includes funding for preserving existing affordable housing and building new affordable housing, which totals \$468 billion for just the Bay Area. Transportation Strategies estimate \$579 billion in spending for the Bay Area. The entire California 2020-21 Budget General Fund for all expenses for the state was \$134 billion. The proposed one trillion dollar spending on transportation and housing for the Bay Area is 8 times the state’s entire annual general funds including funding education and all the other state expenditures. Last year the state allocated about \$1 billion total for affordable housing programs for all of California. Thus Plan Bay Area 2050 estimated spending to support its transportation and housing strategies necessary is unrealistically high to support its projected growth and the state does not have the budget to support it.

42-7

RHNA Low Income Housing Requirements is an Unfunded Mandate

The current 6th RHNA cycle requires 180,000 housing units for low and very low income families. Below market housing subsidies for each unit is estimated about \$350,000 or higher per unit in Santa Clara County. Thus this represents a mandate to provide \$63 billion for below market housing over the next 8 years for just the Bay Area. However, the

42-8

state has only spent \$1 billion (roughly) last year on affordable housing programs. While supposedly jurisdictions only need to zone for these housing units, HCD and the state penalize local jurisdictions for not building them and remove local zoning control if they fail to meet these unrealistic growth estimates. Thus the current RHNA cycle is a giant unfunded mandate.

42-8
cont.

Plan Bay Area 2050 does not provide realistic transportation plan to accommodate its proposed growth

CalTrans is already at capacity. There is already more future office development in the pipeline, including Stanford and corporate expansion, than added CalTrans capacity from electrification. Bus ridership is declining and it takes too long to be a practical means of public transportation for most people. San Jose light rail has been a major failure. The transportation infrastructure to add a large number of commuters to Super Area #9 does not exist. It is unlikely to materialize, especially given purchasing rights of way are no longer feasible.

42-9

Eliminating Parking near public transportation is unrealistic

The elimination of parking requirements for housing within half a mile of public transportation is unrealistic. What study shows that all or most families within half a mile of public transportation own no cars? This will overcrowd the street parking, well beyond capacity.

42-10

Trend towards multifamily rentals limits upward mobility

The number one way families build wealth is through owning their home and paying their mortgage. Creating lots of multi-family rental housing, prevents workers from building equity and wealth and limits their upward mobility.

42-11

Conclusion

At its core, Plan Bay Area 2050 uses unrealistic and overly optimistic estimates of growth and funding. It concentrates growth in the most affluent and expensive areas far away from large amounts of affordable housing and land to build future affordable housing, thus depriving those communities of future opportunities. It unintentionally relies on lower income workers to commute long distances using saturated or extremely slow public transportation. Instead the plan should include dispersion of future job growth.

42-12

Why has there been no public discussion of these issues as the California Code and public inputs have repeatedly requested?

Public meetings and discussions on these concerns raised via public comment and in this letter should be held and Plan Bay Area 2050 DEIR approval should be delayed until it can be made more realistic.

PS: I've also attached these same comments as a PDF to this email.

Sincerely,
 Hamilton Hitchings
 [Redacted]
 July 13th, 2021

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42-14

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42-15

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42-16

Plan Bay Area 2050 does not evenly distribute jobs and housing in the Bay Area

The proposed Bay Area Plan 2050 objectives include to “Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive”

42-17

Instead of adding more jobs and commuters to a small geographic region of the South Bay, identified as Super District #9, they should add new jobs near areas with cheaper land and housing to communities which do not have a high jobs to housing ratio. This includes San Jose, the East Bay and Central Valley (e.g. Stockton). They should use job caps programs to limit job growth on the peninsula instead of concentrating new jobs in an area with the most expensive

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42-17
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42-18

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42-19

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42-20

Plan Bay Area 2050 does not provide realistic transportation plan to accommodate its proposed growth

CalTrans is already at capacity. There is already more future office development in the pipeline, including Stanford and corporate expansion, than added CalTrans capacity from electrification.

42-21

Bus ridership is declining and it takes too long to be a practical means of public transportation for most people. San Jose light rail has been a major failure. The transportation infrastructure to add a large number of commuters to Super Area #9 does not exist. It is unlikely to materialize, especially given purchasing rights of way are no longer feasible.

42-21
cont.

Eliminating Parking near public transportation is unrealistic

The elimination of parking requirements for housing within half a mile of public transportation is unrealistic. What study shows that all or most families within half a mile of public transportation own no cars? This will overcrowd the street parking, well beyond capacity.

42-22

Trend towards multifamily rentals limits upward mobility

The number one way families build wealth is through owning their home and paying their mortgage. Creating lots of multi-family rental housing, prevents workers from building equity and wealth and limits their upward mobility.

42-23

Conclusion

At its core, Plan Bay Area 2050 uses unrealistic and overly optimistic estimates of growth and funding. It concentrates growth in the most affluent and expensive areas far away from large amounts of affordable housing and land to build future affordable housing, thus depriving those communities of future opportunities. It unintentionally relies on lower income workers to commute long distances using saturated or extremely slow public transportation. Instead the plan should include dispersion of future job growth.

42-24

Why has there been no public discussion of these issues as the California Code and public inputs have repeatedly requested?

Public meetings and discussions on these concerns raised via public comment and in this letter should be held and Plan Bay Area 2050 DEIR approval should be delayed until it can be made more realistic.

Sincerely,

Hamilton Hitchings

[Redacted Signature]

July 13th, 2021

Letter 42
Hamilton Hitchings
July 13, 2021

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 regional forecast considers recent observed trends in population and employment, and near-term impacts of COVID on population growth. See “Master Response 1: Regional Growth Forecast” for a discussion related to the comment. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

42-2

See “Master Response 1: Regional Growth Forecast” for a discussion related to the comment. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

42-3

The Bay Area’s 2023 – 2031 RHNA methodology and allocations are a separate and distinct process from approval of the proposed Plan. Regarding the 2023 - 2031 RHNA, the California Department of Housing and Community Development, or HCD, determines the total number of new homes the Bay Area needs to build. HCD’s total number of new homes is based on population projections produced by the California Department of Finance, or DOF, and the application of specific upward adjustments related to a targeted vacancy rate, rate of overcrowding, and cost burden. See “Master Response 1: Regional Growth Forecast” and Response to Comment 13-1 for a discussion of RHNA methodology.

42-4

See “Master Response 1: Regional Growth Forecast” for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. The proposed Plan includes economic strategies (EC04, EC05, and EC06) that work in tandem with the proposed Plan’s growth geographies to shift jobs. Other strategies to shift jobs were evaluated during the Horizon initiative and Plan development process. See Response to Comment 9-1 for a discussion on strategies to shift jobs and address the intraregional jobs-housing imbalance and Response to Comment 8-1 for a discussion of the public forums in which they were discussed. The comment does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

42-5

Section 2.2.3 of the Draft EIR, “Conditions Under the proposed Plan,” discusses Plan Bay Area’s forecasted development pattern of households and employment beginning on page 2-10. Table 2-2 on page 2-12 of the Draft EIR discloses potential jobs-housing ratios for each county across the region. The Draft EIR states:

...the proposed Plan results in regional subareas and subarea counties converging toward the regional jobs-housing ratio of 1.34. The north and east bay subareas, while still below the regional average, are both moving closer to regional average. Similarly, the traditional job-rich peninsula and south bay subareas remain job-rich but are moving closer to the regional jobs-housing ratio.

As disclosed within Table 1-1, row 6a, on page 1-14 of the Draft EIR, MTC and ABAG must set forth a forecasted development pattern for the region that includes the Regional Housing Control Total, which shall have no increase in in-commuters over the baseline year for the SCS. For this reason, the regional forecast and the proposed Plan identify areas within the region to accommodate forecasted growth. Therefore, the proposed Plan cannot rely on area's outside the nine-county region to house future Bay Area workers.

See "Master Response 1: Regional Growth Forecast" and Response to Comment 13-1 for a discussion on RHNA methodology, and Response to Comment 9-1 for a discussion of jobs-housing balance and Super District #9. The comment is noted for consideration during project review.

42-6

Section 1.2 of this Final EIR, "Draft EIR Public Review Process," provides an account of the public outreach efforts that have occurred to date. Regarding the public process used to develop the proposed Plan and Draft EIR, please see Response to Comment 8-1. See Draft EIR Section 3.11, "Land Use, Population, and Housing," for a discussion of the regulations describing the requirements related to the RHNA, preparation and approval of which are separate from those of the proposed Plan.

42-7

The proposed Plan strategies are expected to be funded through both existing and new revenue sources from a mix of federal, state, regional, and local revenues, as opposed to being funded solely by state resources as the comment suggests. The comment is related to the proposed Plan and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review.

42-8

See "Master Response 1: Regional Growth Forecast" and Response to Comment 13-1 for a discussion of RHNA methodology. See also the discussion of the Bay Area Housing Finance Authority in "Master Response 6: MTC and ABAG Roles and Authority." The comment does not raise specific issues related to the Draft EIR or the analysis of environmental impacts.

42-9

The proposed Plan transportation strategies are detailed on page 2-6 of Chapter 2, "Project Description," of the Draft EIR, as well as in Chapter 4, "Transportation," of the Draft Plan Bay Area 2050. The proposed Plan directs substantial investments into building a next generation transit network (19 percent of forecasted revenues) inclusive of strategies T10, T11, and T12. Major investments are disclosed in Table 2-7 on page 2-20 of the Draft EIR and within the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. Table 2-8 on page 2-22 of the Draft EIR discloses that significant investments in transit more than double baseline transit seat-miles. Furthermore, Tables 2-14 and 2-15 on page 2-29 of the Draft EIR disclose that a greater share of commute and non-commute trips would be taken by transit over the next 30 years with the proposed Plan's strategies in place. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review.

42-10

While Plan Strategy H03 envisions reduced parking requirements in the growth geographies, it does not call for eliminating all parking requirements for housing near public transportation. The absence of minimum parking requirements does not prevent developers from building parking, and parking development has been observed in areas where minimum requirements were removed. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review.

42-11

The comment does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

42-12

The commenter provides general opinions related to the proposed Plan. Regarding the public process used to develop the proposed Plan, please see Responses to Comments 8-1 and 9-1. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

42-13

The comment repeats Comment 42-1. Please see Response to Comment 42-1.

42-14

The comment repeats Comment 42-2. Please see Response to Comment 42-2.

42-15

The comment repeats Comment 42-3. Please see Response to Comment 42-3.

42-16

The comment repeats Comment 42-4. Please see Response to Comment 42-4.

42-17

The comment repeats Comment 42-5. Please see Response to Comment 42-5.

42-18

The comment repeats Comment 42-6. Please see Response to Comment 42-6.

42-19

The comment repeats Comment 42-7. Please see Response to Comment 42-7.

42-20

The comment repeats Comment 42-8. Please see Response to Comment 42-8.

42-21

The comment repeats Comment 42-9. Please see Response to Comment 42-9.

42-22

The comment repeats Comment 42-10. Please see Response to Comment 42-10.

42-23

The comment repeats Comment 42-11. Please see Response to Comment 42-11.

42-24

The comment repeats Comment 42-12. Please see Response to Comment 42-12.

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

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533

Letter
43

July 14, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

Re: Draft Environmental Impact Report for Plan Bay Area 2050.

Dear Staff, MTC Commissioners, and ABAG Representatives:

On behalf of my client, the Citizens Committee to Complete the Refuge, I request that ABAG/MTC extend the review and comment period for the above-referenced draft environmental impact report ("DEIR") for an additional one month period. My client is an all-volunteer public interest 501(c)(3) nonprofit organization dedicated to maintaining, protecting, improving, and expanding the Don Edwards National Wildlife Refuge ("Refuge") within the San Francisco Bay.

Because Plan Bay Area 2050 proposes to expand the development of shoreline areas within San Francisco Bay, and particularly to construct protective projects aimed at sea level rise, it has the potential to seriously and adversely impact the Refuge, the sensitive shoreline and wetland habitat contained within the Refuge, and the many plant and wildlife species, including protected species, that depend on that habitat for their continued survival. Consequently, my client has needed to carefully study the voluminous materials associated with the DEIR to identify deficiencies in its analysis. Unfortunately, there are many. Just to mention one major deficiency, the DEIR gives only slight passing mention to the federally and state protected and endangered salt marsh harvest mouse, which inhabits wetlands that would be put at risk by some of the projects contemplated in Plan Bay Area 2050.

While my client has been working diligently to review the more than 2,300 pages of complex materials, including technical reports, associated with the DEIR, it has become apparent that its volunteers cannot complete the necessary review of the DEIR and provide their full comments before the current July 20th deadline for comment submission. Consequently, my client requests that ABAG and MTC extend the comment period so that it and other public interest groups can provide the detailed and thoughtful evaluation and comments that this DEIR needs and deserves.

My client would respectfully request a one-month extension to the comment period. If that is not possible, then a three week extension would be acceptable, although not ideal. However, even a two-week extension, while less than adequate, would be helpful.

Most sincerely



cc: MTC, ABAG

43-1

Letter 43
Citizen Committee to Complete the Refuge
Stuart M. Flashman
July 14, 2021

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

43-1

Circulation of the Draft EIR met requirements under CEQA Section 21091(a), which states that the public review period for a Draft EIR shall be at least 45 days. See the discussion of the comment period at the beginning of this Chapter 2 “Comments and Responses on the Draft EIR.” The programmatic analysis in the Draft EIR does not allow for a precise description or specific details regarding the location of projects and potential impacts on specific wildlife species, such as the salt marsh harvest mouse. See Response to Comment 130-7.

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

Letter
44

From: [Mary Rogren](#)
To: [EIR Comments](#)
Cc: [Nicole Sandkulla](#)
Subject: Comment Letter-Draft EIR for Plan Bay Area 2050 (SCH# 2020090519)
Date: Wednesday, July 14, 2021 3:58:37 PM
Attachments: [2021.07.12 Coastside CWD Comment Letter - Draft EIR for Plan Bay Area 2050.pdf](#)

External Email

Dear Ms. McMillan,

Please find attached a comment letter on the Draft EIR for Plan Bay Area 2050 submitted by the Coastside County Water District.

44-1

Thank you for your consideration.

Sincerely,
Mary

Mary Rogren
General Manager
Coastside County Water District
650-726-4405
mrogren@coastsidewater.org



July 12, 2021



Re: Comment Letter – Draft EIR for Plan Bay Area 2050 (SCH# 2020090519)

Therese McMillan, Executive Director
MTC and ABAG
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email: eircomments@bayareametro.gov

Dear Ms. McMillan,

Coastside County Water District ("Coastside CWD") submits the following comments to the Metropolitan Transportation Commission / Association of Bay Area Governments (MTC / ABAG) regarding the Draft Environmental Impact Report (Draft EIR) (SCH# 2020090519) for Plan Bay Area 2050 (Plan). In addition, Coastside CWD would like to incorporate by reference separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) that provide more detail about the proposed Plan's impacts on the communities that are provided water by BAWSCA's member agencies.

44-2

Coastside CWD is supportive of the proposed Plan's strategies to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all Bay Area residents. Adequate potable water supply is necessary to meet these goals. However, the DEIR fails to adequately consider the impacts of the proposed Plan on the region's water supply reliability and ability to accommodate projected increased housing water supply needs.

Specifically, the proposed Plan should:

- **Account for Phase 1 of the State Water Resources Control Board's (State Board) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,¹ that will directly impact Coastside CWD's water supply during droughts.** The Bay-Delta Plan requires the

44-3

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

Coastside County Water District | 766 Main Street, Half Moon Bay, CA 94019 | www.coastsidewater.org

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Attn: Ms. Therese McMillan
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release of 30-50 percent of the "unimpaired flow" on the three tributaries to the San Joaquin River from February through June, which will significantly impact water supply availability from the Tuolumne River and the San Francisco Regional Water System (RWS), Coastside CWD's primary source of water supply. The Draft EIR fails to account for the adopted Bay-Delta Plan, the resulting impacts, and adequacy of existing water supplies to accommodate planned growth and to meet Coastside CWD's customer needs during single and multiple dry years. As indicated on page 8-6 of the San Francisco Public Utility Commission's (SFPUC) 2020 Urban Water Management Plan (UWMP), analysis by the SFPUC, which operates the RWS, indicates that during single dry years, there would be system-wide shortages between 30 percent and 40 percent, and during multiple dry years, there would be shortages ranging from 30 percent to 49 percent.²

44-3
cont.

- **Account for the requirements of re-licensing of the Don Pedro Reservoir on the Tuolumne River by the Federal Energy Regulatory Commission (FERC) (FERC Project Nos. 2299 and 14581) and associated Clean Water Act section 401 Water Quality Certification (WQC).** The re-licensing of the Don Pedro Reservoir by FERC may require additional water to be released from the reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the dry year water supply yield of the RWS by reducing the balance of water stored in the water bank at Don Pedro Reservoir. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).³ On January 15, 2021, the State Board released the WQC for the Don Pedro project, which includes the 40 percent unimpaired flow objective from the Bay-Delta Plan amendment, as well as additional conditions that, if incorporated into FERC licenses would severely impact RWS water supplies.⁴ In the City and County of San Francisco's petition for reconsideration of the WQC dated February 16, 2021, data presented denotes that if the WQC were to be enacted, required rationing during single-year and extended periods of drought would range between 75 and 90 percent under present and future demand levels.⁵ These related FERC regulatory requirements will significantly reduce water supply

44-4

² SFPUC Adopted 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP_2020_%20FINAL.pdf

³ <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>

⁴ https://www.waterboards.ca.gov/docs/dplg_fwqc_complete_20210105.pdf

⁵ City and County of San Francisco's Petition for Reconsideration of 401 Water Quality Certification, submitted to the State Water Resources Control Board on February 16, 2021.

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 MTC and ABAG
 Attn: Ms. Therese McMillan
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availability during drought periods from the RWS, Coastside CWD's primary source of water supply. The Draft EIR fails to account for these impacts and the adequacy (or not) of existing water supplies to accommodate planned growth, and to meet Coastside CWD's customer needs during single and multiple dry years.

44-4
 cont.

- **Evaluate, as part of the impact analysis, how BAWSCA member agencies, will respond to the water supply shortages.** The impact analysis should include water shortages resulting from implementation of the Bay-Delta Plan, the Don Pedro FERC re-licensing, the WQC, climate change, and subsequent environmental and economic impacts.

44-5

- **Reconsider the effectiveness of mitigation measures PUF-1 and PUF-2 to account for the drastic water supply impacts resulting from the regulatory requirements of the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.** The State Water Resources Control Board intends to implement the Bay-Delta Plan in 2022. However, it is estimated that new (alternative) water supplies may take as long as 20 plus years to be in place, which will not be in time to address the water supply impacts resulting from the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC. And as noted in the DEIR, for Coastside CWD new or expanded infrastructure requires additional review and approval from the California Coastal Commission. Additional review and limitations on water infrastructure expansion, may easily increase the planning and permitting phase of water infrastructure on the San Mateo Coast to 30 plus years.

44-6

- **Be updated to include the current information detailed in Coastside County Water District's 2020 Urban Water Management Plan (UWMP) in the proposed Plan's water supply analysis.** This update should also reflect information regarding the adequacy of existing water supplies to accommodate planned growth and to meet Coastside CWD's customer needs during single and multiple dry years as detailed in the 2020 UWMP. The Draft EIR uses outdated information from SFPUC's 2015 UWMP. Coastside CWD's adopted 2020 UWMP can be found at [\[https://www.coastsidewater.org/reports_and_studies/2020-Urban-Water-Management-Plan.pdf\]](https://www.coastsidewater.org/reports_and_studies/2020-Urban-Water-Management-Plan.pdf).

44-7

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- As a wholesale customer of the SFPUC Coastside CWD's reliance on imported water varies year to year. On average, Coastside CWD purchases 73 percent of its potable water supply from the SFPUC RWS. Total water supply available to Coastside CWD under the adopted Bay-Delta Plan and current drought allocation methodology could result in a 59 percent shortage of water supplies to Coastside CWD customers.
- This significant cut to water supply would force Coastside CWD to take significant actions to reduce water demand, as outlined in the Coastside CWD's Water Shortage Contingency Plan, which can be found in appendix J of the [Coastside County Water District 2020 UWMP](#).
- Potential consequences of the proposed Plan include health and safety concerns due to lack of potable supplies during droughts, and major job losses during times of drought. It will also impact the recreational uses of coastal resources during times of drought.

44-7
cont.

Coastside CWD respectfully requests that the draft EIR be revised to address the concerns listed in this comment letter and be recirculated.

Sincerely,



Mary Rogren
General Manager
Coastside County Water District

Cc: Nicole Sandkulla, Chief Executive Officer and General Manager, BAWSCA

Coastside County Water District | 766 Main Street, Half Moon Bay, CA 94019 | www.coastsidewater.org

Letter 44
Coastside County Water District
Mary Rogren, General Manager
July 14, 2021

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 comment is an introductory statement. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Responses to Comments 44-2 through 44-7 addressing the attached comment letter.

44-2

This is a comment expressing support for the proposed Plan. See Responses to Comment Letter 76, the letter sent by BAWSCA. Whether the Bay-Delta Plan Amendment will be implemented is currently uncertain. Please see Response to Comment 76-2 for a discussion of why this is. As such, an evaluation that assumed its implementation would be highly speculative. Please see Response to Comment 76-5 as well for further relevant discussion.

44-3

Regarding implementation of the Bay-Delta Plan, see Responses to Comments 76-4 and 76-5.

44-4

Regarding relicensing requirements for the Don Pedro Reservoir, see Responses to Comments 76-2, 76-6, and 76-7. As with the Bay-Delta Plan, it is highly uncertain whether the WQC will be implemented by either the state or federal government.

44-5

The Draft EIR discloses under Impact PUF-2 that impacts on water supply would be significant and unavoidable. Mitigation measures are included in the Draft EIR; however, the impact on water supply would be significant and unavoidable. Whether the Bay-Delta Plan and/or Don Pedro Reservoir WQC are ever implemented is currently uncertain. An analysis assuming implementation would be highly speculative. Please see Responses to Comments 76-2, 76-6, 76-8, and 76-7 and “Master Response 3: Water Supply” for further relevant discussions.

44-6

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A). See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

44-7

The Draft EIR’s evaluation of regional water supply is adequate under CEQA. The analysis is appropriately based on existing conditions and available information at the time that preparation of the Draft EIR began and the NOP for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading “Method of Analysis:”

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

With respect to Coastside's 2020 UWMP, it was adopted in June 2021, the same month as the release of the Draft EIR and nine months after the release of the NOP. Coastside's 2020 UWMP only projects shortages in multiple dry years without implementation of the Bay-Delta Plan Amendment (Coastside County Water District 2021:7-21 to 7-26). This is consistent with the Draft EIR's conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions (see Draft EIR pages 3.14-43 to 3.14-46). See also Response to Comment 76-10, regarding information included in the 2020 UWMPs. Please also see "Master Response 3: Water Supply." Response to Comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties.

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

Letter
45

From: [Paul Machado](#)
To: [EIR Comments](#)
Subject: Getting it wrong for 8 years
Date: Wednesday, July 14, 2021 3:01:44 PM

External Email

For the past eight years I have seen housing and office prices rise making the area an elite area which the average american can not afford. The model ABAG is supposed to use is mandated to be an open process that evenly distributes jobs and housing thus controlling housing costs, managing congestion and distributing jobs in a manner that benefits the entire region. To date ABAG has been a failure.

Sadly ABAG now proposes to ignore the pandemic, and past failures by continuing with the same in house models that have resulted in the highest land prices in the country.

Perhaps ABAG needs to do some soul searching before they continue on the same path and realize that density alone causes problems and solves nothing.

Thank you

Paul Machado

45-1

Letter 45
Paul Machado
July 14, 2021

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

45-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See Response to Comment 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR. See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. See “Master Response 2: COVID-19 Pandemic Considerations” for a discussion related to the comment.

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

Letter
46

From: [steve.rutledge](#)
To: [EIR Comments](#)
Subject: ABAG housing requirements
Date: Thursday, July 15, 2021 9:42:12 PM

External Email

Hello. My name is Julie Beer, and we have rented a one-bedroom apartment in Palo Alto for over 30 years. Due to the massive development of tech offices approved by our city council in the past 10 years and the huge Google and Facebook campuses nearby, the city is barely recognizable anymore. Rich people like Mark Zuckerberg have bought multiple houses here to protect their privacy. Chinese buyers have bought houses for their children in case they go to Stanford, creating many empty ghost houses. Stanford University has also bought many houses in Palo Alto instead of building housing on their campus. Before the pandemic, we had five times as many people commuting to Palo Alto than the resident population. Traffic had become horrible, and the traffic problems are returning again. Without our knowledge or consent, my neighborhood near California Avenue became a development zone. Now ABAG is requiring Palo Alto to build about 6000 new housing units. Our city land is already fully developed, so how can that happen? Why do we need to build massive housing units just because our previous city council members sided with realtors and developers? What used to be a quiet town is now an outrageously expensive densely developed city. If I wanted to live in San Francisco or New York City, I would have moved there. We're in a major drought. Where will we find water to supply 6000 new housing units? Where will we find land to provide new schools for children? We greatly value our open spaces between Palo Alto and don't want these quiet refuges to become just more housing for the tech community. Our quality of life has already deteriorated under too much office development. Please don't make our city even less desirable by requiring such a huge increase in housing. Please stop your demands for 6000 new housing units in Palo Alto. Thank you.

46-1

Julie Beer
[Redacted]
Palo Alto CA 94306

Sent from my iPhone

Letter 46
Julie Beer
July 15, 2021

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

46-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. For issues pertaining to transportation, see Section 3.15 of the Draft EIR, “Transportation;” for issues related to schools and open space see Section 3.13 of the Draft EIR, “Public Services and Recreation.” See Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. See “Master Response 6: MTC and ABAG Roles and Authority” for discussion of local control over density, housing, and development. See “Master Response 3: Water Supply” for discussion related to water supply.

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

Letter
47

From: Margo
To: EIR Comments
Subject: Disastrous 2050 plan
Date: Thursday, July 15, 2021 3:21:56 PM

External Email

There are too many reasons to list here!! Environmental, overcrowded communities, affordable housing paucity ...and more!

Please do not accept this bill.

Margo Davis

Sent from my iPhone

Margo Davis

[https://nam10.safelinks.protection.outlook.com/?](https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.margodavisphoto.com%2F&data=04%7C01%7Ceircomments%40bayareametro.gov%7C817b34d5623f4bdb3b108d947def30a%7Cb084c4a0bb194142b70382ea65a5ecb2%7C0%7C1%7C637619845168636043%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C2000&data=tV2xZ2tOGltC9zUIOyUiAZ0Mq7wWxoHZ60h5jVoa6qc%3D&reserved=0)

[url=http%3A%2F%2Fwww.margodavisphoto.com%2F&data=04%7C01%7Ceircomments%40bayareametro.gov%7C817b34d5623f4bdb3b108d947def30a%7Cb084c4a0bb194142b70382ea65a5ecb2%7C0%7C1%7C637619845168636043%7CUnknown%](http%3A%2F%2Fwww.margodavisphoto.com%2F&data=04%7C01%7Ceircomments%40bayareametro.gov%7C817b34d5623f4bdb3b108d947def30a%7Cb084c4a0bb194142b70382ea65a5ecb2%7C0%7C1%7C637619845168636043%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C2000&data=tV2xZ2tOGltC9zUIOyUiAZ0Mq7wWxoHZ60h5jVoa6qc%3D&reserved=0)

[7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C2000&data=tV2xZ2tOGltC9zUIOyUiAZ0Mq7wWxoHZ60h5jVoa6qc%3D&reserved=0](http%3A%2F%2Fwww.margodavisphoto.com%2F&data=04%7C01%7Ceircomments%40bayareametro.gov%7C817b34d5623f4bdb3b108d947def30a%7Cb084c4a0bb194142b70382ea65a5ecb2%7C0%7C1%7C637619845168636043%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C2000&data=tV2xZ2tOGltC9zUIOyUiAZ0Mq7wWxoHZ60h5jVoa6qc%3D&reserved=0)

47-1

Letter 47
Margo Davis
July 15, 2021

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

47-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
48

From: [Sharleen Fiddaman](#)
To: [EIR Comments](#)
Subject: ABAG rules
Date: Thursday, July 15, 2021 10:15:44 PM

External Email

ABAG ... stop cramming housing into our city! We cannot sustain more population, traffic. We do not have facilities to support more children. Our infrastructure is maxed out! Let us control our own city!

48-1

I hate the loss of local zoning control; the huge burden of higher infrastructure costs of roads, schools, parks; the loss of family housing; congestion; challenges to mobility; the lack of effective transit.



Virus-free. www.avast.com

Letter 48
Sharleen Fiddaman
July 15, 2021

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

48-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. For issues pertaining to transportation, see Section 3.15 of the Draft EIR, "Transportation;" for issues related to schools and parks see Section 3.13 of the Draft EIR, "Public Services and Recreation." See "Master Response 6: MTC and ABAG Roles and Authority" for discussion related to local land use authority.

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

Letter
49

From: [Shirley Finfrock1](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Thursday, July 15, 2021 3:50:18 PM

External Email

I understand why you are proposing this plan, but there has to be some lot size limitations.

For example, I own a one story home approx. 1400 sq ft of living space plus 2 car garage on 5600 sq. ft lot, to be allowed to put 8 to 10 housing units on this size lot is out of reason.

That means that it would have to be 5 story high with 2 units on each floor. We live 1 mile from El Camino Real for public transportation and not reasonable for our 1 and 2 story neighborhood.

I am opposed to this plan in present configuration of bill B9.

Shirley Finfrock
Palo Alto

49-1

Letter 49
Shirley Finfrock
July 15, 2021

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

49-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 6: MTC and ABAG Roles and Authority” for discussion related to local control over density, housing, and development.

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

Letter
50

From: [Plan BayArea Info](#)
To: [EIR Comments](#)
Cc: info@planbayarea.org
Subject: FW: Draft PBA 2050 Comment Form submission
Date: Thursday, July 15, 2021 12:16:41 PM

This is an EIR comment.

From: info@planbayarea.org <info@planbayarea.org>
Sent: Wednesday, July 14, 2021 4:07 PM
To: info@planbayarea.org
Subject: Draft PBA 2050 Comment Form submission

External Email

Submitted on July 14, 2021 Submitted values are: *Name* Auros Harman *Email* [REDACTED] [1] *Zip Code* 94066 *Affiliation* Vice-Chair, San Bruno Planning Commission (but speaking only for myself) *Topic* Other *Comment* I am making a general comment on the overall performance of the official Plan, as compared to the Alternatives that were considered (Alternative 1, the "Transit Rich Area Focus", and Alternative 2 "High Resource Area Focus" Both Alternatives do slightly better than the Plan on climate and transportation goals. Both have reduced VMT, emissions, congestion, and better access to jobs. However, Alternative 1 does much better in terms of producing housing in urban areas close to jobs, which in the long run is the biggest lever for reducing emissions associated with individual choices and behavior. In SF the jobs/housing ratio is 1.6 with the Plan, 1.4 with Alternative 1, and 1.9 with Alternative 2. Any person who is able to both work and live in SF will have a radically more environmentally-friendly lifestyle. Alternative 2 actually increases displacement risk for Equity Priority Communities, from 40% with the Plan to 44% with Alternative 2, because of the lack of development in low-income communities to guard against displacement. The official Plan also inappropriately includes things like adding lanes to 280 inside SF. The experience with removing the 101 from Embarcadero suggests this has things exactly backwards. We ought to be talking about getting rid of freeway lanes, and pushing more trips onto transit. I hope that elements of Alternative 1 will be adopted into the final Plan, to improve environmental performance and enable more people to gain the physical and mental health benefits of living in a walkable community with a short commute. [1] [mailto:\[REDACTED\]](mailto:[REDACTED])

50-1

Letter 50
Auros Harman
July 15, 2021

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

50-1

The commenter express support for strategies evaluated in the proposed Plan alternatives. The commenter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
51

From: [jim jolly](#)
To: [EIR Comments](#)
Subject: Lack of public input and lack of affordable housing
Date: Thursday, July 15, 2021 3:17:36 PM

External Email

The efforts of ABAG, the development of RHNA numbers and legislative efforts to solve the housing issue in California are missing one critical data point - input from US, the people who pay taxes. The heavy handed, one size fits all solutions currently under consideration have numerous problems that seem to ignore the costs and consequences of these solutions, who will pay these costs, and whether taxpayers will support them. At the bare minimum, why doesn't ABAG survey each city to see which of them will support and accept them and which cities won't ?? In my opinion, the state government and it's related support organizations are trampling on the rights of local cities and the residents who live there. Jim Jolly. Los Altos, CA
Sent from my iPhone

51-1

Letter 51
Jim Jolly
July 15, 2021

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

51-1

The commenter expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast” and Response to Comment 13-1 for a discussion on RHNA methodology. See Response to Comment 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 1: Regional Growth Forecast” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment.

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

Letter
52

From: [Kathy Jordan](#)
To: [EIR Comments](#)
Subject: Oppose plan bay area 2050
Date: Thursday, July 15, 2021 3:16:12 PM

External Email

Please register my opposition to this egregious plan that seeks to overturn community local control and our economic system, by the government encroaching ever more and more on our freedom, to conduct Soviet style state planning, to benefit its special interest partners.

52-1

Thanks.

Kathy Jordan

Letter 52
Kathy Jordan
July 15, 2021

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

52-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 1: Regional Growth Forecast” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment.

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



July 15, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

Submitted via email to: eircomments@bayareametro.gov

San Francisco Baykeeper Request for Extension of Comment Period for Plan Bay Area 2050 Programmatic Environmental Impact Report (EIR)

Dear Staff, MTC Commissioners, and ABAG Representatives,

On behalf of San Francisco Baykeeper (“Baykeeper”) and our approximately 5,000 members and supporters who live and/or recreate in and around the San Francisco Bay Area, I write to request a one-month extension of the 45-day comment period for the Plan Bay Area 2050 Programmatic Environmental Impact Report. Baykeeper is a non-profit public benefit corporation organized under the laws of the State of California. Baykeeper’s mission is to defend San Francisco Bay from the biggest threats and hold polluters and government agencies accountable to create healthier communities and help wildlife thrive. Our team of scientists and lawyers investigate pollution via aerial and on-the-water patrols, strengthen regulations through policy advocacy, and enforce environmental laws on behalf of the public.

The EIR contains 875 pages, as well as many prior documents that must be referred back to, which makes comprehensive review by the July 20, 2021 at 5pm deadline very difficult. Because this is a long-range plan with the goal of making the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges, it is especially important that stakeholders be given ample time to review the documents in the EIR and submit comprehensive comments. Equity, in particular, requires that opportunities be extended to all, and especially to individuals and groups that do not have the extensive resources necessary to quickly review such a massive volume of documents and information.

Thank you for your attention to and consideration of this request.

Sincerely,

Ben Eichenberg
Staff Attorney
San Francisco Baykeeper
1736 Franklin Street, Suite 800
Oakland, CA 94612
510-735-9700 x105
ben@baykeeper.org

53-1



Pollution hotline: 1 800 KEEP BAY
www.baykeeper.org

1736 Franklin Street, Suite 800
Oakland, CA 94612
(510) 735-9700

Letter 53
San Francisco Baykeeper
Ben Eichenberg, Staff Attorney
July 15, 2021

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

Circulation of the Draft EIR met requirements under CEQA Section 21091(a), which states that the public review period for a Draft EIR shall be at least 45 days. See the discussion of the comment period at the beginning of this Chapter 2 “Comments and Response on the Draft EIR.”

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

Letter
54

From: [J. Robert Taylor](#)
To: [EIR Comments](#)
Subject: Housing
Date: Thursday, July 15, 2021 3:25:23 PM

External Email

To Whom it May Concern:

This letter is to voice my opposition to any attempt by the State of California to undermine local zoning and planning codes and regulations.

Each City and jurisdiction takes a great amount of time creating their own "General Plan" as required by State of California law. The creation of each general plan is a culmination of community input along with experts and elected leaders within the community. The diversity of such communities is what makes California strong and interesting.

Local schools and infrastructure (including utility resources) are already stressed for funding. Where will the money come from to support the influx of people created by the housing proposed?

Please vote against any plan that would abridge local planning and zoning.

Sincerely

Bob Taylor

[Redacted]

Los altos, Ca 94022

|

54-1

Letter 54
Bob Taylor
July 15, 2021

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

54-1

The comment expresses opposition to the proposed Plan. Impact LU-2 in Section 3.11 of the Draft EIR, “Land Use, Population, and Housing,” addresses potential inconsistencies between the proposed Plan and local general plans. As noted in the first paragraph of Impact LU-2 on page 3.11-22 of the Draft EIR, “If the lead agency wishes to approve a project that is consistent with the proposed Plan in order for the project to take advantage of streamlined environmental review, but the project is inconsistent with an adopted general plan or specific plan, project approval would include amendment of the general plan or specific plan.”

Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 1: Regional Growth Forecast” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment. See Response to Comment 8-1 regarding public outreach conducted for preparation of the Plan and Draft EIR. Section 3.14 of the Draft EIR, “Public Utilities and Facilities,” addresses the effects of the proposed Plan on utilities; and Section 3.13 of the Draft EIR, “Public Services and Recreation” addresses the effects of the proposed Plan on schools.

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

Letter
55

From: [Rita Vrhel](#)
To: [EIR Comments](#)
Subject: Bay Area Plan 2050
Date: Thursday, July 15, 2021 3:14:43 PM
Attachments: [June-23-PASZ-Letter-to-ABAG-Final.pdf](#)

External Email

Dear Sirs:

I live in Palo Alto and must object to your Bay Area Plan 2050.

So much is wrong with it. You are not an elected body, yet are playing an illegal God with our land and communities.

Your housing numbers will forever change our communities and turn them into mini-cities, which few except developers and real estate personnel desire.

You will decrease livability and destroy all that makes the Peninsula desirable.

I refer you to Mr. Greg Schmidt's excellent and comprehensive letter attached below. It lists many of the issues wrong with your plan. I will gladly join a lawsuit against Bay Area Plan 2050 and will actively work to unseat any legislator who supports it.

Maybe you are not aware of the recent news article stating 40% of those currently living in San Francisco plan on moving from San Francisco to elsewhere. Or of the numbers of people planning to move to less expensive locations now that they can work remotely. Or of the forecasted severe drought and water shortage California likely faces. Or the extensive empty work spaces littering the Bay Area.

Please, please stop your insanity. Place your ambitious plans on hold and let the COVID-19 changes settle in.

Your Plan may be more unnecessary and destructive than even you realize. Thank you

Rita C. Vrhel
Phone: [REDACTED]

55-1



June 23, 2021

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco CA 94105

EXECUTIVE SUMMARY

MTC/ABAG has developed a proposed Plan Bay Area 2050 that focuses excessively high jobs and housing growth in a small geographic region of the South Bay, identified as Super District #9. This concentration challenges one of the key purposes of the proposed Objectives of the Plan: “Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive”.¹

MTC/ABAG has not followed the California Government Code during their preparation of Plan Bay Area 2050. The Code clearly states that the regional government body “explore in public meetings alternate means of dealing with intraregional jobs-housing imbalances”. Despite formal documented requests from citizens requesting a serious study of the positive impacts of dispersing jobs to areas of less concentrated development, MTC/ABAG failed to effectively explore the dispersal of jobs in any of the alternatives they looked at. In fact, without any substantial public discussion they announced in October 2019 that they would not look further at one of their identified strategies—the positive impacts of putting business caps on cities experiencing rapid job growth.

55-2

Toward that end, this note asks critical questions about this process and outlines legal reasons why these questions must be addressed. Until they are formally answered in public session, the Plan Bay Area 2050/RHNA process must be halted. Supporting legal precedents, rulings and timelines identify the questions that still await substantive responses before actions are taken that bring unprecedented changes to our communities.

This note outlines the relevant Government Codes, reviews the substantial issues raised in public letters and forums, tracks the dates of key decisions made by MTC/ABAG and HCD after these issues had been raised and ends with critical questions that need to be answered. We ask that the Plan Bay Area 2050/RHNA process be halted until MTC/ABAG meets in meaningful public session to explore the potential community benefits that might flow from a more effective job dispersion plan.

¹ MTC/ABAG, Draft EIR, June 2021, p ES-6.

RELEVANT GOVERNMENT CODES

There are several key California Government Code sections that focus specifically on the process of the development of the regional plan and the associated RHNA allocation. The most relevant is Code Section 65584 dealing with Local Planning for the Housing Element.

Code Section 65584.01 (a) and (b) assert that the regional housing determination shall be a product of cooperation among the regional government body (MTC/ABAG), the Department of Housing and Community Development (HCD) and the State's Department of Finance (DOF).

Code Section 65584.04 (d) points to the essential role of public participation in the process: "Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort."

Of special note is the emphasis on "intraregional balances". In Code Section 65584 (d) (3) it states that the Plan should promote the following objective: "Promoting an improved intraregional relationship between jobs and housing". "Intraregional" in this case clearly means "within the region".

To emphasize the importance of the importance of "improving" such a relationship, the California Code Section 65890.5 requires HCD to prepare and distribute a Guidebook that would present "methodologies for measuring the balance of jobs and housing" and identify "incentives which local, regional and state agencies may offer the private sector to encourage developments which will facilitate an improved balance between employment generating land uses and residential land use".

HCD followed up the Code requirements by stating in a letter in June 2020 that "HCD and ABAG staff completed an extensive consultation process covering methodology, data sources and timeline" that also involved coordination with the California Department of Finance. The process covered the period between March 2019 and May 2020 and had finalized ABAG's existing and projected housing need.² The letter stated that ABAG is "responsible for adopting a methodology for RHNA allocation that will "promote an improved intraregional relationship between jobs and housing".

ISSUES RAISED IN PUBLIC

During the public comment period before the approval of the methodology to be followed by ABAG, there were two letters signed by 86 citizens sent by Palo Alto for Sensible Zoning in August 2019 and ten speakers appeared before the ABAG Executive Committee on September 19, 2019. There was a further formal note from the West Bay Citizens Coalition in March 2020. These interventions focused on three critical issue areas: the economic and social consequences that were flowing from concentrated growth; the lack of attention paid to the California Codes

² Letter from Megan Kirkeby, Acting Deputy Director, HCD to Therese McMillan, Executive Director, ABAG, June 9, 2020.

55-2
cont.

that called for open public discussion of alternate ways of working toward improving the intraregional jobs-housing balances that were appearing around the Bay Area; and, the potential impacts on the mobility that had been a key characteristic of Silicon Valley's historical growth.

Let us review the issues mentioned and the data presented:³

1. Plan Bay Area 2040 made a serious underestimate of the concentration of jobs and housing imbalances: it forecast that the West Bay would have an annual increase in jobs growth about twice as high as Oakland and San Jose combined. In practice, between 2010 and 2018 the rate was well over seven times as high. This would seem to call for a serious public discussion of the accuracy of MTC/ABAG's internal models—REMI and BAUS2.0— which are used with little or no public input.⁴

2. The concentrated growth in both office space and housing raised land prices significantly in the South Bay having a direct impact on housing prices. In fact, a Federal Reserve study indicated that the share of land prices in total housing costs in the San Francisco Metro Area was the highest in the country, with the San Jose Metro Area being the second highest in the country.⁵

3. Metro Area housing prices and rentals in the San Francisco and San Jose Metro Areas are now the highest in the country.⁶

4. Studies by the Brookings Institute show that the rates of household income inequality in the San Francisco and San Jose Metro Areas are among the highest in the country in Silicon Valley and are growing faster than in almost every other urban area in the country.⁷

5. The bulk of the funds for new affordable housing are paid by residents. The main source of funds comes from inclusionary zoning. This means that market rate renters in each new multifamily building are charged higher rates to cover the subsidized costs for affordable units. This increases the income inequalities in the area that already is the highest in the country. Further housing fees are assessed for affordable housing on all new building construction in the area. But despite the higher ratio of jobs over housing units in the area, residents pay more in impact fees than businesses.⁸ This is important to recognize when affordable housing subsidies in the Bay Area may well total over \$200 billion, with up to 20% of that in the high-cost concentrated growth area of Silicon Valley that makes up only 4% of the population.⁹

55-2
cont.

³ Presented in PASZ letter of August 17, 2019, WBCC letter of March 18, 2020 and public comments made at the September 19, 2019 ABAG Executive Board Meeting.

⁴ PASZ letter, Table 1. Source: Plan Bay Area: Strategy for a Sustainable Future (July 2013, "Employment Growth by Jurisdiction", and Census Bureau, ACS Factfinder (Advanced search on B08601).

⁵ Morris A. Davis and Michael Palumbo, Federal Reserve Board, Staff Paper 2006-25, Washington DC.

⁶ Presented in letters of August 17, 2019 and March 18, 2020, Figure 3. Source: Zillow, February 2019.

⁷ Berube, Alan "Income inequality in cities in metro areas: An Update", Brookings: Metropolitan Policy Program, 2016, Appendix X. Glassman, Brian, U.S. Census Bureau, "Income Inequality among Regions and Metropolitan Statistical Areas: 2005 to 2015", SEHSD Working Paper Number 2017-41.

⁸ City of Palo Alto, 2015-2023 Housing Element, "Local Funds", pp 77-79.

⁹ MTC/ABAG, Plan Bay Area, Final Blueprint Compendium, Growth Pattern.

6. Further, note that in the crowded urban areas of Silicon Valley, virtually all new housing construction is in multiunit buildings. Between two-thirds and three-quarters of recent market proposals consist of either studios or one bedroom apartments. This means that new young workers may be able to find a place to live but very few families will. This will have a profound impact on our communities. The U.S. urban areas with the densest business/population concentration (San Francisco, Washington DC, Manhattan County) have the lowest shares of children between the ages of five and seventeen. Many communities in Silicon Valley have had declining ratios of school age children over the last 9 years, with the total share of the population between the ages of five and seventeen having fallen by some 8%.¹⁰

7. Most serious historians of Silicon Valley have indicated that the key to the remarkable success of the tech revolution in a group of small suburban cities was the lack of large overriding businesses in the area and the remarkable mobility of both ideas and workers.¹¹ The recent concentration of businesses, the lawsuit against five large Valley firms agreeing to restrict open movements of workers and the growing restrictions on the use of the automobile in the current plans for concentrated development seems to undermine some of the key ingredients of the historical success of mobility in the Valley.

8. One of the organizers of the Plan is MTC which has regional responsibility for transit development. One of the key starting assumptions behind the Plan is to concentrate growth along existing transit corridors. This makes sense within MTC's transit purview. But the process should deal openly and explicitly with the falling level of use of transit over the last three years before COVID when ridership in both Bay Area-wide transit systems and local Santa Clara County transit systems that serve Silicon Valley fell.¹²

55-2
cont.

THE DECISION PROCESS

The decision process for Plan Bay Area 2050 has moved along without public discussion of the issues raised in the documented letters or public comments cited above. The following dates highlight key MTC/ABAG decisions that follow the requests for public discussion on the issues raised above:

September 19, 2019: ABAG Executive Board approves the Methodology design for Plan Bay Area 2050. Its Attachment A describes the process in detail with a Regional Growth Forecast "produced by ABAG/MTC Planning Staff with consultant and technical Advisory Committee input" using both the REMI model and the Urban Sim 2.0 models to distribute the jobs and housing shares among local communities.¹³ The Methodology was passed on a 19-3 vote.

¹⁰ California Department of Finance, E-5 Population Estimate for Cities and Counties, 2016-2019.

¹¹ See the discussions of the importance of idea and labor mobility in: Saxenian, Annalee, "Regional Advantage: Culture and Competition in Silicon Valley and Route 128", Harvard University Press, 1994, p 32-37; and David Angel in Kenney, Martin ed.; "Understanding Silicon Valley: The Anatomy of an Entrepreneurial Region", Stanford University Press, 2000, p 130-132.

¹² BART, Caltrain, and VTA operating statistics.

¹³ Plan Bay Area 2050; ABAG Executive Board, September 19, 2019; Attachment A

October 11, 2019: ABAG Planning Committee released a report that stated that they would not move forward with a Horizon Strategy that recommended exploring a strategy that would “Place Office Caps in Job-Rich Cities”.¹⁴

Fall 2019 – Summer 2020: Key decisions made by the internal Technical Committee with HCD and DOF participation. This Committee relied on their in-house models—REMI and Urban Sim 2.0. This process was based on a strategy of focused growth in Transit-Rich areas and High-Resource Areas along existing transportation networks.¹⁵

May 8, 2020: MTC/ABAG presented a report that stated that while COVID-19 would have an impact on the early part of the period covered by Plan Bay Area 2050 it would not have an effect on the longer term projections of jobs and housing.¹⁶ This downplays the possible longer term impact of remote working on housing needs and keeps a strategic focus on concentrated job growth in already jobs-rich areas.

June 9, 2020: HCD approval of final Regional Housing Need Determination for ABAG that confirmed close cooperation between the agencies during the period from March 2019 to May 2020 with consultation with the California Department of Finance. It acknowledged that one of the objectives of the Plan was to “Promote an improved intraregional relationship between jobs and housing” but it had the practical effect of stressing in-house committee work relying on the strictly controlled models of REMI and BAUS2.0.¹⁷

January 21, 2021: ABAG Executive Board adopted the Final Blueprint as the Preferred Alternative.¹⁸

55-2
cont.

BEFORE YOU APPROVE THE PLAN BAY AREA 2050 EIR,

....WE ASK THAT YOU ANSWER THE FOLLOWING QUESTIONS

1. When will HCD release their Code mandated Guidebook (Government Code 65890.5) that would provide methodologies for an open discussions of a range of possible incentives that local, regional and state bodies could offer the private sector to encourage developments which will facilitate an improved balance between jobs and housing?
2. Why are ABAG and HCD relying on in-house models (REMI and Bay Area Urban Sim) that have produced such striking errors in the location of job concentrations during the period 2010-2018 without clear and open public discussion about model assumptions and characteristics?

¹⁴ MTC/ABAG: mtc.ca.gov/sites/default/files/Horizon_Futures_Final_Report_Presentation.pdf. October 11, 2019

¹⁵ Letter from Megan Kirkeby, HCD to Therese McMillan, ABAG, June 9, 2020; Draft Plan Bay Area 2050,

“Forecasting and Modeling Report”, pp 14-15 and p 40.

¹⁶ Joint MTC Planning Committee with the ABAG Administrative Meeting: May 8, 2020.

¹⁷ Letter from Megan Kirkeby, HCD to Therese McMillan, ABAG, June 9, 2020.

¹⁸ MTC, Plan Bay Area Monthly Update, February 4, 2021.

3. Identify when “alternate methods of improving dealing with intraregional jobs-housing imbalances” were discussed in open public sessions. In that discussion please describe the “controversy” that was identified in the “EIR: AREAS OF CONTROVERSY” section that stated “Strategies integrated in EIR Alternative 2...included office development caps in job-rich cities, that were controversial and ultimately discarded earlier in the process” (EIR, p EC 9-10)?

4. When was there any discussion of the possible severe economic and social consequences raised by the public from the further concentration of growth in both jobs and housing in a single relatively small geographic area (Super District #9)?

5. It is clear that large businesses benefit from concentrated growth and that the state budget does as well. At the same time, the tax and cost burdens of transit, infrastructure and affordable housing on local residents will move dramatically higher. Why has there been no public discussion of the benefits flowing to large businesses and the state budget while the costs burden is so severe on local residents?

6. Has there been any public discussion of the growing dominance of very large firms that is a clear consequence of business concentration and its impacts on the mobility of ideas and talent that has been such a key part of Silicon Valley’s emergence and growth?

55-2
cont.

PASZ (Palo Altans for Sensible Zoning)

Contact: Greg Schmid



Letter 55
Rita Vrhel
July 15, 2021

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

55-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast,” “Master Response 2: COVID-19 Pandemic Considerations,” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment. The comment also introduces a letter regarding the proposed Plan from Palo Altans for Sensible Zoning (PASZ), which is a duplicate of Comment Letter 9. See Responses to Comments 9-1 through 9-7 regarding the comment letter from Greg Schmid on behalf of PASZ.

55-2

The comment reprints the Draft EIR comment letter from Palo Altans for Sensible Zoning. Please see Responses to Comments 9-1 through 9-7.

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

Letter
56

From: [Victor Zilinskas](#)
To: [EIR Comments](#)
Subject: We Say No to Plan Bay Area 2050
Date: Thursday, July 15, 2021 11:29:26 PM

External Email

Dear ABAG,

I am writing to voice my displeasure with Plan Bay Area 2050. I am against anything that changes local city zoning control. Sacramento or the Federal Government have no business to dictate zoning changes to local cities and its citizens. This goes against the American Constitution and Democracy. I am against the attack on single family homes in the USA. We made long term decisions to invest and live in this community. We don't need outsiders telling us how our neighborhood should look. This plan just makes our communities more congested with higher population densities.

56-1

I am against the multiple bills Sacramento is trying to sneak past us during the pandemic, like SB9, SB10 etc. You are not fooling the California Voters. We will need more recalls and the removal of those officials pushing these unwanted policies.

We don't have enough water and electricity as it is. California's current water system is designed for 20 million people. Our population is 40 million. You also are mismanaging the forests causing forest fires and unbreathable air every year. Work on these problems first. Quit cutting off our natural gas supply and nuclear power generated electricity. Focus your efforts on fixing these problems. California farmers are being destroyed by the lack of water. You are letting the water go out into the ocean. We need water to drink and food to eat.

56-2

No to Plan Bay Area 2050. Everyone on my street feels the same way I do.

Sincerely,

Victor J. Zilinskas
[REDACTED]
Palo Alto, CA 94303

Letter 56
Victor Zilinskas
July 15, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for discussion related to this comment. Note that the state legislative process related to senate and assembly bills occurs independently from the drafting and adoption of the proposed Plan by MTC and ABAG.

56-2

Impacts on water supply are discussed in Impact PUF-2 in the Draft EIR. Please also see “Master Response 3: Water Supply” for a discussion related to water supply.

The availability of energy supplies is determined by individual utility companies and is discussed in Impact PUF-1 in the Draft EIR. Impact EN-1 describes the potentially significant environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation, and Impact EN-2 discusses conflicts with or obstruction of a State or local plan for renewable energy or energy efficiency. The proposed Plan’s impacts would be less than significant, as discussed on pages 3.6-48 through 3.6-51.

The exacerbated risk of wildland fires and associated pollutant release and other hazardous conditions are described in Impact HAZ-7. As described on pages 3.9-38 through 3.9-43, this impact would be significant and unavoidable.

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

Letter
57

From: [Ken Alsman](#)
To: [EIR Comments](#)
Subject: THE PLAN THAT ISN'T A PLAN Friday, July 16,
Date: 2021 9:37:12 AM

External Email

I was a planner in Mountain View during the 70's and 80's, spending most of our time fighting to create a diverse, livable, balanced town. Your "one idea" proposal will destroy the progress made.

57-1

Ken Alsman

Sent from my iPhone

Letter 57
Ken Alsman
July 16, 2021

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

57-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
58

From: [Joyce Beattie](#)
To: [EIR Comments](#)
Subject: ABAG Housing Plan a Disaster
Date: Friday, July 16, 2021 5:16:03 PM

External Email

I am writing you to protest ABAG's poorly conceived housing plans. We already have the highest office and housing prices in the country; Our affordable housing subsidies are also the highest in the country. We desperately need low income Housing, that this doesn't address. The "Plan" doesn't take into consideration how it will create a huge burden of higher infrastructure costs for roads, schools, parks; the loss of family housing; congestion; challenges to mobility. Our pitiable lack of effective transit... The list goes on!
This is NOT the way to go.
Sincerely,
Joyce Beattie
[Redacted]
Palo Alto, CA 94306

58-1

Letter 58
Joyce Beattie
July 16, 2021

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

58-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. Please see Draft EIR section 3.11, "Land Use, Population, and Housing"; section 3.13, "Public Services and Recreation"; section 3.14, "Public Utilities and Facilities"; and section 3.15, "Transportation," for discussions of these issues in the Draft EIR.

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

Letter
59

From: [Jim Colton](#)
To: [EIR Comments](#)
Subject: Oppose Plan Bay Area 2050
Date: Friday, July 16, 2021 7:52:13 AM

External Email

I strongly oppose Plan Bay Area 2050. We are already at the limit for what our water supply can provide or not provide in the drought years and what our infrastructure can support. What we need is certainly not more office space and not more market rate housing but more affordable housing. The process by which you arrive at your conclusions had no effective public discussions as required by Code. This whole process needs to be reviewed.

59-1

Jim Colton
Palo Alto

--

JimColtonPhotography.com

Letter 59
Jim Colton
July 16, 2021

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

59-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 3: Water Supply” for a discussion related to the drought. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing. See also Response to Comment 8-1 regarding public outreach conducted for preparation of the proposed Plan and Draft EIR.

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

Letter
60

From: [Suzanne Crocker](#)
To: [EIR Comments](#)
Subject: I strongly oppose Plan Bay Area 2050
Date: Friday, July 16, 2021 10:39:08 AM

External Email

As a resident of Palo alto, I strongly oppose Plan Bay Area 2050. In Silicon Valley, we already have the highest office and housing prices in the country; affordable housing subsidies are the highest in the country; the loss of local zoning control would be disastrous; we would bear the huge burden of higher infrastructure costs of roads, schools, parks and worse congestion as well as the challenges to mobility due to the lack of effective transit.

60-1

Sincerely,
Suzanne Crocker

Letter 60
Suzanne Crocker
July 16, 2021

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

60-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions nor would it result in a loss of local control to zoning. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. Please see Draft EIR section 3.11, “Land Use, Population, and Housing”; section 3.13, “Public Services and Recreation”; section 3.14, “Public Utilities and Facilities”; and section 3.15, “Transportation,” for discussions of these issues in the EIR. See “Master Response 6: MTC and ABAG Roles and Authority” for discussion related to this comment.

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

Letter
61

From: [Linval DePass](#)
To: [EIR Comments](#)
Subject: ABAG's plan for PaloAlto
Date: Friday, July 16, 2021 2:44:15 PM

External Email

Dear ABAG Executive Committee,

I am a US citizen, a long-time resident of Palo Alto and a major taxpayer since 1984. I am writing to express my strong disagreement with the plans that ABAG is preparing to implement with respect to new housing in the Bay Area in general and in Palo Alto in particular. As a professional biologist, I am aware that every ecosystem has a limited carrying capacity, which represents the number of individuals that the ecosystem can support. ABAG's plan does not seem to be concerned about the number of people who can survive comfortably in Palo Alto. On the contrary, ABAG seems to think that we can accommodate an infinite number of new residents as long as we build any kind of housing for them. There is no concern for the severe drought that currently exists in California and especially in the Bay Area that is requiring significant reductions in water consumption by the existing population. Likewise, there is no concern for the amount of new traffic nor the space for parking that this plan would entail. Nor is there concern for the quality of life of the people who have invested their assets in Palo Alto because they enjoy living in Palo Alto. Who is expected to pay for the required new infrastructure, the cost of new roads, schools, etc, that we would need to accommodate the additional population?

61-1

The concerns I have expressed above would be less valid if Palo Alto and the surrounding communities like Los Altos and Mountain View had not already increased their supply of new housing very significantly in the past several years. As a resident since 1984, I would be happy to provide a guided tour to any ABAG official who would like to see the new housing developments that have arisen in recent years and those that are now being constructed as I write this letter.

I strongly urge the ABAG Executive Committee to respect the right of Palo Alto residents to retain local zoning control and the right to live a peaceful life free from unreasonable pressures from the State and other entities such as ABAG.

Sincerely,

Linval R. DePass, Ph. D.

Letter 61
Linval R. DePass, PhD
July 16, 2021

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

61-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast,” “Master Response 3: Water Supply,” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment. Please see Section 3.15 of the Draft EIR, “Transportation” for a discussion of the proposed Plan’s impacts on transportation. For issues related to schools and other services see Section 3.13 of the Draft EIR, “Public Services and Recreation” and Section 3.14, “Public Utilities and Facilities,” for issues related to the effects of the proposed Plan on utilities. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan.

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

Letter
62

From: stan@ostassoc.com
To: [EIR Comments](#)
Subject: eir comments
Date: Friday, July 16, 2021 12:47:07 PM

External Email

It's more than a housing crisis

We are facing a crisis in providing adequate housing at the local, regional and national level. Our economic growth has fueled a need for more workers than can be housed within our existing communities, let alone supported by our existing infrastructures.

ABAG seeks to address this need in a drastic and draconian fashion through mandates to forcibly change the present population density for most communities. This is not a viable solution and, in fact only addresses a symptom, not a root cause.

We cannot simply pile more concrete structures on top of the existing ones without addressing the needs for more schools, better transportation, more city services and utilities, as well as additional neighborhood serving businesses such as grocery stores, medical services, restaurants, etc. This broader manifestation of infrastructure in most communities is clearly already under-performing and substantially overextended.

Broad solutions which encompass, but are not restricted to, holistic communities are called for, but should begin at the regional level and extend state and nationwide.

Let us consider creating new cities that are designed from the ground up, with zero net energy and water demands and which require limited transportation. Cities which have room to grow and are sustainable. Our existing model of "adequate" housing within commuting distance of jobs has been severely challenged in response to the pandemic. The pre-pandemic demand models that ABAG is currently utilizing are undoubtedly obsolete in a post pandemic society.

Finally, we must ask ourselves: How much of our sensitive environment and our quality of life are we willing to sacrifice on the altar of economic growth? We already enjoy some unenviable social and environmental malaise. California is nearly in last place in quality of our roads, crowding of our roads, and performance of our schools. On the flip side we enjoy some of the highest sales, income, and property taxes that combine for almost the highest overall tax impact, also highest cost of electricity, water, and gasoline, highest poverty rate and highest cost of housing. Our electrical energy system, both generation and distribution grid, already teeters on the edge of breakdown under current demand. The current system will need to be more than doubled in all aspects to meet the needs of a society that just 20 years from now is envisioned to be independent of fossil fuels.

All this in the pursuit of the siren song of growth.

Isn't it time to seriously begin to question the trajectory of our society – to find leadership that can think of a societal structure that is sustainable?

62-1

Letter 62
Stan No Last Name Provided
July 16, 2021

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 comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast,” “Master Response 2: COVID-19 Pandemic Considerations,” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment.

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

Letter
63

From: [Don Teeter](#)
To: [EIR Comments](#)
Subject: STOP!
Date: Friday, July 16, 2021 7:09:50 AM

External Email

When we bought our house in 1973, it was we specifically chose Palo Alto because this city was the most desirable on the peninsula. Palo Alto had remained that until at some point, hard to tell when, the city decided that we needed more dense housing. The result, our street, Louis Rd. has become a thoroughfare. The current generation has children. that must be so much more careful due to the much faster and increased traffic. And that is just our street. Traffic calming on Charleston? No, traffic mess. Arastradero, another mess. Ross Rd, disastrous. It seems that everything the city touches makes things worse, now E. Meadow. And now you want to eliminate single-family houses? JUST STOP! Council! take some time off, relax.

63-1

Don Teeter

[Redacted]

Sent from Windows Mail

Letter 63
Don Teeter
July 16, 2021

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

63-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development.

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

Letter
64

From: [T Bel](#)
To: [EIR Comments](#)
Cc: [T Bel](#)
Subject: Please say "no" to Plan Bay Area 2050
Date: Saturday, July 17, 2021 7:22:51 PM

External Email

17 July 2021

Dear ABAG: Please say no to the destructive and misguided Plan Bay Area 2050. We have very little land here in Palo Alto for new housing, and should not be punished by RHNA for having an imbalance of jobs versus housing.

64-1

Respectfully, Thomas J. Belick, Palo Alto

Letter 64
Thomas J. Belick
July 17, 2021

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

64-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology.

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

Letter
65

From: [Mark Hogan](#)
To: [EIR Comments](#)
Subject: I oppose Plan Bay Area 2050
Date: Saturday, July 17, 2021 6:52:23 PM

External Email

Hello,

I strongly oppose Plan Bay Area 2050.

I have lived in California my entire life and on the Peninsula the majority of that time. There are drastic differences in the character from county to county, city to city and neighborhood to neighborhood. The recommendations in Plan Bay Area 2050 will completely transform communities. Looking at the quotas for my community leads me to conclude that the people making these decisions, without sufficient input from the people that actually live there and will be most impacted, have no clue about the significance of what they are proposing. These are not small changes - doubling the size of a community, mandated from afar will cripple our schools and ruin our parks.

The loss of local zoning control is government overreach. The people most impacted should be allowed to determine the density of their community. Government in California, regional planning agencies included, is very effective at enacting regulations but has a horrible track record of actually solving problems.

Stop the over-reach and retain local control.

Mark

Mark Hogan

[Redacted signature]

65-1

Letter 65
Mark Hogan
July 17, 2021

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

65-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. Please see “Master Response 6: MTC and ABAG Roles and Authority” for a discussion of local control over density, housing, and development. For issues related to schools and parks see Section 3.13 of the Draft EIR, “Public Services and Recreation.”

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

Letter
66

From: [Magic](#)
To: [EIR Comments](#)
Subject: take a stand for stopping growth!
Date: Saturday, July 17, 2021 2:21:28 PM

External Email

To whom it may concern,

I write to oppose ABAG's priority for the Bay Area of concentrating growth in already jobs-rich areas like Palo Alto, the community where I've resided for over 30 years. We've used this approach for decades which has served to only worsen problems of affordable housing, traffic congestion, and equity.

We will create a more sustainable world by exporting jobs to less affluent areas and simultaneously reduce housing demand and create a more equitable society.

With the recent changing work patterns due to the pandemic, we have an opportunity to rethink our communities.

In the long run, we all need to take a stand for fewer people, using less resources, and creating less hazards. When will humanity realize we cannot "grow" our way out of our ecological disaster? We only make our situation worse!

Thank you for considering my views.

With appreciation,

Hilary Hug

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THANK YOU!

www.ecomagic.org ----- (650) 323-7333----- Magic, Box 15894, Stanford, CA 94309

66-1

Letter 66
Hilary Hug
July 17, 2021

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

66-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 2: COVID-19 Pandemic Considerations" for discussion related to this comment. See Response to Comment 9-1 for a discussion on strategies to address intraregional jobs-housing imbalances. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. The proposed Plan includes economic strategies (EC04, EC05, and EC06) that work in tandem with the proposed Plan's growth geographies to shift jobs. Other strategies to shift jobs were evaluated during the Horizon initiative and Plan development process. See Response to Comment 9-1 for a discussion on strategies to shift jobs and address the intraregional jobs-housing imbalance and the public forums in which they were discussed.

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

Letter
67

From: [Susan Kemp](#)
To: [EIR Comments](#)
Cc: [Susan A. Kemp](#)
Subject: No to Plan Bay Area 2050 - Exacerbates the Jobs to Housing Imbalance in Palo Alto
Date: Saturday, July 17, 2021 5:16:04 PM

External Email

I am concerned about the consequences of Plan Bay Area 2050 and its Regional Housing Needs Assessment (RHNA) allocation process. ABAG’s concentration of jobs and housing growth in our local South Bay communities creates high levels of congestion, pushes up extraordinarily high housing costs, increases local taxes and weakens local zoning control. In addition, it does not take into account the impact of such development on infrastructure for roads, schools, parks, etc. Furthermore, it assumes that existing transit is infinitely expandable to meet higher demand and that such transit is reliable and takes workers where they actually work. I understand that ABAG's current vision has come about because ABAG decided that their priority strategy for the Bay Area should be to concentrate growth in already jobs-rich areas, such as Palo Alto. This approach ignores affordable housing, housing speculation, the historic droughts, the drain on our power grid, density and changing work patterns. It also ignores the already existing imbalanced jobs-housing ratio.

67-1

ABAG, the unelected regional planning agency, used in-house technical committees to arrive at their jobs and housing concentrations and failed to hold any effective public discussions as required by code. ABAG ignored California Government codes requiring them to hold open meetings to explore ways to disperse jobs throughout the Bay Area. ABAG wouldn’t even look at the benefits of dispersing new jobs around the Bay Area, preferring to place both new jobs and new housing in one of the costliest areas of the country and refusing to consider the impacts of changing work patterns such as working remotely. As such, how can we be expected to support it or accept it?

67-2

In past planning cycles, Palo Alto has met all of its ABAG Regional Housing Needs Assessment goals for housing targeted at market or above area median income.

67-3

Please do not ask us to accept more housing or more jobs until we can get our jobs housing imbalance correct and until we can house the people that need it the most, i.e., those at 80% or less of area median income. I believe ABAG should be compelled to enter into an open public discussion of the impact of concentrated jobs and housing growth. Accepting their recommendations as currently envisioned would be disastrous for our city.

67-3
cont.

Susan Kemp
Palo Alto Resident

Letter 67
Susan Kemp
July 17, 2021

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

67-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The preparation of the RHNA is a separate process and approval from the proposed Plan. See Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology.

Impacts on roadways are discussed in Section 3.15 of the Draft EIR, “Transportation”; impacts on schools and other public services are discussed in Section 3.13 of the Draft EIR, “Public Services and Recreation”; and effects on utility infrastructure and water supply are addressed in Section 3.14, “Public Utilities and Facilities.” See “Master Response 3: Water Supply” for a discussion related to drought. The availability of energy supplies is determined by individual utility companies and is not considered to be an environmental impact under CEQA. Impact EN-1 describes the potentially significant environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation, and Impact EN-2 discusses conflicts with or obstruction of a State or local plan for renewable energy or energy efficiency. These impacts would be less than significant, as discussed in Draft EIR pages 3.6-48 through 3.6-51.

67-2

See Response to Comment 8-1 for a discussion related to public outreach associated with the proposed Plan and Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed. See “Master Response 2: COVID-19 Pandemic Considerations” and Response to Comment 18-1 for a discussion on telecommuting strategies.

67-3

See Response to Comments 67-1 and 67-2. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing. For a discussion of local control over density, housing, and development, refer to “Master Response 6: MTC and ABAG Roles and Authority.”

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

Letter
68

From: [REDACTED]
To: [EIR Comments](#)
Subject: ABAG's Plan Bay Area 2050 and RHNA allocations
Date: Saturday, July 17, 2021 8:42:33 PM

External Email

to: ABAG

ABAG's Plan Bay Area 2050 with its RHNA allocations concentration of jobs and housing in already jobs rich areas like Palo Alto.

In past planning cycles, Palo Alto has met all of its ABAG Regional Housing Needs Assessment (RHNA) goals for housing targeted at market or above area median income, but what about housing the people that need it the most, i.e., those at 80% or less of area median income. Well not so good with the below market housing. Is ABAG doing better dose not seem like it.

ABAG and several other state and regional government entities are pushing to add more jobs to the south peninsula like Palo Alto where there is already an imbalance of work to housing – too many offices and not enough housing.

I have looked into the ABAG ant MTC future plans and I am not impressed by ABAG's process. ABAG is a body of unelected people that relied on in-house planning staff to generate their recommendation. This is a recipe for group think and little, unimaginative ideas. Where is the public input? Oh, there was not any, even though public discussion as required by Code. ABAG seems to think that adding more jobs and housing into an already-crowded area is the only choice available. Also, the MTC plans to have more tunnels and tubes connecting S.F. and Oakland and not much to say about replacing or improving the existing infrastructure in the south bay where ABAG now wants to add housing and Jobs. Speaking of infrastructure, what Is ABAG's plan for potable water, roads, transit integration and electric grid improvements for the increased population? Is there an MTC plan to spread out the mass transit to outlying areas (Livermore, Stockton) to ease commutes for employers and employees.

Why not encourage moving employment centers to areas outside of the south bay, places like the central valley, where a lot of people already live and commute into the bay area? If ABAG's goal is to Manhattanize the south bay, they should say so and start the infrastructure to support such density.

Gary Mahany

68-1

Letter 68
Gary Mahany
July 17, 2021

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

68-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The preparation of the RHNA is a separate process and approval from the proposed Plan. See Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing. For a discussion of local control over density, housing, and development, refer to “Master Response 6: MTC and ABAG Roles and Authority.”

See Response to Comment 8-1 for a discussion related to public outreach associated with the proposed Plan and Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance. See “Master Response 2: COVID-19 Pandemic Considerations” and Response to Comment 18-1 for a discussion on telecommuting strategies.

The proposed Plan’s transportation strategies are discussed in Draft EIR section 2.2.2, “Proposed Plan Strategies” and the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports identifies and describes projects and programs within each strategy. Table 2-7 and Figure 2-4 of the Draft EIR list and share the general locations of major transportation projects included in the proposed Plan and analyzed as part of the Draft EIR. In summary, the proposed Plan identifies \$579 billion in transportation funding to invest in the twelve transportation strategies discussed in Draft EIR section 2.2.2. The proposed Plan directs \$390 billion (67%) of forecasted transportation funding to Strategy T01, “Restore, Operate, and Maintain the Existing System.” The remaining funds are directed to strategies that both modernize and expand the transportation systems. The proposed Plan includes \$13 billion, in total, for Strategy T03, “Enable a Seamless Mobility Experience” and Strategy T04, “Reform Regional Transit Fare Policy” to support public transit system passengers. The proposed Plan includes \$31 billion to support Strategy T10, “Enhance Local Transit Frequency, Capacity, and Reliability,” including \$10 billion to modernize and expand VTA’s light rail system. Similarly, the proposed Plan includes \$81 billion to support Strategy T11, “Expand and Modernize the Regional Rail Network,” including frequency improvements to existing Caltrain service between San Francisco and San Jose, extends BART to downtown Santa Clara, and expands and modernizes Diridon Station. Strategy T11 also supports transit connections to counties adjacent to the Bay Area, including new rail service to San Joaquin County-Dublin/Pleasanton (“Valley Link”), frequency and service improvements to existing ACE and Capitol Corridor service into the Southbay, and grade separations and modernization investments to the Caltrain/High Speed Rail corridor from southern Santa Clara County to San Francisco.

As disclosed within Table 1-1, row 6a, on page 1-14 of the Draft EIR, MTC and ABAG must set forth a forecasted development pattern for the region that includes the Regional Housing Control Total, which shall have no increase in in-commuters over the baseline year for the SCS. For this reason, the regional forecast and the proposed Plan identify areas within the region to accommodate forecasted growth. Therefore, the proposed Plan cannot rely on area’s outside the nine-county region to house future Bay Area workers.

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

Letter
69

From: [Shannon Rose](#)
To: [EIR Comments](#)
Cc: [Shannon McEntee](#)
Subject: ABAG's Plan Bay Area 2050
Date: Sunday, July 18, 2021 4:43:19 PM

External Email

I am writing with enormous concern that your Plan Bay Area 2050 requires an unparalleled concentration of jobs and housing in already jobs-rich areas like Palo Alto and you've given no effective public discussion as required by CA Codes concerning the consequences of concentrated growth.

I've lived here for 50 years and I'm in a 4-story condominium building. I don't have anything against concentrated housing such as condos and apartment buildings. The problem is Palo Alto can't absorb more growth. I'm constantly thinking about leaving because the traffic and its attendant noise and air pollution is devastating our Peninsula communities. We cannot absorb more growth. It is shameful that the growth you propose ignores affordable housing, housing speculation, the historic droughts, the drain on our power grid, density and changing work patterns!

You should be working on seamless public transportation, promoting growth where there is room to grow and thrive, and you should NOT be stealing our local zoning control.

It is shameful that the process ABAG used to arrive at your jobs and housing concentrations in the South Bay was done by in-house technical committees using their own models with no effective public discussion as required by Code — despite repeated requests for such open discussions.

I say NO to Plan Bay Area 2050. Do not ruin our lives.

Sincerely,

Shannon McEntee
[Redacted]
Palo Alto, CA 94306

69-1

Letter 6g
Shannon McEntee
July 18, 2021

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

6g-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The preparation of the RHNA is a separate process and approval from the proposed Plan. See Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. See Responses to Comments 8-1 and 9-1 for discussion related to public outreach associated with the proposed Plan and Draft EIR and strategies to address the intraregional jobs-housing imbalance, respectively. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing. For a discussion of local control over density, housing, and development, refer to “Master Response 6: MTC and ABAG Roles and Authority.”

Impacts on roadways are discussed in section 3.15 of the Draft EIR, “Transportation”; transportation noise impacts are discussed in Draft EIR section 3.12, “Noise”; impacts on air pollution are discussed in Draft EIR section 3.4, “Air Quality”; and effects on utility infrastructure and water supply are addressed in Section 3.14, “Public Utilities and Facilities.” See “Master Response 3: Water Supply” for a discussion related to drought.

See Response to Comment 68-1 for a discussion on the proposed Plan’s transportation strategies in the South Bay.

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

**Letter
70**

From: [John McLaughlin](#)
To: [EIR Comments](#)
Subject: Protest Plan Bay Area 2050
Date: Sunday, July 18, 2021 6:50:50 PM

External Email

Sir:

I wish to strongly oppose the subject plan regarding the take-over of local controls to concentrate growth in so called "already job-rich areas".

Display problems? [Open this email in your web browser.](#)

sensible-zoning-twitter-header



70-1

Say NO to Plan Bay Area 2050

Say NO to Plan Bay Area 2050



70-1
cont.

In the midst of so much else don't forget that your last chance over the next eight years to send in a protest letter to ABAG on their disastrous plans to concentrate jobs and housing in the South Bay

must be sent in before July 20!

The cries for "housing, housing, housing" and "take away local zoning" we hear every day have been created by ABAG's Plan Bay Area 2050 with its RHNA allocations. These documents require an unparalleled

concentration of jobs and housing in already jobs rich areas like Palo Alto without any effective public discussion as required by CA Codes about the consequences of concentrated growth.

This has all come about because ABAG, our local regional planning agency, decided that their priority strategy for the Bay Area should be concentrated growth in already jobs-rich areas.

All while ignoring affordable housing, housing speculation, the historic droughts, the drain on our power grid, density and changing work patterns — and so much more as laid out by PASZ in the [June 23rd letter to MTC](#) and by Art Kiesel, former Mayor of Foster City and Board member of the League of California Cities in his [Catalysts Town Hall presentation on June 17, 2021](#).

What can you do? *We are nearing the end of the public comment period on the Environment Impact Review of ABAG's disastrous Plan (July 20).* Any written comment they receive before that date must be responded to by staff in public written documents that must be approved by the ABAG Executive Committee in public session in the fall before Plan Bay Area 2050 and the RHNA allocations are officially approved.

70-1
cont.

Please write a personal comment to ABAG and send to eircomments@bayareametro.gov before July 20.

Each written comment must be answered. State the issue that is important to you--we already have the highest office and housing prices in the country; affordable housing subsidies are the highest in the country; the loss of local zoning control; the huge burden of higher infrastructure costs of roads, schools, parks; the loss of family housing; congestion; challenges to mobility; the lack of effective transit. Pick out what you think is most upsetting.

Just be sure to mention that the process used by ABAG to arrive at their jobs and housing concentrations in the South Bay was done by in-house

technical committees using their own models with no effective public discussion as required by Code despite repeated requests for such open discussions.

Be sure to send your letter to eircomments@bayareametro.gov before July 20. There will be an open public discussion of the letters and responses at the ABAG Executive Board Meeting in Sept/Oct with a chance for public or legal follow-up.

Please send in a note and ask a few others to do so as well.

70-1
cont.

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Add your postal address here!



Letter 70
John McLaughlin
July 18, 2021

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

70-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment.

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

The remainder of the comment letter includes suggestions on submitting comments on the Plan Bay Area 2050 Draft EIR. See Responses to Comment Letter 9 addressing the suggested comments. Note that this Final EIR fulfills MTC’s and ABAG’s obligation to provide written responses to all comments raising environmental issues received during the public comment period (CEQA Guidelines Section 15088(b)).

Letter
71

From: [Andie Reed](#)
To: [EIR Comments](#)
Subject: ABAG
Date: Sunday, July 18, 2021 10:39:49 AM

External Email

Dear Sir/Madam:

The coming ABAG numbers being foisted upon cities in the western Bay Area is unethical and illegal. ABAG is not an elected body, and there has been startlingly little public awareness and input about what ABAG is and why they have so much control over housing issues.

I live in Palo Alto. We have extremely high residential costs, and requiring each lot to increase the number of residences only raises the speculative value of our lots. As it stands, even in our neighborhoods zoned R-1, we also, of course, have duplexes and triplexes, and other community living situations. Requiring, from the top down, that locals step back and allow developers to override zoning to eke out the most cash from any spaces that become available redefines our city.

There are excess jobs in this area, and housing is needed, but high-end housing doesn't do anything for homelessness or affordability needs. We've learned from COVID that not all workers need to show up at the offices every day. It is a new day, and ABAG is using old models to arrive at a technical result that doesn't take into consideration the people who live here.

Do you really think increasing density and overburdening our infrastructure is healthy for California and the bay area? Why not encourage jobs growth around the Bay and into the valley, rather than demolishing trees and open spaces and older cities by "manhattanizing" the western Bay Area?

Thank you for your re-consideration.

Andie Reed

-
Andie Reed CPA
[Redacted]
Palo Alto, CA 94301
[Redacted]

71-1

Letter 71
Andie Reed, CPA
July 18, 2021

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

71-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast;” “Master Response 2: COVID-19 Pandemic Considerations;” and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing. The proposed Plan includes economic strategies (EC04, EC05, and EC06) that work in tandem with the proposed Plan’s growth geographies to shift jobs. Other strategies to shift jobs were evaluated during the Horizon initiative and Plan development process. See Response to Comment 9-1 for a discussion on strategies to shift jobs and address the intraregional jobs-housing imbalance and see Response to Comment 8-1 for a discussion of the public forums in which they were discussed.

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

Letter
72

From: [Craig Taylor](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Sunday, July 18, 2021 10:44:49 AM

External Email

I strongly oppose adoption of the 2050 plan.

If the goal is more affordable housing, reduced congestion, balanced household income distribution and a better California then there should be evidence that the plan might actually work.

If the denser housing proposed worked to accomplish those goals then Manhattan and Hong Kong would be very affordable. There doesn't appear to be a means to keep "affordable" housing affordable in the coming decades; housing that was affordable in Palo Alto two or three decades ago is less affordable today. The plan appears to be ideal for the real estate funds currently being raised to buy single family and other housing for rentals....effectively pricing out individual families. It would benefit people selling their properties and moving out of California rather than remaining residents. Why would we do that?

There does not appear to be any means to enforce that a new resident of Menlo Park actually works in Menlo Park. Absent enforcement congestion will inevitably rise due to more commute traffic. In an increasingly pandemic prone world mass transit is unlikely to solve that issue. People will choose to live where amenities are better and commute to work elsewhere. The state is imposing additional units on local areas without providing those areas with funds to pay for needed additions to schools, libraries, parks, water supplies, roads, waste removal etc.. At a bare minimum if people in other areas are requesting (demanding) that certain areas add more units then they should be willing to pay for the needed infrastructure.

Balanced household income distribution is a worthy goal (although I am not sure where that has been achieved), but if that is the goal then Atherton, Marin and Beverly Hills would need far more units than Menlo Park or Palo Alto. The Plan seems very arbitrary on that point, almost as if it was ignored.

Perhaps most importantly, the Plan was drafted before the pandemic and new work from home and other changes. Now isn't the time to do an unreversible, state wide change to life in California.

Better alternatives exist:

Let local entities which embrace elements of the Plan try various approaches and actually see what works and what doesn't.

Encourage employers to locate facilities in alternate areas to provide a better work-life balance which might solve many of the issues the Plan hopes to address (but fails to demonstrate).

Require companies to provide affordable rental housing for some of their workers where the affordability can be enforced long term.

Rather than provide for an ever increasing California population use some resources to promote a stable population which would help solve not only the housing issue (a stable population doesn't require ever increasing housing), but also water, energy, congestion, waste disposal etc.

We can do much better.

Craig Taylor
Palo Alto, CA

72-1

Letter 72
Craig Taylor
July 18, 2021

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

72-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing.

Section 4.7 of the Draft EIR, "Ability to Meet Project Objectives," provides an overview of how the proposed Plan and Plan alternatives would meet the project objectives. As discussed, the proposed Plan would house 100 percent of the region's projected growth (see page 4-87 of the Draft EIR); would ensure sufficient housing options for current and future Bay Area residents and workers through implementation of strategies that plan for sufficient housing at all income levels, lower transportation costs for those that are most burdened, and universal basic income provisions (pages 4-88 and 4-89 of the Draft EIR); and would conserve the region's natural resources, open space, clean water, and clean air (page 4-93 of the Draft EIR).

See "Master Response 1: Regional Growth Forecast," "Master Response 2: COVID-19 Pandemic Considerations," and "Master Response 6, MTC and ABAG Roles and Authority" for discussions related to this comment. Regarding effects on existing public services and utilities, see Draft EIR section 3.13, "Public Services and Recreation," for an analysis of impacts on parks, schools, and libraries. See Draft EIR section 3.14, "Public Utilities and Facilities," for impacts related to water supplies and waste removal. Regarding suggested alternatives, Alternative 1, the "No Project" alternative would be the equivalent of letting local entities try individual approaches to meet goals of balanced income distribution. As noted in Draft EIR Chapter 4, "Alternatives," under the No Project Alternative, housing growth would be more dispersed while job growth would be slightly more concentrated in the region's two largest job centers of San Francisco and Silicon Valley. The proposed Plan includes economic strategies (EC04, EC05, and EC06) that work in tandem with the proposed Plan's growth geographies to shift jobs. Other strategies to shift jobs were evaluated during the Horizon initiative and Plan development process. See Responses to Comments 9-1 and 8-1 for discussions on strategies to shift jobs and address the intraregional jobs-housing imbalance and the public forums in which they were discussed, respectively. The proposed Plan also includes housing strategies (H01 and H02) to protect and preserve affordable housing, including strengthening renter protections. The proposed Plan also includes strategies (H07 and H08) to create inclusive communities by including actions such as providing targeted mortgage and rental assistance to low-income communities and communities of color. The proposed Plan includes additional strategies to address the provision affordable homes for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. See Section 2.2.2 of the Draft EIR for a discussion on proposed Plan strategies. The suggestion to promote a stable population is noted, but please see "Master Response 4: EIR Alternatives" regarding the alternatives analysis.

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



Letter 73

DIRECTORS

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538

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- JONATHAN WUNDERLICH
Finance

July 19, 2021

MTC Public Information (eircomments@bayareametro.gov)
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105

To whom it may concern:

Subject: Draft Plan Bay Area 2050, A Vision for the Future and Draft Environmental Impact Report for Draft Plan Bay Area 2050, A Vision for the Future

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Plan Bay Area 2050, A Vision for the Future (Draft Plan) and Draft Environmental Impact Report (Draft EIR) for the Draft Plan.

Comments for the Draft Plan:

1. Sea Level Rise Adaptation Approaches, Page 94

ACWD appreciates that the Draft Plan considers a number of approaches to protect, restore, and/or create ecosystems in response to projected sea-level rise and inundation. ACWD recommends that the Draft Plan be updated to also consider the impacts from seawater inundation into coastal aquifers due to sea-level rise, including threats to housing and infrastructure, damage to pipelines and sewage systems, and mobilization of shallow groundwater contamination.

73-1

Comments for the Draft EIR:

1. Section 3.10, "Hydrology and Water Quality"

- a. *Section 3.10.2, "Regulatory Setting," Page 3.10-14*

The Draft Plan states that the Sustainable Groundwater Management Act (SGMA), "requires all groundwater basins found to be of "high" or "medium"

73-2

Association of Bay Area Governments
Page 2
July 19, 2021

priority to prepare Groundwater Sustainability Plans (GSPs).” Please clarify that Groundwater Sustainability Agencies (GSAs) managing medium- or high-priority groundwater basins may also submit an Alternative to a GSP. Please ensure that any requirements or actions specified for a GSP are revised to specify, “GSP or Alternative to a GSP” throughout the Draft Plan.

73-2
cont.

b. *Section 3.10.3, “Impact Analysis,” Page 3.10-24*

ACWD appreciates the inclusion of Impact HYDRO-1 to consider the potential degradation of groundwater quality from the construction and operation activities proposed as part of the Draft Plan. However, the discussion in Impact HYDRO-1 focuses on impacts to surface water quality and subsequent infiltration into groundwater; as stated on Page 3.10-24, “The discussion is focused on potential adverse effects on surface water quality associated with discharge to waters listed under Section 303(d) of the CWA.” ACWD recommends that discussion in Impact HYDRO-1 include the evaluation of the potential for subsurface construction activities (e.g., drilling of piles or piers) to introduce contamination found in shallower soil and/or groundwater directly into deeper aquifers which may serve as sources of drinking water.

73-3

2. Section 3.14.3, “Impact Analysis”

a. *Section 3.14.3, “Impact Analysis,” Page 3.14-37*

ACWD appreciates the inclusion of Impact PUF-1 to consider the potentially significant adverse impacts if it would require or result in the relocation or construction of new or expanded water facilities, the construction or location of which could cause significant environmental effects as part of the Draft Plan. In addition, ACWD recommends this section also address and include the potential replacement of existing water facilities not associated with new or relocated facilities, which may be a requirement of any proposed new development and could result in significant environmental effects.

73-4

3. Section 3.14, Public Utilities and Facilities

a. *Section 3.14, Public Utilities and Facilities, Page 3.14-1*

Water Supply: This section evaluates impacts to water suppliers by relying on analyses that aggregate water agencies’ projected 2040 populations, as identified in their respective 2015 Urban Water Management Plans (UWMPs), to conclude that their total population projections exceed the regional population projections under the proposed Plan Bay Area 2050. 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

73-5

Association of Bay Area Governments
 Page 3
 July 19, 2021

planning forecasts that may not be reflected in the UWMPs. Furthermore, the growth projections ACWD used in the 2020 UWMP relied on the initial Draft Plan Bay Area 2050 population projections, and this has been updated while finalizing the UWMP. 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 will monitor future development within our service area, will make prudent investments in water supplies and additional conservation when appropriate, and may implement requirements for growth within our service area to provide additional water conservation measures or water supply investments to meet future demands.

73-5
 cont.

b. Section 3.14, Public Utilities and Facilities, Page 3.14-36

UWMP and Water Supply: ACWD recommends that the final Plan Bay Area 2050 include the most recent 2020 UWMP water supply data from regional agencies. Also, ACWD recommends that it would be beneficial for future Plan Bay Area cycles to be adjusted to better align with the UWMP cycles.

73-6

Thank you again for the opportunity to comment on the Draft Plan and EIR. For further discussions about these comments or about ACWD's water resources, please contact Laura Hidas, Director of Water Resources, at (510) 668-4441 or at laura.hidas@acwd.com. We look forward to coordinating further with you on this Plan.

Sincerely,

Ed Stevenson
 General Manager

ko/tf

By FedEx and Electronic Submittal

cc: Laura Hidas, ACWD
 Thomas Niesar, ACWD
 Michelle Myers, ACWD
 Juniet Rotter, ACWD
 Tom Francis, BAWSCA

Letter 73
Alameda County Water District
Ed Stevenson, General Manager
July 19, 2021

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

73-1

See “Master Response 5: Sea Level Rise” for a discussion relevant to this comment.

73-2

The commenter recommends revision of the Draft EIR to explicitly acknowledge the Sustainable Groundwater Management Act (SGMA) provision that allows Groundwater Sustainability Agencies to prepare alternatives to Groundwater Sustainability Plans (GSPs).

For clarification, the purpose of Section 3.10.2, “Regulatory Setting,” in the Draft EIR is to provide a high-level summary of existing regulations to inform the evaluation of potential impacts that follows. The Draft EIR has no effect on SGMA requirements. In addition, the Draft EIR text acknowledges the preparation of alternatives to GSPs in Table 3.10-4 (page 3.10-16) and in the impact analysis (Impact HYDRO-2, page 3.10-32).

In response to this recommendation, the following text edits are incorporated into this Final EIR to clarify the requirements of the existing regulatory process. This change is presented in Chapter 3 of this Final EIR, “Revisions to the Draft EIR.” These modifications do not alter the conclusions with respect to the significance of any environmental impacts because they merely clarify information already contained in the “Regulatory Setting” section of the Draft EIR.

The second bullet under the heading “Sustainable Groundwater Management Act,” on page 3.10-14 of the Draft EIR, is revised as follows (new text is underlined):

- ▲ requires all groundwater basins found to be of “high” or “medium” priority to prepare Groundwater Sustainability Plans (GSPs) or submit an alternative to a GSP that demonstrates how water managers have already achieved or will achieve sustainable groundwater management. Sonoma, Napa, Solano, Contra Costa, Alameda, and Santa Clara Counties include basins designated as high or medium priority (see **Figure 3.10-4**);

The last full paragraph on page 3.10-30 of the Draft EIR is revised as follows:

As discussed above, SGMA requires the formation of GSAs to manage local groundwater basins; this includes the development of GSPs or alternatives to GSPs by 2022. Groundwater basins throughout much of the Plan area, including TPAs where development could occur, have been classified as high- or medium-priority basins under SGMA (see **Figure 3.10-4**). Under SGMA, agencies high- and medium-priority basins are required to be managed to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. As noted above, GSPs or alternative GSPs have not been submitted to DWR for most of these basins (see **Table 3.10-4**).

These text revisions clarify the text in the Draft EIR and do not result in substantive changes that would rise to the level of “significant new information” requiring recirculation.

73-3

Analysis of the potential for subsurface construction activities to introduce contamination found in shallower soil or groundwater directly into deeper aquifers is provided in section 3.9, “Hazards and

Wildfire.” To clarify where the analysis can be found, the following cross-reference is added to the impact discussion. This change is presented in Chapter 3 of this Final EIR, “Revisions to the Draft EIR.” This edit does not alter the conclusions with respect to the significance of any environmental impacts, because it clarifies existing text for the reader.

The last paragraph on page 3.10-24 of the Draft EIR is revised as follows (new text is underlined):

The following provides an analysis of the potential for implementation of the Plan to result in degradation of surface water and groundwater quality, including the potential to conflict with or obstruct implementation of a water quality control plan. The discussion is focused on potential adverse effects on surface water quality associated with discharge to waters listed under Section 303(d) of the CWA. The potential water quality implications of drainage pattern alterations and construction activities are also analyzed in Impacts HYDRO-3 (with respect to erosion) and HYDRO-4 (with respect to rates and amounts of urban runoff caused by an increase in the extent of impervious surfaces). The potential for construction activities to encounter, and potentially spread, existing groundwater contamination is addressed in Section 3.9, “Hazards and Wildfire,” in Impact HAZ-4.

This text revision clarifies existing text in the Draft EIR by providing a cross reference to additional information. It does not result in substantive changes that would rise to the level of “significant new information” requiring recirculation.

73-4

Impact PUF-1 in the Draft EIR states that the proposed Plan’s land use development pattern could result in a need for new or expanded water and wastewater treatment facilities to accommodate demand that exceeds the capacity at existing facilities. The environmental effects summarized on pages 3.14-37 through 3.14-41 for replacing existing water facilities would be similar to those associated with relocating or constructing new or expanded water facilities. The need to replace existing infrastructure would occur because of existing use and wear of aging facilities. The comment does not elaborate on possible impacts that could occur from the replacement of existing water facilities beyond what is described and summarized under Impact PUF-1.

73-5

The comment indicates that the commenter, ACWD, is preparing its 2020 UWMP in consideration of regional growth projections contained in the proposed Plan and addresses changes related to water since the 2015 Urban Water Management Plans were prepared. Please see Responses to Comments 76-2 and 76-10 and “Master Response 3: Water Supply” for a discussion of use of the 2015 UWMP and water supply, respectively.

73-6

The recommendation to include the most recent 2020 UWMP water supply data is noted. Please see Response to Comment 76-10. Please see also Draft EIR section 1.7, “Federal and State Requirements,” for a discussion of statutory requirements for the timing of Plan updates.

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

Letter
74

From: [Jack Lucero Fleck](#)
To: [EIR Comments](#)
Cc: [350 Bay Area Transportation](#)
Subject: Comments on EIR for Plan Bay Area 2050
Date: Monday, July 19, 2021 6:02:40 PM
Attachments: [350 Bay Area comments on Plan Bay Area 2050.pdf](#)

External Email

Hello MTC,

Thank you for the opportunity to comment on the EIR for draft Plan Bay Area 2050.

These comments are to supplement and emphasize the points in the letter we sent to MTC earlier today (see attached).

Our main point is that the EIR for Plan Bay Area does not adequately address climate change. The EIR recognizes that climate change is real, is caused by greenhouse gas (GHG) emissions, and will have serious consequences. The EIR also acknowledges that 40% of Bay Area greenhouse gas emissions come from the transportation sector.

What the EIR does not do is provide a plan to eliminate those greenhouse gases from the transportation sector. The EIR does set a goal of 19% per capita reduction in vehicle miles traveled, which is positive, but this only begins to address the need to eliminate GHGs from transportation entirely, well before 2050.

By failing to provide such a plan, the EIR is failing to even attempt to mitigate climate disruption caused by vehicle emissions.

Therefore, the EIR is inadequate and should be re-written to address this significant environmental impact.

We understand that the climate change is a global phenomenon, and the Bay Area cannot solve the problem alone. However, as one of the most technologically advanced regions in the world, the Bay Area should help lead the way to a solution. Plan Bay Area 2050 should show how we can achieve zero emissions with a combination of local, state, federal, and global actions. For MTC to fail to do this is to abdicate its role as the leading transportation planning agency in the Bay Area.

Thank you for your consideration of this comment.

Sincerely,

Jack Lucero Fleck
PE, 350 Bay Area Transportation Campaign

74-1

July 19, 2021

Dear MTC and ABAG Staff,

We are [350 Bay Area](#). Thank you for the opportunity to provide comments on the [draft Plan Bay Area 2050](#).

We recognize that Plan Bay Area 2050 (PBA) is vitally important to building a future Bay Area. It lays out a vision of an equitable, diverse and thriving Bay Area. And it includes many strategies to achieve that vision.

But something is missing. We are in the midst of a climate emergency, caused by greenhouse gas (GHG) emissions, that threatens the stability of our economy and our very survival. And transportation, a major element of PBA, is the biggest source of those greenhouse gases in the Bay Area. But PBA and MTC are missing in climate action when it comes to addressing this crisis.

We are writing to urge you to address this shortcoming. In particular, **Plan Bay Area 2050 should include plans to achieve carbon neutrality by 2050 (or sooner)** in accordance with State and Bay Area goals, as we describe in the comments below.

[350 Bay Area](#)

350 Bay Area has local chapters in six of the nine Bay Area counties and is closely allied with 350 Silicon Valley in the South Bay. Our goal is to “eliminate carbon pollution and achieve a clean energy future with racial, economic, and environmental justice.” Since transportation is the main source of greenhouse gases in the Bay Area, it is an essential part of our work to eliminate internal combustion engine vehicles (ICEVs)—cars, buses, and trucks. We have engaged in such efforts with cities, counties and at the state level.

We worked with the Bay Area Air Quality Management District (BAAQMD) board to encourage them to set a goal for deep carbon emission reductions, which they did in 2013. BAAQMD has continued to support adoption of electric vehicles, as outlined in their recent [EV Acceleration Plan](#). MTC, which is the primary agency responsible for transportation, and which has a budget five times bigger than BAAQMD should take the lead on this electrification process.

Unfortunately, we have not been able to convince MTC to take any such action.

We have worked with elected leaders and activists in over 20 cities and counties in the Bay Area to declare climate emergencies. In fact at least nine members of the MTC Board of Directors have voted for these climate emergency declarations for the cities and counties they represent.

74-2

1

Naturally, we are disappointed and frustrated that MTC has not taken regional leadership in this crucial task.

Plan Bay Area Strengths

The good work that the plan represents includes its guiding principles and 35 strategies. We recognize that PBA makes a very good effort to address problems of housing, social inequity, and improved transit, biking & walking. We support the call for new development to be affordable, higher density, transit and/or jobs oriented, and to avoid displacement. We support funding of both housing and transit. And we support PBA's economic strategies to end poverty and reduce inequality.

But what about climate?

Plan Bay Area does not ignore the climate crisis. But it takes very limited steps to address it.

The main steps that it does take are to reduce Vehicle Miles Traveled (VMT). The plan states, "Greenhouse gas emissions from transportation would decrease significantly as a result of these transportation and land use changes, and the Bay Area would meet the state mandate of a 19% reduction in per-capita emissions by 2035 — but only if all strategies are implemented." (pg xi)

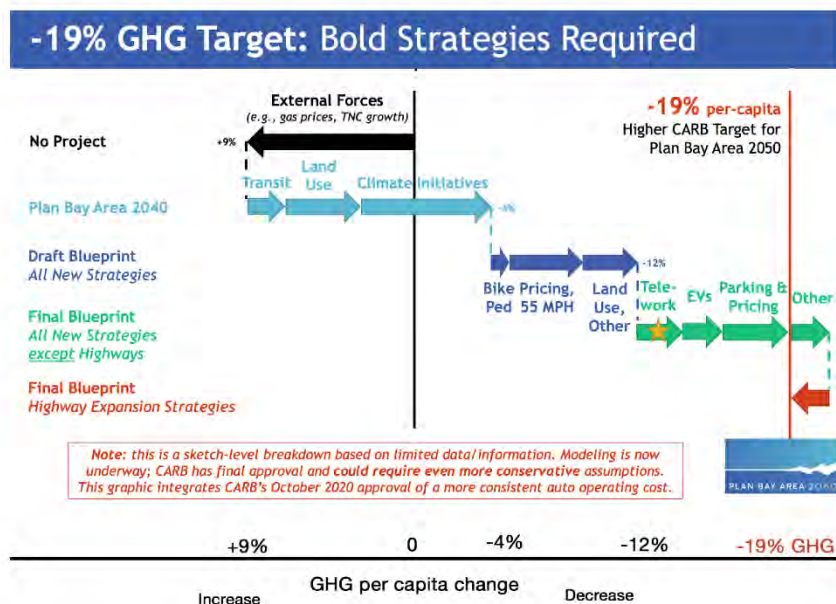
The plans to achieve the 19% reduction are sketched in the [November 20, 2020 final blueprint document](#) (see figure below). MTC's breakdown is shown in the sketch below; note that we added a horizontal axis illustrating that movement to the left on the sketch is an increase in GHGs and movement to the right is a decrease--MTC may want to make a similar modification to clarify this sketch. According to the sketch, MTC believes that most of the 19% can be achieved by a combination of transit, land use, bicycle and pedestrian improvements, telework, parking and pricing, plus "climate initiatives" and "EV" actions.

Unfortunately, the climate initiatives listed in Plan Bay Area 2040 have not provided any significant GHG reduction to our knowledge so far. Also, transit ridership has declined and is unlikely to increase without significant support in funding, incentives and transit FIRST policies. More VMT reduction efforts such as parking/pricing management, congestion pricing for SOVs, and even car-free city centers should also be added. Changing land use patterns to foster significant mode shift to bike/pedestrian travel will similarly require support and planning, including safety enhancements, convenient return-from-shopping transit, and incentives.

74-2
cont.

We notice that MTC’s sketch below shows only a small reduction in GHGs from Electric Vehicles (EVs); we are assuming this refers to additional reductions beyond what the state is planning to achieve, but this would be good to clarify.

Figure showing MTC GHG reductions.



74-2 cont.

We agree with PBA’s efforts to reduce VMT. As suggested above, we would encourage strengthening them. In this regard, the California Air Resources Board (CARB) Mobile Source Strategy is calling for a 25% per capita reduction in VMT to achieve both the State’s goals of 40% GHG reductions by 2030 and the achievement of carbon neutrality by 2045.

In response to a question at the East Bay Workshop on June 14, 2021 and a follow up email, MTC staffer Dave Vautin clarified that, with state mandated fuel efficiency gains, PBA would achieve as much as 53% per capita CO2 emission reductions by 2050. ([Page 81, Performance Supplemental report](#)--see table below)

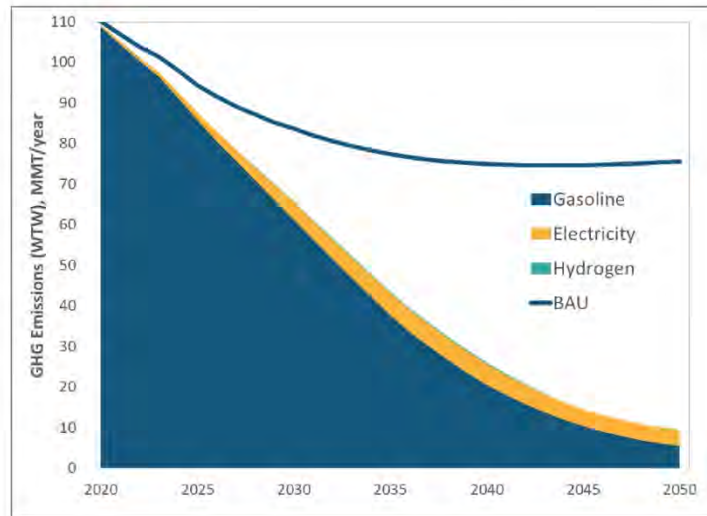
Table showing combined MTC GHG reductions and State fuel efficiency reductions

Will the environment of the Bay Area be healthier and safer?

Daily CO2 Emissions Per Capita, Relative to 2005	2015	2035 No Project	2035 Draft Plan	2035 EIR Alt 1	2035 EIR Alt 2	2050 No Project	2050 Draft Plan	2050 EIR Alt 1	2050 EIR Alt 2
Cars and light-duty trucks (SB 375)	-1%	1%	-22%	-22%	-23%	3%	-20%	-21%	-20%
All vehicles (including fuel efficiency gains)	-7%	-41%	-49%	-49%	-49%	-44%	-52%	-53%	-53%

MTC’s table above shows the importance of improving fuel efficiency. In fact, it understates what CARB is projecting--e.g. See figure 14 below from CARB’s [Draft 2020 Mobile Source Strategy](#), which projects over 90% reduction in GHGs from Light Duty Vehicles (LDV) by 2050.

Figure 14 – Statewide LDV GHG Emissions (Well-to-Wheel)



74-2
cont.

Consider what it will take to achieve this electrification of transportation, and what role MTC should play in this.

The Bay Area has over 8 million cars and trucks ([source--DMV](#)). Assume that PBA’s efforts to control VMT are successful and that the number of vehicles does not grow. To provide even 50% of these vehicles with chargers (most people understandably won’t buy an EV if they don’t have a place to charge it) at an estimated \$3,000 each would cost \$12 billion over the next 15 years. In addition, thousands of public chargers are needed for those who live in buildings without garages or driveways, and for trips that exceed the battery range for an electric vehicle.

This is a huge investment in transportation infrastructure, which MTC, along with cities and counties, should be supporting.

Also, if 75% of the cost of a charger goes to labor, that would be at least \$9 billion for labor, or about \$600 million per year. There will need to be training and hiring for electricians, building inspectors, plan checkers, and planners to build this infrastructure. The GOOD news is that these are skilled, well-paid employees. \$600 million per year—that's 7500 jobs at \$80,000 per year each.

But Plan Bay Area is leaving all this up to the state, the cities, and the market to work out.

Instead, we urge MTC to join the struggle to eliminate, not merely reduce, GHGs from transportation. As noted, many cities are working actively toward this by declaring climate emergencies and setting the goal to drastically reduce GHGs. MTC should support, coordinate, promote best practices, sponsor pilot projects, and generally be the regional leader for this enormous challenge.

MTC should also work to make sure the electrification process is equitable for all income levels and diverse communities.

Below are some of the programs that cities and counties are engaged in to promote electrification, where MTC could provide leadership (this list does not include programs already covered in PBA such as commuter benefits, bike & pedestrian planning, land use planning, etc). As noted above, we recognize that BAAQMD is supporting many important projects, but we think MTC should be much more active and should take the lead.

Model building codes/plans/best practices

- [AB 1236 compliance map \(streamlining EV charging\)](#) -- most Bay Area cities are in compliance, but not all; provide assistance to those who need it
- Require EV charging infrastructure in new apartments, [Peninsula Clean Energy](#)
- Require installation of EV charging in existing commercial lots ([SF](#))
- Include EV infrastructure in the city's general plan ([San Anselmo](#))
- EV Fleet adoption ([Fremont](#), [San Francisco](#))
- Zero Emission Vehicle Roadmaps ([SF](#), [Berkeley](#), [San Anselmo](#).)

The plan could also highlight actions where state and federal support are needed, and MTC could lobby for these actions. Some examples include:

74-2
cont.

- Funding for purchase of electric vehicles and e-bikes
 - Clean Cars for All (State)
 - Clean Vehicle Rebate Program (State)
 - Clean Trucks (State)
 - Fee on gas guzzlers to support purchase of EVs (e.g. AB1218)
- State phase out sale of gas cars by 2030--Resolutions have been passed by various cities--MTC should support this effort. (ZEV2030.org)

This is by no means meant to be a limiting list. MTC could also support innovative financing plans to help people install charging infrastructure in homes, apartments, and garages. For example, MTC could help cities and counties finance loans for installing outlets and charging stations using revenue bonds to be repaid from the savings from owning an EV.

And training programs for the thousands of electricians that will need to install the charging stations could be financed and led by MTC, in conjunction with IBEW and community colleges.

As an example of a good program that needs to be massively scaled up, consider the Clean Cars for All program. BAAQMD reports that from March of 2019 to November of 2020, they awarded 1,337 grants averaging about \$7500. This is very good, but recall that we need to replace 8 million vehicles in the Bay Area. If only ¼ of those qualify for low income grants, that is still 2 million grants, so the program needs massive funding, which MTC can help lobby for and administer.

74-2
cont.

The elimination of ICEVs is the biggest challenge facing the Bay Area's transportation future. It is essential that MTC play an active role in this transformation.

Next Steps

One of the first steps that President Biden took on January 21st was to issue an executive order expressing the urgency of the climate crisis and the need for all federal agencies to address climate change. MTC should adopt the spirit of this executive order and take up the challenge. As President Biden said, "Together, we must listen to science and meet the moment."

We understand that Plan Bay Area is nearly complete, and it is not likely to be feasible to incorporate all these changes quickly. Therefore, we recommend that the MTC board direct staff to prepare a supplemental report discussing how MTC can ensure that the Bay Area eliminates GHGs from transportation by the State's goal of 2045. Most

recently (July 9) Governor Newsom asked CARB to evaluate pathways to achieve carbon neutrality by 2035, which underscores the urgency of taking action. The time to act is now!

Thank you very much for your consideration.

Sincerely,

Jack Lucero Fleck
On behalf of 350 Bay Area

74-2
cont.

Letter 74
350 Bay Area
Jack Lucero Fleck
July 19, 2021

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

74-1

As discussed under the subheading “California Global Warming Solutions Act of 2006 (AB 32 and SB 32)” of section 3.6.2 of the Draft EIR:

On November 30, 2017, CARB released its 2017 Climate Change Scoping Plan (2017 Scoping Plan), which lays out the framework for achieving the 2030 reductions as established in EO B-30-15, SB 32, and AB 197. The 2017 Scoping Plan identifies the GHG reductions needed by emissions sector to achieve a Statewide emissions level that is 40 percent below 1990 levels before 2030. Many of the programs require Statewide action, promulgated through regulation, and are outside the ability of substate jurisdictions to implement on their own accord.

As stated at the top of page 3.6-18 in the Draft EIR, “SB 375 and CARB's emissions reduction targets are the primary mechanism to achieve GHG reduction goals for cars and light trucks under AB 32 targets.” The EIR discusses potential air quality and GHG impacts from implementation of the proposed Plan and discloses that the proposed Plan's 35 integrated strategies across the 4 elements—housing, the economy, transportation, and the environment— will enable the Bay Area to reduce forecasted per-capita GHG emissions from cars and light duty trucks, as required under SB 375 (see Draft EIR Impact GHG-2). Additionally, implementation of the proposed Plan would result in a net reduction in GHG emissions from land use and transportation sources combined (see Draft EIR Impact GHG-3).

74-2

The commenter suggests the addition of strategies to the proposed Plan to help reduce VMT such as parking pricing and management activities, congestion pricing, and car-free city centers. The proposed Plan currently incorporates parking pricing and management as part of Strategy EN09, “Expand Transportation Demand Management Initiatives. The proposed Plan also supports Congestion Pricing in Downtown San Francisco through Strategy T10, as RTP ID 21-T10-091 in the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. Additionally, parking pricing and management programs are included as mitigation measures under TRA-2b that can be applied to mitigate VMT in local projects. The commenter's suggestions for congestion pricing and zones are policy approaches local governments can consider to support VMT reduction. As a regional approach, the proposed Plan includes Strategy T05, “Implement Per-Mile Tolling on Congested Freeways with Transit Alternatives” to manage vehicle trip demand at a regional level using tolling.

As the commenter notes, only GHG reductions that result from regional strategies and actions that go above and beyond direct State activities can be counted towards the achievements of the GHG emissions reduction target of 19 percent below 2005 emissions by 2035 established by CARB pursuant to SB 375. Thus, the EV-related reductions in the figure the commenter included from a presentation during the development of the proposed Plan only refer to the regional share (above and beyond state efforts) of impacts of the electric vehicle strategies in the proposed Plan.

The commenter also provides a number of suggestions to support activities related to electric vehicles as an approach for reducing transportation-related greenhouse gas emissions. The suggestions include supporting increased investments in electric vehicle charging infrastructure, supporting the expansion of EV purchase programs like Clean Cars for All, supporting workforce development for charging infrastructure, promoting EV policy and planning best practices, sponsoring pilot projects, advocating for related state and federal activities, and establishing a consumer charger installation financing program. A number of these approaches are part of Strategy EN08, "Expand Clean Vehicle Initiatives." MTC and ABAG partner closely with the Bay Area Air Quality Management District (BAAQMD) on a number of activities associated with electric vehicles, as BAAQMD has authorities and access to funding for similar strategies in order to achieve climate and air quality goals. Plan Bay Area 2050 Strategy EN08 includes supporting programs to subsidize the purchase and installation of publicly available EV chargers, such as through BAAQMD's *Charge!* program. EN08 also includes expanding investment in means-based vehicle buyback/EV incentive programs such as *Clean Cars for All*. MTC and BAAQMD previously identified workforce development in the electric vehicle and charging sector as a potential area to support and will consider this in future implementation actions. Also as noted by the commenter, there are varying policies, planning, and other best practices that can support the EV strategies, and MTC/ABAG has participated in regional planning for EVs and will seek opportunities to leverage existing engagement with local governments to encourage best practices that align with the EV strategies. MTC has sponsored EV pilot projects through its Climate Initiatives Program, such as for EVs and charging in local government fleets and will consider including other pilot projects in future funding programs. MTC and ABAG regularly considers proposed state legislation and activities to support and will do so for EV-related state activities, in addition to seeking funding opportunities to support the regional EV strategies. MTC and ABAG will also consider new or innovate approaches to support financing charging infrastructure, such as the lending program noted by the commenter as an example.

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

From: [REDACTED]
 To: eircomments@bayareametro.com
 Sent: 7/19/2021 12:45:35 PM Pacific Standard Time
 Subject: PBA 2050: Transportation Questions of Relevance

Letter
75



Bay Area Transportation Working Group

July 19, 2021

Dear PBA Team:

I think you may already have most of these questions, but just in case.....

- 1.) Is there any documentation supporting the contention that placing housing units near a bus or train stop would reduce VMT? If so, by what percentage?
- 2.) What steps are being taken to reduce the need to make long commute and non-commute trips?
- 3.) What quantitative basis is there for concluding that transit-oriented housing would cause transit ridership to rise significantly?
- 4.) What about the 75% of regional trips that are not commute trips? How will being near a bus or train stop affect non-commute trips?
- 5.) What specific steps have been taken in PBA 2050 to reduce non-commute auto trips? What data is available to prove that "transit-oriented housing" as defined in PBA 2050 would materially increase non-commute transit ridership and/or reduce VMT?
- 6.) What percentage of those moving into the allegedly transit-oriented housing are projected to sell their cars?

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| 75-2
| 75-3
| 75-4
| 75-5
| 75-6
|

Thank you for your consideration of these comments.

Gerald Cauthen P.E.
 Co-Founder and President,
 Bay Area Transportation Working Group (BATWG)
 510 208 5441
www.batwgblog.com

Letter 75
Bay Area Transportation Working Group
Gerald Cauthen
July 19, 2021

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

75-1

See Response to Comment 8-2 for a summary of research related to land use planning and VMT reduction. As a program-level EIR that addresses the entire nine-county, 101-city region, the EIR does not address the impacts of individual strategies in detail; the focus of this analysis is on addressing the impacts of implementation of the Plan's 35 strategies as a whole. As such, Table 3.15-11 on page 3.15-28 of the Draft EIR concludes that the proposed Plan would result in an increase in total regional VMT and a decrease in regional per-capita VMT.

75-2

See Impact TRA-2 on Page 3.15-22 of the Draft EIR for a discussion on the proposed Plan's ability to reduce VMT, including reducing commute and non-commute trip lengths. As discussed under heading "Land Use, Sea Level Rise Adaptation, and Transportation System Impacts" the proposed Plans:

The focused growth approach is articulated in strategies in the Housing and Economy Elements of the proposed Plan, discussed in Chapter 2, "Project Description." The Housing Element includes a set of strategies that spur increased housing density in growth geographies, particularly Strategy H03, "Allow a Greater Mix of Housing Densities and Types in Growth Geographies." To support growth and the ability for households of all incomes to have transit access, the suite of strategies spurs affordable housing development and preservation in addition to increased renter protections. The Economy Element includes strategies—strategies EC04, "Allow Greater Commercial Densities in Growth Geographies" and EC05, "Provide Incentives to Employers to Shift Jobs to HRAs Well Served by Transit"—to encourage improved jobs-housing ratios, locating jobs and housing closer to each other and potentially reducing the commute distances throughout the region.

In addition, see Response to Comment 85-70 for a discussion on telecommuting. See Response to Comment 9-1 for a discussion on alternative means of dealing with intraregional jobs-housing imbalances.

75-3

As discussed in Section 2.3.3 in the Draft EIR, "Analysis Tools" (page 2-33), and in Section 3.15.3 (under "Method of Analysis," page 3.15-17), the analysis relies on an integrated model framework to simulate the effects of the proposed Plan's strategies on the regional development pattern and regional travel activity metrics such as VMT and transit boardings. As stated on page 2-26 of the Draft EIR, the results of the travel Model 1.5 simulation indicate that the proposed Plan's forecasted development pattern and transportation strategies would lead to a shift from automobile travel to public transit and nonmotorized modes over the Plan horizon. This is evident in Table 2-11 on page 2-27 of the Draft EIR, which indicates the simulated changes in average daily travel metrics. See Response to Comment 9-6 for a discussion on the efficacy of Travel Model 1.5

75-4

See Response to Comment 75-3.

75-5

See Response to Comments 75-2 through 75-4.

75-6

As a program-level EIR that addresses the entire nine-county, 101-city region, the EIR does not address the impacts of individual strategies in detail; the focus of this analysis is on addressing the impacts of implementation of the proposed Plan's 35 strategies as a whole. As such, travel metrics are summarized at regionally and not at smaller geographies. Table 3.15-8 of the Draft EIR, "Household Auto Ownership" states that implementation of the proposed Plan would lead to higher shares of households with zero or one vehicle relative to existing conditions and reduce the share of households with multiple autos (Draft EIR Page, 3.15-25).

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



Letter 76

July 19, 2021

VIA EMAIL

Therese McMillan, Executive Director
 MTC and ABAG
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105
 Email: eircomments@bayareametro.gov

Subject: BAWSCA Comment Letter – Plan 2050 Draft Environmental Impact Report

Dear Ms. McMillan,

The Bay Area Water Supply and Conservation Agency (“BAWSCA”) submits the following comments regarding the programmatic Draft Environmental Impact Report (“Draft EIR”) for Plan Bay Area 2050 (“proposed Plan”) issued by the Association of Bay Area Governments (“ABAG”) and the Metropolitan Transportation Commission (“MTC”) and made available on June 4, 2021. BAWSCA was formed in 2003 via legislative action (AB 2058) to represent the water interests of 26 member agencies in Alameda, Santa Clara, and San Mateo Counties that purchase water from the San Francisco Public Utilities Commission (“SFPUC”). The San Francisco Regional Water System (“RWS”) supplies roughly two-thirds of the water required by the BAWSCA member agencies.

76-1

Based on the significant findings highlighted in this letter, BAWSCA requests that ABAG and the MTC make the required changes and recirculate the Draft EIR.

Eighty five percent of the RWS water supplies come from the Tuolumne River, including supplies from Hetch Hetchy Reservoir and a water bank at Don Pedro Reservoir. The Hetch Hetchy Reservoir water feeds into an aqueduct system delivering water 167 miles by gravity to Bay Area reservoirs and, ultimately, to Bay Area customers. Approximately two-thirds of SFPUC's total water deliveries are made to BAWSCA agencies - meaning BAWSCA agencies are the primary recipient of water from the RWS.

1. The Draft EIR Is Inadequate Because It Fails To Account For And Analyze The State Water Resources Control Board’s (SWRCB) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Plan)

76-2

Discussion and analysis of the impacts of the Bay-Delta Plan in the Draft EIR are insufficient. The Bay-Delta Plan was adopted by the SWRCB in December of 2018.¹ As written, the Bay-

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wgcp.pdf

BAWSCA Comment Letter – Plan 2050 Draft EIR
July 19, 2021
Page 2 of 10

Delta Plan will significantly reduce water supply reliability to the RWS and for BAWSCA Member Agencies, particularly during times of drought. The Draft EIR fails to assess the water supply shortfalls and significant environmental impacts from the proposed Plan that would result if the SFPUC were compelled to drastically reduce water deliveries throughout the RWS service territory in response to the adopted Bay-Delta Plan. This critical omission constitutes an abuse of discretion because the Draft EIR fails to proffer any justification for why these impacts are not significant under CEQA, and, in fact fails to present any analysis whatsoever regarding such impacts. (Pub. Res. Code, §§ 21168.5, 21100(b)(1).) There is a total disconnect between the proposed Plan's anticipated growth in population, jobs, and housing and the RWS' ability to accommodate the planned growth given the significant water supply reductions resulting from the Bay-Delta Plan. A more comprehensive description is necessary as well as an analysis of the impacts from implementation of the Bay-Delta Plan.

76-2
cont.

1.1. Section 3.10.2 And 3.14.2 Are Incomplete Because They Do Not Include The Bay-Delta Plan In The Regulatory Setting

Sections 3.10.2 and 3.14.2 of the Draft EIR provide the Regulatory Setting for the Hydrology and Water Quality (3.10) and Public Utilities and Facilities (3.14) impacts analysis. Neither section includes a description or an analysis of the impacts from implementation of the Bay-Delta Plan. BAWSCA requests that ABAG and the MTC revisit these sections to include a description of the Bay-Delta Plan in the respective Regulatory Setting sections. The description of the Bay-Delta Plan should include objectives, flow requirements, regulatory authority, and the timeline for implementation. BAWSCA offers the following language for consideration.

In December 2018, the State Water Resources Control Board ("SWRCB") adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 30-50% of the "unimpaired flow" on the three tributaries from February through June in every year type.

76-3

The Bay-Delta Plan states the February through June flow objectives will be fully implemented by the year 2022. (Bay-Delta Plan at p. 24.)

1.2. The Water Supply Analysis In Section 3.14 Is Inadequate Because It Fails To Consider The Impacts Ff The Bay-Delta Plan

Section 3.14: Public Utilities and Facilities fails to consider how implementation of the Bay-Delta Plan will impact water supplies. As stated above, the Bay-Delta Plan has been adopted and requires unimpaired flows between 30% and 50% (starting at 40%) on the Tuolumne River, the primary water supply source for the SFPUC and BAWSCA member agencies, and commits the SWRCB to fully implement the flow objectives by 2022. Therefore, ABAG and the MTC must

76-4

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BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
 Page 3 of 10

analyze the impacts of the Bay-Delta Plan on water supply reliability and the ability of water agencies to meet future water demands from increased population, housing, and jobs.

As described in Section 2 of the proposed Plan, “Project Description,” the regional growth forecast for the Bay Area projects that by 2050, the region will support an additional 2.7 million residents and 1.4 million jobs, resulting in 1.4 million new households. The Draft EIR identifies areas where: 1) there is an existing forecasted shortage in long-term supplies that would need to be met by imported water or additional water conservation, reuse, and recycling; or 2) where the proposed Plan projects population or jobs beyond what is assumed in current Urban Water Management Plans (UWMPs) and could result in a potential shortage. (Draft EIR at p. 3.14-36.)² However, this does not include the impacts and water shortages from the Bay-Delta Plan. The Draft EIR fails entirely to account for how the water shortages anticipated from the Bay-Delta Plan will accommodate the proposed Plan’s anticipated increased population and housing, or the resulting impacts from insufficient water supplies. As part of the CEQA Guidelines’ provisions governing the environmental setting, the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans, including applicable water quality control plans like the Bay-Delta Plan. (CEQA Guidelines, §15125(d).)

In *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 Cal.4th 412, the Supreme Court identified specific requirements for an adequate analysis of water supply issues in an EIR. The Court explained that future water supplies identified and analyzed in an EIR must be reasonably likely to prove available. Speculative sources and unrealistic allocations do not provide an adequate basis for decision making. When a full analysis of future water supplies for a project leaves some uncertainty regarding the availability of future supplies, the EIR must discuss possible replacement or alternative supply sources, and the environmental effects of resorting to those alternative supply sources. Informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water. The future water supplies identified and analyzed must bear a likelihood of actually proving to be available; speculative sources and unrealistic allocations are insufficient bases for decision making under CEQA. Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. (*Id.* at 432.)

76-4
 cont.

Further, an EIR must identify and describe the project’s significant environmental effects, including direct, indirect, and long-term effects. (Pub. Res. Code, §21100(b)(1); CEQA Guidelines, §15126.2(a).) An EIR may include some degree of forecasting in evaluating a project’s environmental impacts. (CEQA Guidelines, §15144; *San Francisco Ecology Ctr. v City & County of San Francisco* (1975) 48 Cal. App.3d 584, 595.) Lead agencies must use their best efforts to find out and disclose all that they reasonably can, although they are not required to foresee the unforeseeable. (CEQA Guidelines, §15144.) The Draft EIR should be revised to account for the impacts from implementation of the Bay-Delta Plan.

With the Bay-Delta Plan implementation, it is projected that the SFPUC will be able to meet the projected water demands in normal years, but would experience supply shortages and require rationing in single dry years or multiple dry years. During single dry years, there would be an

² As discussed below, the Draft EIR does not use the most recent and updated UWMPs.

BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
 Page 4 of 10

anticipated 30 to 40% shortage of RWS supplies. When allocated among retail and BAWSCA agencies and compared to RWS demand, this would result in a 14% to 25% shortfall for SFPUC retail customers, and a 36% to 46% shortfall to BAWSCA member agencies. In a multiple dry year event, there would be anticipated shortages in RWS supplies for all projected years, ranging from 30% to 49% shortages. When allocated among retail and BAWSCA agencies and compared to RWS demand, this would result in an anticipated shortfall up to 35% for SFPUC retail customers, and up to 54% for BAWSCA member agencies. These impacts are characterized and quantified in Section 8 of the SFPUC's 2020 UWMP.³

76-4
 cont.

BAWSCA requests that ABAG and the MTC revisit Section 3.14 and include a complete analysis of the Bay-Delta Plan impacts on water supply reliability.

1.3. Impacts From Reasonably Foreseeable Methods Of Complying With The Bay-Delta Plan And Addressing The Resulting Water Supply Shortages Are Not Identified Or Analyzed

Consideration of the impacts from implementation of the Bay-Delta Plan should include an analysis of reasonably foreseeable methods water agencies will use to comply with the Bay-Delta Plan, address the resulting water shortages, and the associated environmental impacts. As shown in the SFPUC and BAWSCA member agencies' 2020 UWMPs, implementation of the Bay-Delta Plan will result in RWS system-wide cutbacks between 30% and 49% in single and multiple dry years. This results in RWS cutbacks to BAWSCA member agencies between 36% and 54%. As previously stated, BAWSCA member agencies purchase roughly two-thirds of their water from the RWS. Several BAWSCA member agencies rely solely on the RWS for their water supply source.

Cutbacks to this degree will require BAWSCA member agencies to take extraordinary actions to provide water to their existing and future customers to meet basic health and safety needs. An EIR must address the impacts of "reasonably foreseeable" future activities related to the proposed Plan. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 398-399; see also CEQA Guidelines, §15126 [EIR's impact analysis must consider all phases of project.]) The Draft EIR must identify and analyze these methods for complying with the Bay-Delta Plan, addressing water shortages, and the resulting environmental impacts from these actions, which include, but are not limited to:

76-5

- Increased reliance on groundwater and other surface water supplies;
- Inability to conserve additional water as a result of past conservation efforts and demand hardening;
- Decreased water available for urban landscaping resulting in the death of mature trees, reduced carbon conversion and increased heat in urban areas; and
- Severe rationing and moratoria on new development, resulting in displaced growth and urban sprawl.

³ SFPUC 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020%20FINAL.pdf

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BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
 Page 5 of 10

Considering that a central tenet of Plan Bay Area 2050 is to encourage growth along transportation lines in an equitable and sustainable manner, it would seem prudent to analyze these reasonably foreseeable impacts resulting from the adopted Bay-Delta Plan. The Draft EIR fails to analyze the environmental impacts that would result from increased reliance on local groundwater and surface water supplies. Adverse effects from increased groundwater pumping may include, but are not limited to, declining water quality, overdraft, subsidence, and sea water intrusion. Agencies that rely solely on the RWS would seek to acquire new water supplies, which would have resulting environmental impacts, increase water rates, and possibly price out low-income residents.

If available water supplies are insufficient to meet demand, BAWSCA member agencies would consider implementing a development moratorium (e.g., "no new hook up") which would cause economic impacts and additional impacts from displaced growth and urban sprawl. An EIR must discuss growth-inducing impacts from a project. (Pub. Res. Code, § 21065.3; CEQA Guidelines, §15126(d).) The imposition of a moratorium on development in the BAWSCA service area would exacerbate the existing housing issues and further push housing growth out of the high-density areas of the Bay Area to the eastern and southern most portions of the Bay Area and to the western San Joaquin Valley. This would directly conflict with the purposes of the proposed Plan. Most of the region's farmlands and natural areas that are threatened by sprawl are in communities at the edges of the region, such as southern Santa Clara County, eastern Contra Costa County, and Solano County. Urban Sprawl has two primary impacts: 1) it increases per capita land consumption, and 2) it disperses development, which increases the distances between common destinations, increasing the costs of providing public infrastructure and services, and the transportation costs required to access services and activities.

76-5
 cont.

The Draft EIR does not identify or analyze these reasonably foreseeable methods of compliance and actions by water agencies, or the potentially significant impacts resulting from these actions. Areas in which anticipated impacts are likely to result include:

- Reduction in the water supplies and the resulting significant impact on the Bay Area's economy, environment and impacts on public health;⁴ and
- Inadequate water supplies and resultant moratoria on housing development resulting in displaced growth and urban sprawl that sharply conflict with predicted Bay Area population growth and accompanying need for greater housing and transportation.

The ultimate question under CEQA is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project. (*Vineyard Area Citizens for Responsible Growth, Inc.*, 40 Cal.4th at p. 434.) Given the failure of the Draft EIR to evaluate the water supply impacts from the Bay-Delta Plan, the

⁴ The California Legislature has made clear that public health and safety are of "great importance" in CEQA's statutory scheme. (Pub. Resources Code, §§ 21000(b), (c), (d), (g); 21001(b), (d); *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.) For example, Public Resources Code section 21083(b)(3) requires a finding of a "significant effect on the environment" whenever "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." California policy dictates that all humans have a right to water adequate for human consumption, cooking, and sanitary purposes. (Wat. Code, § 106.3.)

BAWSCA Comment Letter – Plan 2050 Draft EIR
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water supply analysis is inadequate and fails entirely to consider the extent of water supply shortages, and how those shortages would be exacerbated by the proposed Plan's anticipated population and housing increases. BAWSCA requests that ABAG and the MTC revisit Sections 3.10: Hydrology and Water Quality and 3.14: Public Utilities and Facilities to properly analyze the impacts from reasonably foreseeable methods water agencies will use to comply with the Bay-Delta Plan.

76-5
cont.

2. The Draft EIR Is Inadequate Because It Fails To Analyze The Impact Of The Federal Energy Regulatory Commission Licensing And Certification Process For New Don Pedro Reservoir

As previously stated, the Bay-Delta Plan is not self-implementing. Flow requirements must be allocated through regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, may be implemented through the water quality certification process set forth in section 401 of the Clean Water Act as part of the Federal Energy Regulatory Commission's (FERC) licensing proceedings for the Don Pedro and La Grange hydroelectric projects. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).⁵ A "water bank" in Don Pedro Reservoir provides additional storage that is integrated into the RWS operations. The re-licensing of the Don Pedro reservoir by FERC may require additional water released from the Don Pedro Reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the yield of the RWS.

76-6

On January 15, 2021, the SWRCB released the Clean Water Act section 401 Water Quality Certification for the Turlock Irrigation District and Modesto Irrigation District Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, FERC Project Nos. 2299 and 14581 (WQC).⁶ The WQC's requirements differ significantly from the recommended flows and conditions that FERC has analyzed in the Staff Alternative of its Final Environmental Impact Statement for the licenses. The WQC includes the 40% unimpaired flow objective from the Bay-Delta Plan, as well as additional conditions that, if incorporated into FERC licenses for the Don Pedro Project, would more severely impact SFPUC's water supplies. Data presented in the City and County of San Francisco's petition for reconsideration of the WQC before the SWRCB dated February 16, 2021, indicates that if the WQC were to be enacted, required rationing during single-year and extended periods of drought would range between 75 and 90 percent under present and future demand levels. To date, FERC has not taken action to incorporate the WQC into the licenses or to finalize the licenses for issuance. However, the draft EIR must consider the impacts on water supply from these foreseeable actions. (*Laurel Heights Improvement Ass'n*, 47 Cal.3d at 398-399.)

2.1. Section 3.14.2 Is Incomplete Because It Does Not Include The FERC Licensing And Water Quality Certification For Don Pedro Dam In The Regulatory Setting Section

76-7

⁵ <https://elibrary.ferc.gov/eLibrary/ldmws/common/OpenNat.asp?fileID=15576184>
⁶ https://www.waterboards.ca.gov/docs/dplq_fwqc_complete_20210105.pdf

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Section 3.14.2 provides the Regulatory Setting for the Public Utilities and Facilities of the Draft EIR. It does not include the FERC licensing and WQC process, which, as stated above, may have significant impacts to water supply reliability for the SFPUC and BAWSCA member agencies. BAWSCA requests that ABAG and the MTC revisit Section 3.14 to include a description of the FERC licensing process in the Regulatory Setting section, including the released WQC.

76-7
cont.

3. Impact PUF-1 Is Inadequately Analyzed And Mitigation Measure PUF-1(A) Is Insufficient

Impact PUF-1 considers how implementation of Plan Bay Area 2050 may “require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects.” However, because impacts of the Bay-Delta Plan, FERC licensing and the WQC, and the resulting significant water supply gap in single and multiple dry years are not considered, the analysis of Impact PUF-1 is insufficient.

The SFPUC and BAWSCA member agencies have stepped up efforts to identify and secure alternative waters supplies to reduce water supply shortfalls and rationing during droughts. However, these water supply projects are large, expensive, and take several years to design and develop. In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (“AWSP) to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. As stated in the SFPUC’s 2020 UWMP, projects identified through the AWSP will take 10 to 30 years to implement.⁷ With implementation of the Bay-Delta Plan scheduled for 2022, there simply is not enough time to construct new or expanded water facilities to meet increased demand from population growth in single and multiple dry years.

76-8

An EIR must identify and describe any feasible measures that can be implemented to reduce or avoid each potentially significant environmental effect of the project. (CEQA Guidelines, §15126.4(a)(1).) Mitigation Measure PUF-1(a) (and PUF-2 discussed below) is insufficient to address increased water demand from the Project, especially with implementation of the Bay-Delta Plan, and merely defers identifying, analyzing, and mitigating potentially significant effects of new developments until those projects go through CEQA review. Mitigation measures should describe the specific actions that will be taken to reduce or avoid an impact. It is ordinarily inappropriate to defer formulation of a mitigation measure to the future. (CEQA Guidelines, §15126.4(a)(1)(B).)

The likelihood of new water supply projects being implemented in a timely manner and providing enough water to make up the shortfalls due to the Bay-Delta Plan, FERC licensing, and the WQC should be analyzed, and additional mitigation should be proposed, if necessary, to address associated impacts. Further, any water supply project will have environmental impacts that must be considered. If a mitigation measure identified in an EIR would itself cause

⁷ See Section 7.4, page 7-6 of the SFPUC’s adopted 2020 UWMP (link provided above).

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significant environmental impacts distinct from the significant effects caused by the project, those impacts must be discussed in the EIR, but in less detail than the project’s significant impacts. (CEQA Guidelines, §15126.4(a)(1)(D).)

76-8
cont.

4. Impact PUF-2 Is Inadequately Analyzed And Mitigation Measure PUF-2(A) Is Insufficient

Impact PUF-2 considers whether there may be “insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.” Because impacts of the Bay-Delta Plan, FERC licensing, and the WQC were not considered, Impact PUF-2 was not sufficiently analyzed. Specifically, because the significant level of rationing that may be required in single and multiple dry years was not characterized or quantified, the proposed mitigation measures cannot be analyzed to determine whether they are adequate to mitigate potentially significant impacts. Further, BAWSCA and its member agencies have implemented conservation measures and expanded recycled water use as suggested in Mitigation Measure PUF-2(a) for many years, if not decades. BAWSCA member agencies intend to continue these projects, and water saving benefits have been quantified and included in their respective 2020 UWMPs. Those UWMPs demonstrate that Mitigation Measure PUF-2(a) is insufficient for closing the gap on water supply rationing that may result from implementation of the Bay-Delta Plan, FERC licensing, and the WQC.

76-9

Section 3.14.3, page 3.14-43 states, “Future development projects would be required to comply with Water Code Section 10910 and Section 10912, as described above in the Regulatory Setting, under ‘Water Supply Assessment and Water Supply Verification.’ The enforcement of these regulations by local jurisdictions would ensure that a water supply assessment is prepared to demonstrate that sufficient water would be available to serve development projects before their approval.”

This statement is conclusory. For many BAWSCA member agencies, these water supply assessments may demonstrate that there is insufficient water to serve new development projects (including new housing projects anticipated in the proposed Plan) from implementation of the Bay-Delta Plan, FERC licensing and the WQC. The sufficiency of an available supply of water to meet the anticipated population, job and housing growth in the proposed Plan should be fully analyzed in this Draft EIR, not when municipalities and water agencies are required to conduct a water supply assessment under Water Code Sections 10910 and 10912 for development projects aimed at accommodating that growth.

5. The Draft EIR Relies On Out-Of-Date Water Supply Reliability Forecasting 2020 Urban Water Management Plans

Under the Urban Water Management Planning Act, the SFPUC and the majority of BAWSCA agencies must prepare an UWMP for submittal to the Department of Water Resources (DWR) every five years. The UWMPs provide the long-term resource planning of each agency and ensure that adequate water supplies are available to meet existing and future needs.

76-10

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The Draft EIR relies on outdated water supply information provided in urban water suppliers' 2015 UWMPs. Significant changes have occurred since the 2015 UWMPs were adopted, including major legislation on conservation, efficiency, and the Bay-Delta Plan. Therefore, those plans are no longer current and do not accurately represent the water supply and demand forecasts for the SFPUC and BAWSCA member agencies. For example, Chapter 3.14.3, page 3.14-43 of the Draft EIR states, "As shown in Table 3.14-2, the major water suppliers in the region are projected to be able to supply adequate water for their projected service populations through 2040 during normal years, apart from Solano County Water Agency..." This is no longer an accurate characterization of projected water supply availability. As shown in Table 8-3 of the SFPUC's 2020 UWMP, water supply shortages are anticipated in single and multiple dry years through 2045.

76-10
 cont.

All water suppliers in the BAWSCA service area (i.e., the SFPUC, Alameda County Water District ("ACWD"),⁸ and the Santa Clara Valley Water District ("Valley Water")⁹ have adopted their 2020 UWMPs or have made drafts publicly available. BAWSCA requests that ABAG and the MTC utilize data from the 2020 UWMPs to characterize water supply reliability in Section 3.14 of the Draft EIR.

6. Errors And Inaccuracies

BAWSCA has identified the following errors and inaccurate information and requests that ABAG and the MTC make the following suggested corrections.

- Section 3.14.1, page 3.14-2: Suggest editing the following sentence, "BAWSCA's goals are to ensure a reliable water supply, high-quality water, and a fair price for its customers" to read, "BAWSCA's goals are to ensure a reliable supply of high-quality water at a fair price for its service area."
- Section 3.14.1, page 3.14-5: San Francisco Public Utilities Commission section, first paragraph, second sentence should be corrected to read, "water treatment plants" not, "water treatment plans."
- Section 3.14.1, page 3.14-5: San Francisco Public Utilities Commission section, third paragraph, last sentence references gross and nonresidential demand in 2015. 2015 was a drought year and not necessarily representative. Suggest using data from the SFPUC's 2020 UWMP.
- Section 3.14.1, page 3.14-8: Imported Water section, note that the SWP also delivers water to the Central Coast and southern California. BAWSCA suggests listing those regions as well.
- Section 3.14.1, page 3.14.10: Desalination section, second paragraph, last two sentences should be corrected to read, "treatment plants" not "treatment plans" and "may result in additional future supplies..." not, "may result in addition of future supplies..."

76-11

⁸ ACWD 2020 UWMP: <https://www.acwd.org/DocumentCenter/View/3816/Final-2020-2025-UWMP>

⁹ Valley Water 2020 UWMP: <https://fta.valleywater.org/dl/kvoCB45HuH/>

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- Section 3.14.1, *Table 3.14-2: Projected Normal Year Supply and Demand (Acre Feed/Year)* and *Table 3.14-3: Year of Projected Water Shortages (Single Dry Year)*. Update with 2020 UWMP data.
 - Note that there is double counting between the SFPUC's and ACWD's supply/demand, and between the SFPUC and Valley Water with regards to the eight shared customers. BAWSCA suggest including a footnote identifying the overlap so there's no confusion for the reader.
- Section 3.14.1, page 3.14-14: Wastewater Treatment section, second paragraph should be corrected to read "pump stations" not "pipe stations..." This sentence is also missing a comma after "interceptor stations..."
- Section 3.14.1, *Table 3.14-4: Wastewater Treatment Facilities in the Region*: Note that CMSA's service area is much larger than listed and includes the areas listed for RVSD. Also note that RVSD is not a treatment agency. RVSD provides wastewater collection services only and conveys that wastewater to CMSA. Other wastewater collection agencies that convey wastewater to CMSA (i.e., the City of San Rafael and the Town of Corte Madera) are not listed as treatment agencies.
- Section 3.14.2, page 3.14-34: MWELo section, last sentence should be corrected to state that agencies "must" adopt ordinances that are as stringent, if not more, than MWELo.
- Section 3.14-3, *Table 3.14-8: Projected Service Area Population of Major Bay Area Water Agencies*, footnote 2 incorrectly states that the SFPUC is a wholesale water provider to BAWSCA. This should be corrected to state that the SFPUC is a wholesale water provider to BAWSCA member agencies.

76-11
 cont.

Thank you for the opportunity to comment on the Draft EIR. Based on the significant findings highlighted in this letter, BAWSCA requests that ABAG and the MTC make the required changes and recirculate the Draft EIR. BAWSCA is available to meet with ABAG and MTC staff to discuss these comments and the water supply impacts from the proposed Plan further.

Please contact Tom Francis, BAWSCA Water Resources Manager, at TFrancis@BAWSCA.org, if you have any question or for follow up discussions.

Regards,



Nicole Sandkulla
 Chief Executive Officer and General Manager

cc: BAWSCA Board of Directors
 BAWSCA Water Management Representatives
 Allison Schutte, Hanson Bridgett, LLP

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Letter 76
Bay Area Water Supply & Conservation Agency
Nicole Sandkulla

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

76-1

Most of this comment contains information about BAWSCA and does not raise environmental issues. This part of the comment is noted for consideration during project review. The commenter also requests that, based on other comments in the letter, MTC recirculate the Draft EIR. Revisions to the Draft EIR have been made in response to comments 76-3 and 76-11, which raise specific recirculation claims. CEQA does not require recirculation of the Draft EIR because those responses do not add significant new information to the EIR (the criteria for recirculation), as defined in Section 15088.5 of the State CEQA Guidelines. Please refer to responses to comments 76-3 and 76-11 for a more specific discussion of why recirculation is not required in response to each of those comments. Revisions were not made in response to any other comments in this letter.

76-2

Regarding the comment that “the Draft EIR fails to proffer any justification for why these impacts [from the Bay-Delta Plan] are not significant under CEQA,” note that the Draft EIR concludes that water supply impacts, as assessed under Impact PUF-2 are significant and unavoidable.

MTC respectfully disagrees with the claim that the EIR must separately evaluate potential water supply shortfalls resulting from implementation of the 2018 Bay-Delta Plan Amendment for several reasons. Such an evaluation would be speculative, the EIR incorporates information available at the time of the release of the NOP, the EIR has an adequate degree of specificity, and the EIR relies on UWMPs for regional information regarding water supply.

Regarding impacts that are speculative in nature, CEQA Guidelines section 15145 states that “If after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” The *Urban Water Management Plan Guidebook 2020* provides guidance on water supply characterization. It states that (DWR 2021:6-47):

Emerging regulatory conditions and planned future projects may also affect characterization of future water supply availability and analysis. For example, an emerging regulatory issue that may prove valuable in assessing current and future water supplies could include new or different regulatory requirements in the Regional Water Quality Control Plan, such as incorporation of elements in the Bay-Delta Water Quality Control Plan to reduce reliance on the Delta.

In consideration of the 2018 Bay-Delta Plan Amendment’s possible effects on water supply, SFPUC addresses the 2018 Bay-Delta Plan Amendment in its 2020 UWMP (released after the NOP was published), and states (SFPUC 2021:7-3):

If the Bay-Delta Plan Amendment is implemented, the SFPUC will be able to meet the projected water demands presented in this UWMP in normal years but would experience supply shortages in single dry years or multiple dry years. Implementation of the Bay-Delta Plan Amendment will require rationing in all single dry years and multiple dry years.

The SWRCB has stated that it intends to implement the Bay-Delta Plan Amendment on the Tuolumne River by the year 2022, assuming all required approvals are obtained by that time. But implementation of the Plan Amendment is uncertain for multiple reasons.

The 2020 UWMP explains why implementation of the Plan Amendment is uncertain. The reasons for that conclusion include (SFPUC 2021:7-3 to 7-4):

- ▲ Since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in both state and federal courts, challenging the SWRCB's adoption of the Bay-Delta Plan Amendment, including a legal challenge filed by the federal government, at the request of the U.S. Department of Interior, Bureau of Reclamation. This litigation is in the early stages and there have been no dispositive court rulings as of this date.
- ▲ The Bay-Delta Plan Amendment is not self-implementing and does not automatically allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the Bay-Delta Plan Amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, may be implemented through the water quality certification process set forth in section 401 of the Clean Water Act as part of the Federal Energy Regulatory Commission's (FERC) licensing proceedings for the Don Pedro and La Grange hydroelectric projects.
- ▲ On January 15, 2021, the SWRCB released the Clean Water Act section 401 Water Quality Certification for the Turlock Irrigation District and Modesto Irrigation District Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, FERC Project Nos. 2299 and 14581 (WQC). The WQC includes the 40% unimpaired flow objective from the Bay Delta Plan Amendment, as well as additional conditions that, if incorporated into FERC licenses for the Don Pedro and La Grange Projects, would severely impact SFPUC's water supply; the WQC's requirements differ significantly from the recommended flows and conditions that FERC has analyzed in the Staff Alternative of its Final Environmental Impact Statement for the licenses. To date, FERC has not taken action to incorporate the WQC into the licenses or to finalize the licenses for issuance. At this time, it is highly uncertain whether the WQC will be implemented by either the state or federal government for several reasons[.]

As a result of the uncertainty, SFPUC evaluates two scenarios in its 2020 UWMP: one with implementation of the Bay-Delta Plan Amendment, and one without implementation of the Bay-Delta Plan Amendment. Additionally, negotiations about a voluntary agreement as an alternative for a future amendment are ongoing (SFPUC 2021:7-4 to 7-5).

Other UWMPs address the Bay-Delta Plan in a similar manner. For example, Alameda County Water District describes the Bay-Delta Plan Amendment's unimpaired flow requirement and states, that "[t]he establishment of this [unimpaired flow] requirement has directly impacted the future reliability of SFPUC [Regional Water System] and is reflected in this UWMP" (ACWD 2021:3-6). However, the UWMP also states, "[a]t this time, the potential impacts of this [unimpaired flow] requirement on the SWP are unknown and are therefore not reflected in this UWMP" (ACWD 2021:3-6). East Bay Municipal Utility District notes in its UWMP that the SWRCB is in the process of updating the Bay-Delta Plan (EBMUD 2021:20). The Santa Clara Valley Water District (SCVWD) addresses the Bay-Delta Plan Amendment in its 2020 UWMP and notes that they "filed a lawsuit in January 2019 challenging the amendments to the Bay-Delta Plan" and that numerous other lawsuits were filed, all of which are in

“preliminary procedural stages” (SCVWD 2021:38). SCVWD is also working on voluntary agreements (SCVWD 2021:38).

Based on the information in the SFPUC UWMP and the information in several other UWMPs that indicate substantial uncertainty as to the potential implementation of the Bay-Delta Plan and potential impacts should it be implemented, MTC finds discussion of impacts from implementation of the Bay-Delta Plan to be speculative under CEQA, such that it need not be considered when evaluating the proposed Plan’s impacts on water supply sufficiency.

CEQA Guidelines Section 15125(a) provides that the environmental setting, and the baseline upon which impact are considered, are normally those conditions that exist at the time the NOP is published. The NOP was released in September 2020 (and the Draft EIR was released in June 2021). SFPUC released its 2020 UWMP in June 2021, and so the Draft EIR therefore relied on SFPUC’s 2015 UWMP, as well as other relevant UWMPs. This is consistent with the CEQA Guidelines. UWMPs are updated regularly, and it is not unusual that one may be updated following release of the NOP. See “Master Response 3: Water Supply” for a further discussion of the baseline for environmental analysis of the proposed Plan as it relates to 2020 UWMPs. Further, Plan Bay Area is updated every 4 years and updated UWMPs will be reflected in future EIRs as the Plan is updated. Therefore, continually updating the baseline as additional planning documents are released during the CEQA process is not required.

Additionally, CEQA Guidelines section 15146 states that “The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” Subsection 15146(a) explains that “An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” Conclusions in the EIR must also be supported by substantial evidence. The Draft EIR explains on page 3.1-4 the level of detail in the Draft EIR:

As a program-level EIR that addresses the entire nine-county, 101-city region, this document does not address the impacts of individual land use and transportation projects in detail; the focus of this analysis is on addressing the impacts of implementation of the Plan’s 35 strategies as a whole.

The proposed plan does not entitle land uses; these entitlements are provided by local land use agencies (the nine counties and 101 cities cited above.) Water supply is assessed under Impact PUF-2 and relies on UWMPs prepared by these same local jurisdictions who will decide on land use entitlements (subject to CEQA), including the San Francisco Public Utilities Commission. The Draft EIR assesses the sufficiency of water supply on a regional level. The analysis notes the various projections of supply adequacy in the Plan area among Bay Area water agencies through consideration of their UWMPs. For example, for San Francisco, the Draft EIR notes on page 3.14-36 that:

In some areas, such as the City and County of San Francisco and the Santa Clara Valley, adequate supply through 2040 depends on substantial water conservation efforts. In San Francisco, the ability for supply projects to move forward depends on multiple factors such as environmental review, permitting requirements, public acceptance, and the availability of funding.

See also Table 3.14-8, which considers projected 2050 households in the service area of the SFPUC. Therefore, the Draft EIR discloses impacts related to water supply sufficiency at an appropriate level of detail for the Plan vis a vis consideration of UWMPs in the Plan Area. UWMPs incorporate special conditions that may affect each water supplier’s water supplied. The *Urban Water Management Plan Guidebook 2020* describes special conditions, including climate change effects, regulatory conditions and project development, and other locally applicable criteria. The Guidebook states that numerous special conditions may affect each supplier’s water supplies and, as each water supply is considered

and described, suppliers can incorporate reasonable assertions about climatological, regulatory, and other local conditions that may affect water supply availability, especially when considering the supply's availability for the service reliability and drought risk assessments during single dry years and drought periods lasting five consecutive years (DWR 2021).

As explained in response to comment 76-10, SFPUC's 2020 UWMP indicates that there would be shortages only in multiple dry years without implementation of the Bay-Delta Plan Amendment, which is consistent with the Draft EIR's analysis. In its scenario that incorporates implementation of the Bay-Delta Plan Amendment, SFPUC's 2020 UWMP anticipates water supply shortages in single and multiple dry years. The Draft EIR, in considering UWMPs prepared for an array of providers in the Plan area, also considers a range of water supply projections and considerations so that the significance conclusion regarding water supply (Impact PUF-2) is based on consideration of a combination of all scenarios in the Plan area (see Draft EIR pages 3.14-43 through 3.14-44). The Draft EIR also considers other factors, such as climate change-related periods of drought (see Draft EIR page 3.14-44, paragraph 1). The Draft EIR also notes the uncertainty of water supply availability emanating from the proposed Plan's horizon being 10 – 15 years further than 2015 UWMPs (see Draft EIR page 3.14-45). Therefore, the Draft EIR's discussion accounts for a variety of inherent uncertainties around water supply and water supply planning, which accounts for situations such as the consideration of the Bay-Delta Plan. Additionally, the conclusion that water supply impacts would be significant and unavoidable are supported by substantial evidence because the EIR considers the UWMPs in the Plan area that account for water supply in the region. Therefore, the evaluation of the Plan's impacts on water supply is adequate under CEQA for this tier of decision-making.

76-3

The commenter indicates that Draft EIR Section 3.10, "Hydrology and Water Quality," and Section 3.14, "Public Utilities and Facilities," of the Draft EIR do not describe or analyze impacts from implementation of the Bay-Delta Plan Amendment. The EIR is required to disclose impacts of the proposed Plan, while the State Water Resources Control Board "evaluated the potential environmental effects of reasonably foreseeable methods of compliance with the [Bay-Delta] Plan Amendments" (SWRCB 2018:4); please refer to response to comment 76-2 for a discussion of the EIR's consideration of the Bay-Delta Plan Amendment.

The comment requests that a description of the Bay-Delta Plan be added to Section 3.10, "Hydrology and Water Quality," and Section 3.14, "Public Utilities and Facilities." This change is presented in Chapter 3, "Revisions to the Draft EIR." Comment 76-1 states that recirculation of the EIR is required for the reasons described in the remainder of the letter. Recirculation is required, in summary, when "significant new information" is added to the EIR in a way that would deprive the public of a meaningful opportunity to comment on a substantial adverse impact or a mitigation measure or alternative that mitigates or avoids a substantial adverse impact that the proponent has declined to implement. Examples of such instances include identification of a new significant environmental impact, identification of a substantial increase in the severity of an environmental impact that cannot be mitigated, and consideration of a considerably different feasible alternative or mitigation measure than was considered in the EIR for an unmitigated effect, but that is not adopted. Recirculation is not required when information added to an EIR clarifies, amplifies, or makes insignificant modifications. The revisions described in this response merely add information regarding the Bay-Delta Plan Amendment and do not change the project impact analysis or conclusions. Furthermore, as explained in Response to Comment 76-2, the EIR accounts for the Bay-Delta Plan Amendments indirectly through consideration of uncertainties around water supply impacts. Therefore, recirculation is not required.

Page 3.14-31 has been revised as follows to incorporate a description of the Bay-Delta Plan under the header for the State Water Resources Control Board and Regional Water Quality Control Board:

This category of discharges, known as “Non-15” discharges, are the most diverse and include sewage sludge and biosolids, industrial wastewater from power plants, wastes from water supply treatment plants, treated wastewater for aquifer storage and recovery, treated groundwater from cleanup sites, and many others.

The State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary in 2018. The amendments established water quality objectives to maintain Bay-Delta ecosystem health. The SWRCB intends to implement the Bay-Delta Plan Amendment on the Tuolumne River by 2022; however, its implementation is uncertain for several reasons, including ongoing litigation and because the Bay-Delta Plan Amendment provides a regulatory framework for flow allocation, which must be achieved through other proceedings (SFPUC 2020).

Pages 3.10-16 and 3.10-17 have been revised as follows to incorporate a description of the Bay-Delta Plan under the header for the Porter-Cologne Water Quality Control Act:

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) established SWRCB and divided the State into nine regions, each overseen by an RWQCB. The nine regional boards have the primary responsibility for the coordination and control of water quality within their respective jurisdictional boundaries. Under the Porter-Cologne Act, water quality objectives are limits or levels of water quality constituents or characteristics established for the purpose of protecting beneficial uses. Each RWQCB must develop, adopt, and implement a Water Quality Control Plan (Basin Plan) for its region. The act requires the RWQCBs must to establish water quality objectives while acknowledging that water quality may be changed to some degree without unreasonably affecting beneficial uses. Designated beneficial uses, together with the corresponding water quality objectives, also constitute water quality standards under the federal CWA. Therefore, the water quality objectives form the regulatory references for meeting State and federal requirements for water quality control.

SWRCB also has adopted several statewide Water Quality Control Plans, including the Bay-Delta Plan. SWRCB adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary in 2018. The amendments established water quality objectives to maintain Bay-Delta ecosystem health. SWRCB intends to implement the Bay-Delta Plan Amendment on the Tuolumne River by 2022; however, its implementation is uncertain for several reasons, including ongoing litigation and because the Bay-Delta Plan Amendment provides a regulatory framework for flow allocation, which must be achieved through other proceedings (SFPUC 2021).

Pages 7-15 and 7-20 have been revised to add the reference cited for this text:

San Francisco Public Utilities Commission. 2021 (June). *2020 Urban Water Management Plan for the City and County of San Francisco*. Available https://sfpub.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020_%20FINAL.pdf. Accessed August 4, 2021.

These text revisions clarify the text in the Draft EIR and do not result in substantive changes that would rise to the level of “significant new information” requiring recirculation because they add information to the EIR setting descriptions but do not change any impact analyses or significance conclusions.

76-4

Please refer to Response to Comment 76-2 regarding consideration of the Bay-Delta Plan amendments in the EIR as well as the level of detail provided in the Draft EIR's water supply analysis. Please see also "Master Response 3: Water Supply" for further relevant discussion.

The commenter also summarizes CEQA requirements for water supply impact analysis including *Vineyard Areas Citizens for Responsible Growth v. City of Rancho Cordova* (2007); MTC and ABAG believe the analysis of water supply impacts in the Draft EIR is sufficient under CEQA. As explained in Response to Comment 76-2, the Draft EIR is a program-level EIR that addresses the potential environmental impacts associated with implementation of the proposed Plan as a whole across the entire nine-county region; it appropriately does not address the impacts of individual projects in detail. While the Draft EIR does discuss numerous sources of water - including local surface water and groundwater, imported water, recycled water, desalination, water transfers and water conservation (Draft EIR, pp. 3.14-8 to 3.14-11) - it is not possible to predict with certainty which supplies would be available in the future. For example, as stated in the Draft EIR, climate change is causing water supplies to become less predictable and reliable as drought cycles worsen. (Draft EIR, pp. 3.14-1, 3.14-14, 3.14-45.) Water quality of currently-available supplies may also become impaired by pollution or saltwater intrusion as a result of sea level rise.

Given the uncertainties that often arise in analyzing impacts at a program-level, CEQA does not require first-tier program EIRs to identify specific sources of water for individual, second-tier projects that will undergo further analysis. (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1169.) Similarly, as stated by the Supreme Court in *Vineyard*, "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, supra*, 40 Cal.4th at p. 432.) *Vineyard* further explained that other statutes that address 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 the general, first-tier stages to later more specific stages. (*Id.* at pages 432-434, citing Government Code Section 66473.7 and Water Code Sections 10910-10912). Nor can the impacts associated with identifying future unknown sources of water supply be analyzed because details related to the location, size, design, or setting of specific projects and their individual water needs are not known and cannot be known such that a meaningful evaluation could occur at this time.

As noted above, the proposed Plan does not entitle growth; rather as individual projects are proposed, the requirements embodied in *Vineyard* would need to be fulfilled at the city or county level, as relevant, where the actual entitlement that results in water consumption would be decided. This is reflected in Section 15155 of the State CEQA Guidelines, "Water Supply Analysis; City or County Consultation with Water Agencies." This section of CEQA describes the process by which cities or counties are required to consider water supply for larger projects, as defined therein. It does not apply to entities that are not cities or counties, in this case MTC. Further, the mitigation measures in the Draft EIR require the lead agencies and service providers to ensure available services and utilities, consistent with state law. MTC and ABAG are not the lead agencies with respect to consideration of or approval of development. Each lead agency must determine whether or not services and infrastructure will be available to serve a proposed land use project prior to approval. Whether there is or is not available water or services is analyzed for each jurisdiction overall in their general plan, and for each specific project at the time of approval. To expect MTC or ABAG to fulfill that role is inconsistent with the authority of those two agencies and premature. The member agencies (cities and counties) will fulfill this responsibility within their general plans and with each land use application.

CEQA Guidelines section 15125(d) requires that an EIR "discuss any *inconsistencies* between the proposed project and applicable general plans, specific plans, and regional plans" (emphasis added).

Although implementation of the Bay-Delta Plan Amendment is uncertain, as described in Response to Comment 76-2, this response to comment addresses consistency based on the requirements listed in the Bay Delta Plan Amendment. The comment does not specify how the proposed Plan would conflict with the Bay-Delta Plan Amendments. MTC is not aware of any ways in which the proposed Plan would conflict with the Bay-Delta Plan and does not anticipate any such conflicts. For example, SFPUC began an Alternative Water Supply Planning Program to acquire other water supplies and consider projects that would increase resiliency of the water supply, driven in part by the potential water supply limitations that could result from adoption of the Bay-Delta Plan Amendment (SFPUC 2021:766). Therefore, it does not necessarily follow that increased demand for water would conflict with the unimpaired flow objective.

76-5

Regarding the commenter's concerns about how jurisdictions may respond to implementation of the Bay-Delta Plan Amendment, their comments pertain to potential impacts of the Bay-Delta Plan Amendment, not the proposed Plan. The EIR evaluates impacts of the proposed Plan, as required under CEQA. Additionally, in the context of a consistency analysis under CEQA Guidelines section 15125(d), please refer to Response to Comment 76-4 regarding how SFPUC is responding to the potential implementation of the Bay-Delta Plan Amendment. SFPUC is seeking additional water supplies and projects that would increase water supply resiliency. The comments regarding urban sprawl, reduction in water supplies, and development moratoria, without support, are speculative. Implementation of Mitigation Measure PUF-2 would mitigate the potentially significant water supply impact from future land use projects by requiring coordination with water suppliers, incorporation of on-site water conservation strategies, water budgeting, and incorporation of recycled water for non-potable use. Regarding, impacts related to implementation of the Bay-Delta Plan, please refer to Response to Comment 76-2.

76-6

Please refer to Response to Comment 76-2 regarding consideration of the Bay-Delta Plan Amendment in the EIR. Note that, in determining that implementation of the Bay-Delta Plan Amendment is speculative in its UWMP, SFPUC also considered the Clean Water Act section 401 WQC for the Turlock Irrigation District and Modesto Irrigation District Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, FERC Project Nos. 2299 and 14581 and found it is "highly uncertain whether the WQC [would] be implemented" and "speculative whether the current WQC [would] be placed in the FERC licenses and when those licenses would be issued" (SFPUC 2021:7-3 to 7-4). Thus, impacts related to the FERC incorporation of the WQC into licenses or finalizing the licenses are likewise speculative. Pursuant to CEQA Guidelines Section 15145, "If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusions and terminate discussion of the impact."

76-7

Please refer to Response to Comment 76-6, which explains that impacts related to the FERC incorporation of the WQC into licenses or finalizing the licenses are speculative, and the CEQA requirements to terminate the discussion of the impact in these instances. Further, the CEQA Guidelines do not have specific guidance about the content of the regulatory setting; however, CEQA Guidelines Section 15125(a) states that, "[t]he description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives." Because this impact would be speculative, a modification to the environmental setting would not further inform the analysis and is not necessary.

76-8

Please refer to Response to Comment 76-2 regarding consideration of the Bay-Delta Plan Amendment in the EIR.

Water supply related impacts are adequately addressed and mitigated by the Draft EIR. Mitigation Measure PUF-1(a) requires consideration of the capacity of existing public service or utility infrastructure and assigns the relevant service provider or utility with the responsibility for undertaking project-level review, as necessary, to provide CEQA clearance for new facilities. Mitigation Measure PUF-1(f) ensures that construction impacts of any potential additional water supply facilities will be mitigated as required by CEQA. Mitigation Measures PUF-2(a)-(c) provide all feasible mitigation to reduce impacts related to water demand potentially exceeding supply. And Mitigation Measure PUF-1(c) requires implementation of stormwater control, retention, and infiltration features into transportation projects, naming several methods such as vegetated median strips and permeable paving.

As explained in “Master Response 3: Water Supply” and Response to Comment 76-4, the level of analysis provided in the Draft EIR is appropriate for a programmatic analysis. CEQA does not require first-tier program EIRs to identify specific sources of water for second-tier individual projects that will undergo project specific analysis. (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1169.) The above measures, which will reduce demand, ensure facilities have adequate capacity to accommodate demand, and ensure that impacts related to construction of new facilities will be mitigated, adequately address the impacts identified and the programmatic analysis provides the level of detail that is possible at this first-tier stage of review.

76-9

Regarding consideration of the Bay-Delta Plan Amendment under Impact PUF-2, please refer to response to comment 76-2. The water supply assessment in Impact PUF-2 relies on UWMPs prepared by local jurisdictions, including the San Francisco Public Utilities Commission.

Regarding the statement on Draft EIR page 3.14-43 about water supply assessments, the Draft EIR explains on page 3.14-27, under “Water Supply Assessment and Water Supply Verification,” that, “If supplies are found to be insufficient to serve the project, the WSA must include plans for acquiring sufficient supplies.” As explained in response to comment 76-2, MTC finds discussion of impacts from implementation of the Bay-Delta Plan to be speculative under CEQA, such that it need not be considered when evaluating the proposed Plan’s impacts on water supply sufficiency. Therefore, the evaluation of water supply in the Draft EIR is adequate for the proposed Plan. CEQA Guidelines section 15126.4(a)(1) notes that mitigation measures must be described for significant impacts. Because the impact is speculative, there is no related significant impact to mitigate. Instead, Mitigation Measure PUF-2(a), in addition to Mitigation Measures PUF-2(b) and PUF-2(c), address the impacts described for Impact PUF-2 in accordance with CEQA requirements.

76-10

As explained in Response to Comment 76-2, due to uncertainty about implementation of the Bay-Delta Plan Amendment, SFPUC provides two scenarios in its 2021 UWMP: one with implementation of the Bay-Delta Plan Amendment and one without implementation of the Bay-Delta Plan Amendment. The commenter references Table 8-3 in SFPUC’s UWMP. To clarify, water supply shortages are anticipated in single and multiple dry years only in the scenario that incorporates implementation of the Bay-Delta Plan Amendment in Table 8-3. The scenario without implementation of the Bay-Delta Plan Amendment indicates there would be a shortage only in the fourth and fifth year of a multiple-dry-years scenario. The EIR concluded that, 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 Draft EIR continues by stating:

Further, as discussed in the “Drought” subsection in Section 3.14-1, “Environmental Setting,” California, including the Plan area, may face future water supply challenges associated with climate change-related periods of drought. The uncertainty of water supply availability is furthered by the Plan’s 2050 horizon being 10–15 years further than water agency 2015 UWMPs which have a planning horizon of 2035 or 2040. The increase in population-, household-, and jobs-related demand on water supply coupled with potentially reoccurring drought conditions may result in insufficient water supply to serve the Plan area.

Regarding consideration of 2020 UWMPs, the Draft EIR’s evaluation of regional water supply is adequate under CEQA. The Draft EIR is necessarily written at a programmatic level, as explained in response to comments 76-2 and 76-4, given the nature of the proposed Plan. Impact PUF-2, which considers sufficiency of water supply, discusses the variety of factors affecting water supply, including the need for water conservation efforts, water supply expansion, and new water contracts. And, the Draft EIR concludes that the impact would be significant and unavoidable. The UWMPs raised by the commenter, though they have been updated, do not change this analysis or the conclusions:

- ▲ **SFPUC 2020 UWMP:** This UWMP was released in June 2021, the same month as the Draft EIR and nine months after the September 2020 release of the NOP. As explained earlier in this response to comment, SFPUC’s 2020 UWMP indicates that there would be shortages only in multiple dry years without implementation of the Bay-Delta Plan Amendment, which is consistent with the Draft EIR’s analysis. Response to comment 76-2 explains why the Draft EIR does not need to consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions.
- ▲ **ACWD 2020–2025 UWMP:** This UWMP was adopted in May 2021, one month prior to the release of the Draft EIR and eight months after the release of the NOP. The Draft EIR relies on ACWD’s 2015–2020 UWMP, noting on page 3.14-37 that ACWD “expect[s] demand to exceed supply during a single dry year before 2040,” and that ACWD “expect[s] demand to exceed supply during multiple dry years before 2040.” This conclusion regarding single dry years is still accurate considering the ACWD 2020–2025 UWMP. The ACWD 2020–2025 UWMP also projects shortages prior to 2040, though it also considers a longer planning horizon and also projects shortages in 2045 (ACWD 2021:9-10). The conclusion during multiple dry years is likewise still accurate under the ACWD 2020–2025 UWMP in that it projects shortages prior to 2040, though it also considers a longer planning horizon and projects shortages in some years between 2041 and 2045 in a multiple-dry-year period (ACWD 2021:9-11 to 9-15). Therefore, the discussion in the Draft EIR is representative of regional water supply conditions.
- ▲ **Santa Clara Valley Water District 2020 UWMP:** This UWMP was released in June 2021, the same month as the Draft EIR and nine months after release of the NOP. The Draft EIR relies on SCVWD’s 2015 UWMP. The Draft EIR states on page 3.14-37 that SCVWD “expect[s] demand to exceed supply during multiple dry years before 2040.” SCVWD’s 2020 UWMP now projects no shortages in supply by 2040 in a multiple dry year scenario and also does not project a shortage in 2045 (SCVWD 2021:48). The Draft EIR states on page 3.14-37 that SCVWD “expect[s] demand to exceed supply during a single dry year before 2040.” SCVWD’s 2020 UWMP now projects no shortages in supply by 2040 in the single dry year scenario and also does not project a shortage in 2045 (SCVWD 2021:47). The Draft EIR considers a more conservative scenario than is presented in the 2020 UWMP for both scenarios because the

UWMP does not project shortages, and the Draft EIR evaluates a scenario where SCVWD has less water available. Therefore, the Draft EIR does not need to be revised.

In addition, please see Response to Comment 76-2 and “Master Response 3: Water Supply” for discussion of the baseline for environmental analysis of the proposed Plan as it relates to water supply and the 2020 UWMPs.

76-11

This comment identifies several possible corrections to the EIR, which are addressed individually in this response. All changes described in this response are presented in Chapter 3, “Revisions to the Draft EIR.” Because the changes made generally correct typographical errors and add minor clarifications, none of the revisions affect the analysis or conclusions in the Draft EIR. Therefore, none of the revisions require recirculation of the Draft EIR.

The comment requests an editorial revision regarding the goals of BAWSCA. Page 3.14-2, paragraph 3, is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

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 people, businesses, and community organizations in San Mateo, Santa Clara, and Alameda Counties. BAWSCA’s goals are to ensure a reliable water supply; of high-quality water; ~~and at a fair price~~ for its service area ~~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 projects, 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.

The comment requests correction of a typographical error. Page 3.14-5, paragraph 5, is revised as follows:

The San Francisco Public Utilities Commission (SFPUC) operates the Regional Water System, which provides water to nearly 2.6 million people within San Francisco, San Mateo, Santa Clara, Alameda, and Tuolumne Counties. The Regional Water System consists of more than 280 miles of pipeline and 60 miles of tunnels, 11 reservoirs, five pump stations, and two water treatment plants. The SFPUC provides water to both retail and wholesale customers (approximately 35 and 65 percent, respectively) (SFPUC 2016).

The comment requests a revision related to use of data from SFPUC about gross and nonresidential demand in 2015 and requests an update of that data with information from SFPUC’s 2020 UWMP. Please refer to response to comment 76-10 regarding the Draft EIR’s consideration of the SFPUC’s 2020 UWMP.

The commenter requests a revision to note that the State Water Project delivers water to the Central Coast and Southern California regions. MTC respectfully declines to make this revision, as the discussion in the Draft EIR appropriately focuses on water imported to the Bay Area.

The commenter requests correction of a typographical error and makes an editorial suggestion. Page 3.14-10, paragraph 2, is revised as follows:

In 2003, 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. 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 additional of future supplies that would benefit Bay Area Customers (Brown and Caldwell 2017).

The commenter suggests addition of footnotes to Tables 3.14-2 and 3.14-3 that specify the accounting for supply and demand among shared customers. While there may be overlap in Table 3.14-2, there is no “double counting” because the tables do provide a “total” that aggregates the supply and demand figures. Regarding Table 3.14-3, there is no quantification provided, and so there is no “double counting.” Therefore, the requested revision has not been made.

The commenter requests correction of typographical errors. Page 3.14-14, paragraph 7, has been revised as follows:

Urbanized and unincorporated areas of cities and counties throughout the Bay Area provide wastewater treatment facilities. These facilities include systems made up of pipelines, ~~pipe~~pump stations, interceptor stations, and discharge stations. Treatment plants send wastewater through up to three treatment processes (primary, secondary, tertiary) depending on treatment requirements established by the pertinent RWQCB for the particular plant. The level of treatment is often dictated by where treated effluent is discharged (land, water body) and if there is an end use that requires higher treatment levels (recycling). Many of the Bay Area’s wastewater treatment plants include primary and secondary treatment for wastewater, as well as recycled water programs that require tertiary treatment. In many cases, secondary effluent is discharged into the San Francisco Bay, and wastewater from Solano County is pumped into the Delta. Wastewater is also recycled for other uses, such as agriculture, irrigation, or landscaping. Treatment requirements are promulgated by the RWQCB and are typically reviewed, along with treatment capacity, every 5 years. As a result of this process, planning and upgrading of treatment plants is an ongoing process for each plant.

The commenter notes that CMSA has a larger service area than is listed in the Draft EIR and notes that RVSD is not a treatment agency. The commenter also notes that there are other wastewater collection agencies that convey wastewater to CMSA that are not listed as treatment agencies. The following revision has been made to Table 3.14-4 to reflect the members of the CMSA:

Central Marin Sanitation Agency	City San Rafael and Towns of Corte Madera and Fairfax <u>Service areas of Sanitary District No. 2, San Rafael Sanitation District, Ross Valley Sanitary District</u>
---------------------------------	---

The commenter requests correction of an inaccuracy. Page 3.14-34, paragraph 3, has been revised as follows:

The California Model Water Efficient Landscape Ordinance (MWELo) sets restrictions on outdoor landscaping. The Bay Area contains several local agencies under the MWELo that require project applicants to prepare plans consistent with the requirements of the MWELo for review and approval. The MWELo was most recently updated by DWR 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 nonresidential landscape areas greater than 1,000 square feet, it 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 must either adopt the MWELo or may adopt a more stringent local ordinances if they are at least as effective in conserving water as MWELo.

The commenter requests clarification of a footnote of Table 3.14-8. Table 3.14-8 has been revised as follows:

- ² San Francisco Public Utilities Commission is a wholesale water provider to BAWSCA member agencies; however, the agencies' service populations are listed separately.

This comment also reiterates the claim that the Draft EIR must be recirculated. Revisions have been made in response to this comment for comments 76-3 and 76-11, which address recirculation claims. Revisions were not made in response to any other comments in this letter. CEQA does not require recirculation of the Draft EIR because those responses do not add significant new information to the EIR (the criteria for recirculation), as defined in Section 15088.5 of the State CEQA Guidelines. Please refer to Responses to Comments 76-3 and 76-11 for a discussion of why recirculation is not required in response to those comments.

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

Letter
77

From: [Robert](#)
To: [EIR Comments](#)
Cc: [Bob Brasher](#)
Subject: Fwd: *** Bypass Merge Lanes for PBA 2050
Date: Monday, July 19, 2021 4:19:06 PM

External Email

Begin forwarded message:

From: Robert [REDACTED]
Date: July 19, 2021 at 3:34:32 PM PDT
To: info@bayareametro.gov
Cc: Bob Brasher [REDACTED]
Subject: Fwd: *** Bypass Merge Lanes for PBA 2050

To: Plan Bay Area 2050.

I propose that the Bypass Merge Lanes traffic management system should be used on Freeways.

The system has the ability to reduce traffic congestion and delay approximately 50% in the worst congested traffic areas during peak hours.

The planned areas would be areas which have traffic congestion of more than two miles for more than three hours in a day.

The system would be very useful, where right-of-way is limited to reduce traffic congestion and delay as well as be the only solution. In addition, it will save hundreds of millions of dollars.

An area such as, I-80/I-580 in Berkeley, is a location where the system would be an excellent solution. This area would be difficult to add lanes to attempt to reduce congestion and delay. The Bypass Merge Lanes could reduce traffic congestion and delay approximately 40% during peak traffic in the westbound direction

77-1

and cost less than \$50 million.

The system is very easy to understand and use.

The system can be used with other systems such as Express Lanes, HOV Lanes, etc...

Please contact me to explain.

Sincerely,

Robert Brasher

77-1
cont.

Letter 77
Robert Brasher
July 19, 2021

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

77-1

The state has changed the CEQA requirements regarding traffic congestion and regional and local agencies are now generally prohibited from considering congestion as an environmental impact. Environmental impacts of transportation are discussed in Draft EIR section 3.15, "Transportation" and are generally focused on the proposed Plan's ability to reduce VMT. Refer to TRA-2 in the Draft EIR for a discussion on the proposed Plan's ability to reduce VMT.

The proposed Plan includes a series of strategies, including Strategy T05 and T06, to optimize the existing transportation system. Strategy T05, "Implement Per-Mile Tolling on Congested Freeways with Transit Alternatives" would apply a per-mile charge on auto travel on select congested freeway corridors where transit alternatives exist. Strategy T06 is comprised of projects and programs to address key highway bottlenecks, including the Bay Area Forward program. Bay Area Forward is a regional program that would implement initiatives to maximize the efficiency of freeway and arterial systems. Example Bay Area Forward program initiatives include implementation of toll bridge corridor "forward" programs, adaptive ramp metering, adaptive signal timing with transit signal priority, bus on shoulder lanes, congestion pricing on toll bridge corridors, arterial first and last mile solutions, and shared mobility pilot deployments.

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

Letter
78

From: [Chris Brosnan](#)
To: [EIR Comments](#)
Subject: Severe Drought
Date: Monday, July 19, 2021 10:53:59 PM

External Email

I am confused as to why anyone would be advocating for more housing in California. There are no wild salmon in California this year. This is because the Sacramento river is OUT OF WATER because we use it all

I live in a "Jobs Rich" town called Palo Alto. The dump is completely full. Full of trash. Our garbage is shipped to Sunnyvale now. Anyone who thinks increasing the human population in California is a good idea is the exact opposite of an environmentalist

The Colorado river is considered an endangered waterway. Southern California is importing half of its water already- a lot of it from us. Which is why we have no salmon. Seriously, you have no answers for the environmental crisis as it is now. Don't make it exponentially worse by added tons of more humans to the situation

78-1

Letter 78
Chris Bronsan
July 19, 2021

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

78-1

The commenter expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. See "Master Response 3: Water Supply" for a discussion related to drought. Please see Section 3.14 of the Draft EIR, "Public Utilities and Facilities," for the effects of the proposed Plan on utilities, including water supply and solid waste.

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

Letter
79

From: [Richard Johnson](#)
To: [EIR Comments](#)
Subject: EIR Comments
Date: Tuesday, July 20, 2021 4:05:33 PM

External Email

CAtalystsCA.org

Susan Kirsch, Director
POB 1703, Mill Valley, CA 94942
CatalystsCA.org [REDACTED]

July 19, 2021

MTC Public Information

Attn: Draft EIR Comments

eircomments@bayareametro.gov

Dear MTC Public Information:

Californians face monumental changes as a result of global warming, global pandemics, and global markets. These changes effect key elements of Plan Bay Area 2050, including Housing, the Economy, Transportation, and the Environment. As a 40-year veteran of water policy, I'm raising questions about the environment and welcome your response.

Currently while the State is in severe drought which according to the State Water Resources plan to 2050 can only be cured by an increase in desalination units, decrease of agriculture water over to urban usage, and finally an increase in water reuse including water blending of tertiary treated wastewater with potable.

Cap and trade laws will not provide the money for the cure. Sensible use of fossil fuel (natural gas) can serve as a bridge until the development of third generation nuclear or fusion power can come online to supply the needed power for both desalination and water reuse.

In conclusion, it's a simple question: Where's the 30-year water supply and the funding to obtain it going to come from?

Sincerely,

Richard Johnson,
San Francisco Senior Water Inspector 40yrs (retired)
Catalysts for Local Control

79-1

Letter 79
Catalysts for Local Control
Richard Johnson
July 19, 2021

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

79-1

See “Master Response 3: Water Supply” for a discussion related to the drought.

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



Letter
80

The City of Burlingame

PUBLIC WORKS DEPARTMENT
TEL: (650) 558-7230
FAX: (650) 685-9310

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BURLINGAME, CALIFORNIA 94010-3997
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CORPORATION YARD
TEL: (650) 558-7670
FAX: (650) 696-1598

July 19, 2021

Therese McMillan, Executive Director
MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA 94105
Sent via Email to: eircomments@bayareametro.gov

RE: City of Burlingame Comment Letter – Plan Bay Area 2050 Draft Environmental Impact Report

Dear Ms. McMillan,

The City of Burlingame (“City”) submits the following comments regarding the programmatic Draft Environmental Impact Report (“Draft EIR”) for Plan Bay Area 2050 (“proposed Plan”) issued by the Association of Bay Area Governments (“ABAG”) and the Metropolitan Transportation Commission (“MTC”) and made available on June 4, 2021. The City of Burlingame purchases all of its water supplies from the San Francisco Public Utilities Commission (“SFPUC”) and is a member agency of the Bay Area Water Supply and Conservation Agency (“BAWSCA”). BAWSCA represents the water interests of 26 member agencies in Alameda, Santa Clara, and San Mateo Counties that purchase water from the SFPUC. The San Francisco Regional Water System (“RWS”) supplies account for roughly two-thirds of the water required by the BAWSCA member agencies.

80-1

Based on the significant findings highlighted in this letter, the City of Burlingame requests that ABAG and the MTC make the required changes and recirculate the Draft EIR.

Eighty-five percent of the San Francisco Regional Water System’s water supplies come from the Tuolumne River, including supplies from Hetch Hetchy Reservoir and a water bank at Don Pedro Reservoir. The Hetch Hetchy Reservoir water feeds into an aqueduct system delivering water across 167 miles by gravity to Bay Area reservoirs and, ultimately, to Bay Area customers. Approximately two-thirds of the SFPUC’s total water deliveries are made to BAWSCA agencies - meaning BAWSCA agencies are the primary recipient of water from the RWS.

1. The Draft EIR Is Inadequate Because It Fails to Account for And Analyze the State Water Resources Control Board’s (SWRCB) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Plan)

80-2

City of Burlingame Comment Letter – Plan Bay Area 2050 Draft EIR
 July 19, 2021
 Page 2 of 9

Discussion and analysis of the impacts of the Bay-Delta Plan in the Draft EIR are insufficient. The Bay-Delta Plan was adopted by the SWRCB in December of 2018.¹ As written, the Bay-Delta Plan will significantly reduce water supply reliability to the RWS and for BAWSCA Member Agencies, particularly during times of drought. The Draft EIR fails to assess the water supply shortfalls and significant environmental impacts from the proposed Plan that would result if the SFPUC were compelled to drastically reduce water deliveries throughout the RWS service territory in response to the adopted Bay-Delta Plan. This critical omission constitutes an abuse of discretion because the Draft EIR fails to offer any justification for why these impacts are not significant under CEQA, and, in fact fails to present any analysis whatsoever regarding such impacts. (Pub. Res. Code, §§ 21168.5, 21100(b)(1).) There is a total disconnect between the proposed Plan's anticipated growth in population, jobs, and housing and the RWS's ability to accommodate the planned growth given the significant water supply reductions resulting from the Bay-Delta Plan. A more comprehensive description is necessary as well as an analysis of the impacts from implementation of the Bay-Delta Plan.

80-2
 cont.

1.1. Section 3.10.2 And 3.14.2 Are Incomplete Because They Do Not Include the Bay-Delta Plan in the Regulatory Setting

Sections 3.10.2 and 3.14.2 of the Draft EIR provide the Regulatory Setting for the Hydrology and Water Quality (3.10) and Public Utilities and Facilities (3.14) impacts analysis. Neither section includes a description or an analysis of the impacts from implementation of the Bay-Delta Plan. The City requests that ABAG and the MTC revisit these sections to include a description of the Bay-Delta Plan in the respective Regulatory Setting sections. The description of the Bay-Delta Plan should include objectives, flow requirements, regulatory authority, and the timeline for implementation. The City offers the following language for consideration.

In December 2018, the State Water Resources Control Board (“SWRCB”) adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 30-50% of the “unimpaired flow” on the three tributaries from February through June in every year type.

80-3

The Bay-Delta Plan states the February through June flow objectives will be fully implemented by the year 2022. (Bay-Delta Plan at p. 24.)

1.2. The Water Supply Analysis in Section 3.14 Is Inadequate Because It Fails to Consider the Impacts of the Bay-Delta Plan

Section 3.14: Public Utilities and Facilities fails to consider how implementation of the Bay-Delta Plan will impact water supplies. As stated above, the Bay-Delta Plan has been adopted and requires unimpaired flows between 30% and 50% (starting at 40%) on the Tuolumne River, the primary water supply source for the SFPUC and BAWSCA member agencies and commits the SWRCB to fully implement the flow objectives by

80-4

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

80-2
 cont.

City of Burlingame Comment Letter – Plan Bay Area 2050 Draft EIR
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2022. Therefore, ABAG and the MTC must analyze the impacts of the Bay-Delta Plan on water supply reliability and the ability of water agencies to meet future water demands from increased population, housing, and jobs.

As described in Section 2 of the proposed Plan, “Project Description,” the regional growth forecast for the Bay Area projects that by 2050 the region will support an additional 2.7 million residents and 1.4 million jobs, resulting in 1.4 million new households. The Draft EIR identifies areas where: 1) there is an existing forecasted shortage in long-term supplies that would need to be met by imported water or additional water conservation, reuse, and recycling; or 2) where the proposed Plan projects population or jobs beyond what is assumed in current Urban Water Management Plans (UWMPs) and could result in a potential shortage. (Draft EIR at p. 3.14-36.)² However, this does not include the impacts and water shortages from the Bay-Delta Plan. The Draft EIR fails entirely to account for how the water shortages anticipated from the Bay-Delta Plan will accommodate the proposed Plan's anticipated increased population and housing, or the resulting impacts from insufficient water supplies. As part of the CEQA Guidelines provisions governing the environmental setting, the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans, including applicable water quality control plans like the Bay-Delta Plan. (CEQA Guidelines, §15125(d).)

In *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 Cal.4th 412, the Supreme Court identified specific requirements for an adequate analysis of water supply issues in an EIR. The Court explained that future water supplies identified and analyzed in an EIR must be reasonably likely to prove available. Speculative sources and unrealistic allocations do not provide an adequate basis for decision making. When a full analysis of future water supplies for a project leaves some uncertainty regarding the availability of future supplies, the EIR must discuss possible replacement or alternative supply sources, and the environmental effects of resorting to those alternative supply sources. Informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water. The future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations are insufficient bases for decision making under CEQA. Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. (*Id.* at 432.)

Further, an EIR must identify and describe the project's significant environmental effects, including direct, indirect, and long-term effects. (Pub. Res. Code, §21100(b)(1); CEQA Guidelines, §15126.2(a).) An EIR may include some degree of forecasting in evaluating a project's environmental impacts. (CEQA Guidelines, §15144; *San Francisco Ecology Ctr. v City & County of San Francisco* (1975) 48 Cal. App.3d 584, 595.) Lead agencies must use their best efforts to find out and disclose all that they reasonably can, although they are not required to foresee the unforeseeable. (CEQA Guidelines, §15144.) The Draft EIR should be revised to account for the impacts from implementation of the Bay-Delta Plan.

With the Bay-Delta Plan implementation, it is projected that the SFPUC will be able to meet the projected water demands in normal years but would experience supply shortages and require rationing in single dry years or multiple dry years. During single dry years, there would be an anticipated 30 to 40% shortage of RWS

² As discussed below, the Draft EIR does not use the most recent and updated UWMPs.

80-4
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City of Burlingame Comment Letter – Plan Bay Area 2050 Draft EIR
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supplies. When allocated among retail and BAWSCA agencies and compared to RWS demand, this would result in a 14% to 25% shortfall for SFPUC retail customers and a 36% to 46% shortfall to BAWSCA member agencies. In a multiple dry year event, there would be anticipated shortages in RWS supplies for all projected years, ranging from 30% to 49% shortages. When allocated among retail and BAWSCA agencies and compared to RWS demand, this would result in an anticipated shortfall up to 35% for SFPUC retail customers and up to 54% for BAWSCA member agencies. These impacts are characterized and quantified in Section 8 of the SFPUC's 2020 UWMP.³

80-4
 cont.

The City requests that ABAG and the MTC revisit Section 3.14 and include a complete analysis of the Bay-Delta Plan impacts on water supply reliability.

1.3. Impacts from Reasonably Foreseeable Methods of Complying with the Bay-Delta Plan and Addressing the Resulting Water Supply Shortages Are Not Identified or Analyzed

Consideration of the impacts from implementation of the Bay-Delta Plan should include an analysis of reasonably foreseeable methods water agencies will use to comply with the Bay-Delta Plan, address the resulting water shortages, and the associated environmental impacts. As shown in the SFPUC and BAWSCA member agencies' 2020 UWMPs, implementation of the Bay-Delta Plan will result in RWS system-wide cutbacks between 30% and 49% in single and multiple dry years. This results in RWS cutbacks to BAWSCA member agencies between 36% and 54%. As previously stated, BAWSCA member agencies purchase roughly two-thirds of their water from the RWS. Several BAWSCA member agencies rely solely on the RWS for their water supply source.

Cutbacks to this degree will require BAWSCA member agencies to take extraordinary actions to provide water to their existing and future customers to meet basic health and safety needs. An EIR must address the impacts of "reasonably foreseeable" future activities related to the proposed Plan. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 398-399; see also CEQA Guidelines, §15126 [EIR's impact analysis must consider all phases of project.]) The Draft EIR must identify and analyze these methods for complying with the Bay-Delta Plan, addressing water shortages, and the resulting environmental impacts from these actions, which include, but are not limited to:

80-5

- Increased reliance on groundwater and other surface water supplies;
- Inability to conserve additional water as a result of past conservation efforts and demand hardening;
- Decreased water available for urban landscaping resulting in the death of mature trees, reduced carbon conversion and increased heat in urban areas; and
- Severe rationing and moratoria on new development, resulting in displaced growth and urban sprawl.

Considering a central tenet of Plan Bay Area 2050 is to encourage growth along transportation lines in an equitable and sustainable manner, it would seem prudent to analyze these reasonably foreseeable impacts resulting from the adopted Bay-Delta Plan. The Draft EIR fails to analyze the environmental impacts that would result from increased reliance on local groundwater and surface water supplies. Adverse effects from

³ SFPUC 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020_%20FINAL.pdf

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increased groundwater pumping may include, but are not limited to, declining water quality, overdraft, subsidence, and sea water intrusion. Agencies that rely solely on the RWS, such as the City of Burlingame, would seek to acquire new water supplies, which would have resulting environmental impacts, increase water rates, and possibly price out low-income residents.

If available water supplies are insufficient to meet demand, BAWSCA member agencies would consider implementing a development moratorium (e.g., "no new hook up") which would cause economic impacts and impacts from displaced growth and urban sprawl. An EIR must discuss growth-inducing impacts from a project. (Pub. Res. Code, § 21065.3; CEQA Guidelines, §15126(d).) The imposition of a moratorium on development in the City of Burlingame service area would exacerbate the existing housing issues and further push housing growth out of the high-density areas of the Bay Area to the eastern and southern most portions of the Bay Area and to the western San Joaquin Valley. This would directly conflict with the purposes of the proposed Plan. Most of the region's farmlands and natural areas that are threatened by sprawl are in communities at the edges of the region, such as southern Santa Clara County, eastern Contra Costa County, and Solano County. Urban Sprawl has two primary impacts: 1) it increases per capita land consumption, and 2) it disperses development, which increases the distances between common destinations, increasing the costs of providing public infrastructure and services, and the transportation costs required to access services and activities.

The Draft EIR does not identify or analyze these reasonably foreseeable methods of compliance and actions by water agencies, or the potentially significant impacts resulting from these actions. Areas in which anticipated impacts are likely to result include:

- Reduction in the water supplies and the resulting significant impact on the Bay Area's economy, environment and impacts on public health;⁴ and
- Inadequate water supplies and resultant moratoria on housing development resulting in displaced growth and urban sprawl that sharply conflict with predicted Bay Area population growth and accompanying need for greater housing and transportation.

The ultimate question under CEQA is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project. (*Vineyard Area Citizens for Responsible Growth, Inc.*, 40 Cal.4th at p. 434.) Giving the failure of the Draft EIR to evaluate the water supply impacts from the Bay-Delta Plan, the water supply analysis is inadequate and fails entirely to consider the extent of water supply shortages, and how those shortages would be exacerbated by the proposed Plan's anticipated population and housing increases. The City requests that ABAG and the MTC revisit Sections 3.10: Hydrology and Water Quality and 3.14: Public Utilities and Facilities to properly analyze the impacts from reasonably foreseeable methods water agencies will use to comply with the Bay-Delta Plan.

⁴ The California Legislature has made clear that public health and safety are of "great importance" in CEQA's statutory scheme. (Pub. Resources Code, §§ 21000(b), (c), (d), (g); 21001(b), (d); *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.) For example, Public Resources Code section 21083(b)(3) requires a finding of a "significant effect on the environment" whenever "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." California policy dictates that all humans have a right to water adequate for human consumption, cooking, and sanitary purposes. (Wat. Code, § 106.3.)

80-5
 cont.

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2. The Draft EIR Is Inadequate Because It Fails to Analyze the Impact of the Federal Energy Regulatory Commission Licensing and Certification Process for New Don Pedro Reservoir

As previously stated, the Bay-Delta Plan is not self-implementing. Flow requirements must be allocated through regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, may be implemented through the water quality certification process set forth in section 401 of the Clean Water Act as part of the Federal Energy Regulatory Commission’s (FERC) licensing proceedings for the Don Pedro and La Grange hydroelectric projects. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).⁵ A “water bank” in Don Pedro Reservoir provides additional storage that is integrated into the RWS operations. The re-licensing of the Don Pedro reservoir by FERC may require additional water released from the Don Pedro Reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the yield of the RWS.

80-6

On January 15, 2021, the SWRCB released the Clean Water Act section 401 Water Quality Certification for the Turlock Irrigation District and Modesto Irrigation District Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, FERC Project Nos. 2299 and 14581 (WQC).⁶ The WQC’s requirements differ significantly from the recommended flows and conditions that FERC has analyzed in the Staff Alternative of its Final Environmental Impact Statement for the licenses. The WQC includes the 40% unimpaired flow objective from the Bay-Delta Plan, as well as additional conditions that, if incorporated into FERC licenses for the Don Pedro Project, would more severely impact SFPUC’s water supplies. Data presented in the City and County of San Francisco’s petition for reconsideration of the WQC before the SWRCB dated February 16, 2021, indicates that if the WQC were to be enacted, required rationing during single-year and extended periods of drought would range between 75 and 90 percent under present and future demand levels. To date, FERC has not taken action to incorporate the WQC into the licenses or to finalize the licenses for issuance. However, the Draft EIR must consider the impacts on water supply from these foreseeable actions. (*Laurel Heights Improvement Ass’n*, 47 Cal.3d at 398-399.)

2.1. Section 3.14.2 Is Incomplete Because It Does Not Include the FERC Licensing and Water Quality Certification for Don Pedro Dam in the Regulatory Setting Section

Section 3.14.2 provides the Regulatory Setting for the Public Utilities and Facilities of the Draft EIR. It does not include the FERC licensing and WQC process, which, as stated above, may have significant impacts to water supply reliability for the SFPUC and BAWSCA member agencies. The City requests that ABAG and the MTC revisit Section 3.14 to include a description of the FERC licensing process in the Regulatory Setting section, including the released WQC.

80-7

3. Impact PUF-1 Is Inadequately Analyzed and Mitigation Measure PUF-1(A) Is Insufficient

Impact PUF-1 considers how implementation of Plan Bay Area 2050 may “require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant

80-8

⁵ <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>
⁶ https://www.waterboards.ca.gov/docs/dplg_fwqc_complete_20210105.pdf

80-6
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City of Burlingame Comment Letter – Plan Bay Area 2050 Draft EIR
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environmental effects.” However, because impacts of the Bay-Delta Plan, FERC licensing and the WQC, and the resulting significant water supply gap in single and multiple dry years are not considered, the analysis of Impact PUF-1 is insufficient.

The SFPUC and BAWSCA member agencies have stepped up efforts to identify and secure alternative water supplies to reduce water supply shortfalls and rationing during droughts. However, these water supply projects are large, expensive, and take several years to design and develop. In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (“AWSP”) to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. As stated in the SFPUC’s 2020 UWMP, projects identified through the AWSP will take 10 to 30 years to implement.⁷ With implementation of the Bay-Delta Plan scheduled for 2022, there simply is not enough time to construct new or expanded water facilities to meet increased demand from population growth in single and multiple dry years.

An EIR must identify and describe any feasible measures that can be implemented to reduce or avoid each potentially significant environmental effect of the project. (CEQA Guidelines, §15126.4(a)(1).) Mitigation Measure PUF-1(a) (and PUF-2 discussed below) is insufficient to address increased water demand from the Project, especially with implementation of the Bay-Delta Plan, and merely defers identifying, analyzing, and mitigating potentially significant effects of new developments until those projects go through CEQA review. Mitigation measures should describe the specific actions that will be taken to reduce or avoid an impact. It is ordinarily inappropriate to defer formulation of a mitigation measure to the future. (CEQA Guidelines, §15126.4(a)(1)(B).)

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cont.

The likelihood of new water supply projects being implemented in a timely manner and providing enough water to make up the shortfalls due to the Bay-Delta Plan, FERC licensing, and the WQC should be analyzed and additional mitigation should be proposed if necessary to address associated impacts. Further, any water supply project would have environmental impacts that must be considered. If a mitigation measure identified in an EIR would itself cause significant environmental impacts distinct from the significant effects caused by the project, those impacts must be discussed in the EIR, but in less detail than the project's significant impacts. (CEQA Guidelines, §15126.4(a)(1)(D).)

4. Impact PUF-2 Is Inadequately Analyzed and Mitigation Measure PUF-2(A) Is Insufficient

Impact PUF-2 considers whether there may be *“insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.”* Because impacts of the Bay-Delta Plan, FERC licensing, and the WQC were not considered, Impact PUF-2 was not sufficiently analyzed. Specifically, because the significant level of rationing that may be required in single and multiple dry years was not characterized or quantified, the proposed mitigation measures cannot be analyzed to determine whether they are adequate to mitigate potentially significant impacts. Further, BAWSCA and its member agencies have implemented conservation measures and expanded recycled water use as suggested in Mitigation Measure PUF-2(a) for many years, if not decades. BAWSCA member agencies intend to continue these projects, and water saving benefits have been quantified and included in their respective 2020 UWMPs.

80-9

⁷ See Section 7.4, page 7-6 of the SFPUC’s adopted 2020 UWMP (https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020_%20FINAL.pdf).

80-8
cont.

City of Burlingame Comment Letter – Plan Bay Area 2050 Draft EIR
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Those UWMPs demonstrate that Mitigation Measure PUF-2(a) is insufficient for closing the gap on water supply rationing that may result from implementation of the Bay-Delta Plan, FERC licensing, and the WQC.

Section 3.14.3, page 3.14-43 states, *“Future development projects would be required to comply with Water Code Section 10910 and Section 10912, as described above in the Regulatory Setting, under ‘Water Supply Assessment and Water Supply Verification.’ The enforcement of these regulations by local jurisdictions would ensure that a water supply assessment is prepared to demonstrate that sufficient water would be available to serve development projects before their approval.”*

80-9
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This statement is conclusory. For many BAWSCA member agencies, these water supply assessments may demonstrate that there is insufficient water to serve new development projects (including new housing projects anticipated in the proposed Plan) from implementation of the Bay-Delta Plan, FERC licensing and the WQC. The sufficiency of an available supply of water to meet the anticipated population, job and housing growth in the proposed Plan should be fully analyzed in this Draft EIR, not when municipalities and water agencies are required to conduct a water supply assessment under Water Code Sections 10910 and 10912 for development projects aimed at accommodating that growth.

5. The Draft EIR Relies on Out-Of-Date Water Supply Reliability Forecasting 2020 Urban Water Management Plans

Under the Urban Water Management Planning Act, the SFPUC and the majority of BAWSCA agencies must prepare an UWMP for submittal to the Department of Water Resources (DWR) every five years. The UWMPs provide the long-term resource planning of each agency and ensure that adequate water supplies are available to meet existing and future needs.

The Draft EIR relies on outdated water supply information provided in urban water suppliers’ 2015 UWMPs. Significant changes have occurred since the 2015 UWMPs were adopted, including major legislation on conservation, efficiency, and the Bay-Delta Plan. Therefore, those plans are no longer current and do not accurately represent the water supply and demand forecasts for the SFPUC and BAWSCA member agencies. For example, Chapter 3.14.3, page 3.14-43 of the Draft EIR states, *“As shown in Table 3.14-2, the major water suppliers in the region are projected to be able to supply adequate water for their projected service populations through 2040 during normal years, apart from Solano County Water Agency...”* This is no longer an accurate characterization of projected water supply availability. As shown in Table 8-3 of the SFPUC’s 2020 UWMP, water supply shortages are anticipated in single and multiple dry years through 2045.

80-10

All water suppliers in the BAWSCA service area (i.e., the SFPUC, Alameda County Water District (“ACWD”),⁸ and the Santa Clara Valley Water District (“Valley Water”)⁹ have adopted their 2020 UWMPs or have made drafts publicly available. BAWSCA requests that ABAG and the MTC utilize data from the 2020 UWMPs to characterize water supply reliability in Section 3.14 of the Draft EIR.

⁸ ACWD 2020 UWMP: <https://www.acwd.org/DocumentCenter/View/3816/Final-2020-2025-UWMP>

⁹ Valley Water 2020 UWMP: <https://fta.valleywater.org/dl/pggls1SeCr>

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Thank you for the opportunity to submit comments on the Draft EIR. Based on the significant findings highlighted in this letter, the City of Burlingame requests that ABAG and the MTC make the required changes and recirculate the Draft EIR.

80-11

Sincerely,



Syed Murtuza
Director of Public Works

Letter 80
City of Burlingame
Syed Murtuza
July 19, 2021

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

80-1

The commenter indicates the Draft EIR inadequately considers the proposed Plan's impacts on the region's water supply. This topic is addressed specifically in the following comments and responses. Please also see the responses to Comment Letter 76, which was submitted by BAWSCA. For the reasons stated in responses to Comment Letter 76, recirculation of the Draft EIR is not required under CEQA. See Response to Comment 80-11 for additional discussion related to recirculation of the Draft EIR.

80-2

See Response to Comment 76-2 for a discussion related to inclusion of the Bay-Delta Plan into the Draft EIR.

80-3

See Response to Comment 76-3 for a discussion related to inclusion of the Bay-Delta Plan into Section 3.10 of the Draft EIR, "Hydrology and Water Quality," and the requested text change.

80-4

See Response to Comment 76-4 for a discussion related to the impacts of the Bay-Delta Plan.

80-5

See Response to Comment 76-5 for a discussion related to compliance with the Bay-Delta Plan and resulting environmental impacts. See also Master Response 3: "Water Supply" for relevant discussion.

80-6

See Response to Comment 76-6 for a discussion related to FERC licensing and certification for New Don Pedro Reservoir.

80-7

See Responses to Comments 76-6 and 76-7 for discussion related to FERC licensing and certification for New Don Pedro Reservoir.

80-8

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A).

80-9

See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

80-10

See Response to Comment 76-10 for a discussion related to the 2020 UWMPs.

80-11

Recirculation of a draft EIR is required when significant new information is added to the EIR. Examples of “significant new information” are defined in the CEQA Guidelines under Section 15088.5(a) as follows:

- (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 environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Examples of such instances include identification of a new significant environmental impact, identification of a substantial increase in the severity of an environmental impact that cannot be mitigated, and consideration of a considerably different feasible alternative or mitigation measure than was considered in the EIR for an unmitigated effect, but that is not adopted. Recirculation is not required when information added to an EIR clarifies, amplifies, or makes insignificant modifications. The revisions described in the responses to the letter merely add information regarding the Bay-Delta Plan Amendment and do not change the project impact analysis or conclusions. Furthermore, as explained in Response to Comment 76-2, the EIR accounts for the Bay-Delta Plan Amendments indirectly through consideration of uncertainties around water supply impacts. Therefore, recirculation is not required. Because the responses to the referenced comments, 80-1 through 80-11, do not present any new significant information or substantial evidence of new significant information, recirculation is not required.

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



Public Works Department
39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006
www.fremont.gov

Letter
81

July 19, 2021

MTC Public Information
Attn: Draft EIR Comments, Plan Bay Area 2050
375 Beale Street, Suite 800
San Francisco, CA 94105

**Subject: Plan Bay Area 2050
Retaining the State Route 262 Safety and Interchange Improvements Project**

Dear MTC Official,

The purpose of this letter is to urge that the State Route 262 Safety and Interchange Improvement project is retained as a priority within Plan Bay Area 2050. SR 262, also known as Mission Boulevard, is a one-mile long cross-connector route between Interstate 680 and Interstate 880. **The Draft EIR for Plan Bay Area includes consideration of excluding the SR 262 project** as part of EIR Alternative 1 (Transit-Rich Area Focus Alternative). The project should be adopted as a priority element of Plan Bay Area 2050 due to the following reasons:

SR 262 is a Traffic “Fatality Hot Spot” – The City of Fremont is among the nation’s leading Vision Zero cities working to eliminate traffic fatalities. The SR 262 corridor has the highest rate of traffic fatalities in all of Fremont. Since 2019, there have been three fatal traffic crashes at intersections along the corridor when “out of town” vehicle drivers struck and took the lives of two people walking and one person riding a motorcycle. The plan for the SR 262 upgrade project includes design features that could have prevented these fatalities.

SR 262 Now Divides the Community With a “Wall of Traffic” – The Warm Springs District in south Fremont is now severely divided by the continual flow of regional traffic in the SR 262/ Mission Blvd corridor. Traffic flow across the corridor, primarily at Warm Springs Boulevard, is accordingly limited due to signal timing priority given by Caltrans to regional through traffic along the State Route. This effectively creates a “wall of traffic” that divides the community. Accessibility is constrained across the corridor and divides people from accessing the nearby Warm Spring BART station and commercial businesses. AC Transit bus service across the corridor is rendered unreliable and slow, and traffic conditions and the auto-oriented state highway design are not conducive for people who walk and bicycle. The proposed SR 262 upgrade project would grade separate Warm Springs Boulevard and greatly improve multimodal access and circulation for the local community. Fremont staff envisions that the local commercial district that is along SR 262 could be revitalized into a vibrant “town center” for the community by eliminating the at-grade SR 262 traffic barrier that exists today.

SR 262 is Among the Most Congested State Routes in the Bay Area – It is hard to imagine that there is any other segment of the state highway system in the Bay Area that is as continually congested as the one-mile SR 262 connection between I-680 and I-880. Prior to the start of the Covid pandemic, the westbound morning “peak commute” period would extend from 5:00 am to 11:00 am and the eastbound evening commute went from 2:00 pm to 8:00 pm. SR 262 supports goods movement to and from the nearby Tesla factory which operates 24 hours a day, 7 days a week. The corridor is also heavily used on weekends for travel by Silicon Valley residents to and from popular recreational destinations like Lake Tahoe. On Sunday afternoons, traffic queues on

81-1

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July 19, 2021
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southbound I-680 have extended more than a mile leading to the SR 262 off-ramp, creating traffic hazards on the freeway. It was commonplace that even on weekends, traffic congestion in the corridor causes navigation apps to divert traffic and create gridlock on local streets, with the historic Mission San Jose District commercial area being most affected.

SR 262 is a Critical Gap in the Regional Express Lane Network – As the Bay Area is developing a growing network of Express Lanes, SR 262 stands as a major gap in the system. Projects are in place, under construction, or funded to complete a robust system of Express Lanes connecting the bedroom communities along the I-580 (Livermore, Pleasanton) and I-680 (Walnut Creek, Dublin) corridors to the major Silicon Valley job centers along the I-880 (San Jose, Milpitas) and I-237 (Santa Clara, Sunnyvale) corridors. However, a gaping hole in the network is the connection through the SR 262 (Fremont) corridor. Over 50 miles of investment has and is being made, but the effectiveness of the network is significantly limited by the missing link in the one-mile SR 262 cross-connector between I-680 and I-880. The proposed SR 262 project helps close this gap and accommodates, as a future construction phase, a set of direct connector ramps that seamlessly connect the median express lanes along I-680 and I-880.

Overwhelming Community Support for SR 262 Upgrade – In 2019, the City of Fremont completed a Mobility Action Plan in response to strong community concerns about growing traffic congestion. An extensive community outreach effort was conducted to hear community concerns and ideas on a variety of mobility topics including, traffic congestion, travel alternatives, traffic safety, and emerging technologies. The plan was guided by a 14-member community task force and resulted in a 5-year “plan of action” for Fremont to pursue. The single project having the most intense support was for the SR 262 Upgrade from the residents in southern Fremont.

In conclusion, the SR262 project seems to be narrowly classified in Plan Bay Area 2050 as a strategy to just “address highway bottlenecks.” However, the project aligns with and supports elements of many other Plan Bay Area 2050 strategies that include:

- advance regional vision zero policy
- enhance streets to promote walking and bicycling
- enhance local transit reliability
- build an integrated regional express lane and express bus network
- transform aging malls into neighborhoods

On behalf of the City of Fremont, I strongly urge MTC to retain the State Route 262 Safety and Interchange Improvement project as a priority within Plan Bay Area 2050.

Sincerely,

Hans F. Larsen
Public Works Director

81-1
cont.

Letter 81
City of Fremont
Hans F. Larsen, Public Works Director
July 19, 2021

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

81-1

This is a comment expressing support for the State Route 262 Safety and Interchange Improvement project included as part of Strategy T06, “Improve Interchanges and Address Highway Bottlenecks” and identified as RTPID #21-T06-046 in the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. The SR 262 project was also included in Alternative 2 - HRA Focus Alternative but was removed from Alternative 1 - TRA Focus Alternative because of a modification to Strategy T06 to remove \$3.4 billion in funding for interchange expansion projects, discussed under section 4.3.2 of the Draft EIR. Potential environmental impacts of the SR 262 project, along with the proposed Plan’s other transportation projects and programs, are disclosed, programmatically, throughout Chapter 3 and Chapter 4 of the Draft EIR.

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



Cloverdale Rancheria

555 S. Cloverdale Blvd. ~ Cloverdale, CA 95425
(707) 894-5775 ~ Fax (707) 894-5727

Letter
82

July 19, 2021

Therese McMillan, Executive Director
Metropolitan Transportation Commission
Association of Bay Area Governments
375 Beale Street
San Francisco, CA 94105

SUBJECT: Draft *Plan Bay Area 2050* and Draft *Plan Bay Area 2050* Environmental Impact Report Comments

Dear Ms. McMillan:

The Cloverdale Rancheria of Pomo Indians is one of the six federally recognized Tribal Nations with lands or Tribal offices located within the Metropolitan Transportation Commission (MTC) nine-county Bay Area. We have appreciated being apprised of your *Plan Bay Area 2050* activities through the Tribal Consultation process and look forward to additional consultation during this summer 2021 prior to your final plan adoption. As context, our Tribe is integrally connected to the community of Cloverdale and surrounding areas. We value our relationship with the Cloverdale community and we participate and invest in the social, educational and cultural happenings in the Cloverdale area. Our Tribal members well-being – economic, health and environmental well-being – is intertwined with the well-being of Cloverdale and Northern Sonoma County.

We have reviewed your various draft documents and make the following comments:

- Several of your documents reference *Expand and Modernize Regional Rail*, yet your transportation investment strategies do not include any new investments to the SMART rail system, for passenger or freight, north of Windsor. Map 4.2 in the Transportation report clearly shows no further rail investment to the only part of the Bay Area where all of the Federally Recognized Tribes are located (including the Lytton Tribe having lands taken into trust in Windsor in 2019). As we understand it, exclusion from your plan means SMART cannot compete for grant funds to extend north of Windsor and **this needs to be corrected in the final Plan Bay Area 2050 document** so that this needed investment in rail in Northern Sonoma County can occur.
- Your other plan goals reference supporting access to economic opportunity and housing while striving for protection of the environment. We believe completing SMART to Cloverdale will support your goals being achieved in our part of the Bay Area.
 - For our community to access economic opportunity, health care and higher education means traveling long distances to Santa Rosa. For example,
CLOVERDALE RANCHERIA TRIBAL COUNCIL

82-1

<i>Patricia Hermosillo</i>	<i>Silver Galleto</i>	<i>Maria Elliott</i>	<i>Vickey Macias</i>	<i>Sandy Roope</i>
<i>Chairperson</i>	<i>Vice-Chairperson</i>	<i>Secretary</i>	<i>Treasurer</i>	<i>Tribal Representative</i>



Cloverdale Rancheria

Cloverdale Rancheria is a participant in the Sonoma County Indian Health Project in Santa Rosa. We, and nearly all residents of Northern Sonoma County, must travel greater distances than most people in the Bay Area to access basic services. Visiting the doctor could take four plus hours round trip by bus. Completing the SMART train to Cloverdale will support some of the poorest in our communities to have equitable access to services.

- Shifting freight from trucks to rail will help businesses grow in an environmentally friendly fashion while supporting local environmental health. Rehabilitating the SMART tracks to Cloverdale will result in accomplishing multiple Plan Bay Area 2050 goals.
- In Northern Sonoma County we have been pressed by housing shortages and stressed by 3 years of fires regularly destroying more housing stock. We support affordable housing in our area and believe that extending the regional rail network to our area will unlock the creation of more affordable housing stock.
- The current options of sacrificing time to take available bus transit or driving means many in our community are choosing a path that is worse for our planet. We believe completing SMART to Cloverdale will result in a higher quality transit service that will encourage more environmentally friendly behavior.
- Many of your plan elements reference incentivizing the "shift of jobs to housing rich areas well served by transit" (p. 142). We feel that Cloverdale could be one of those areas if the SMART project is completed to Cloverdale.

82-1
cont.

We request Plan Bay Area 2050 be revised to add SMART to Cloverdale back into the transportation documents and the financially constrained transportation project list. SMART has nearly completed construction of the extension to Windsor and is now the owner of the existing un-rehabilitated railroad tracks through Healdsburg and our lands in Cloverdale to the Mendocino County line. It is important to support SMART's efforts to bring in outside state and federal resources to complete this project so it can be used for passenger rail for longer trips, pedestrian and bicycle access for local trips, freight rail so we can grow our economy in an environmentally friendly way, and to provide greater broadband access for our communities.

During the Tribal Consultation process for your last plan, Plan Bay Area 2040, we collectively stated 'SMART must reach Cloverdale'. Our input is the same now.

Sincerely,

Patricia Hermosillo
Cloverdale Rancheria Tribal Chairperson

Letter 82
Cloverdale Racheria
Patricia Hermosillo, Tribal Chairperson
July 19, 2021

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

82-1

The commenter is correct, as noted under section 2.2 of the Draft EIR, “The proposed Plan includes a fiscally constrained list of transportation projects and programs that are eligible for future federal and State funding but does not allocate funds to any specific transportation project or program.” See Response to Comment 94-1 for a discussion related to SMART extensions within the proposed Plan.

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

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553
Phone: 1-855-323-2626

**Contra
Costa
County**



John	Letter 83
	Aruna Bhat Deputy Director
	Jason Crapo Deputy Director
	Maureen Toms Deputy Director

Amalia Cunningham
Assistant Deputy Director

July 20, 2021

Therese McMillan
Executive Director
**Association of Bay Area Governments and
Metropolitan Transportation Commission**
375 Beale St., Suite 800
San Francisco, California 94105

RE: Contra Costa County Comments on Draft Plan Bay Area 2050

Dear Ms. McMillan:

The Contra Costa County Department of Conservation and Development appreciates the effort the regional agencies have expended in order to develop the Draft Plan Bay Area 2050 – the Bay Region’s Regional Plan. Staff has reviewed Draft Plan Bay Area 2050 and has some comments and concerns regarding some of the strategies and assumptions that have formed Draft Plan Bay Area 2050. Attachment A outlines our general comments on the draft as it relates to the County as a whole, as well as housing unit and job allocations for Unincorporated Contra Costa County communities.

83-1

Thank you for this opportunity to comment on the Draft Plan Bay Area 2050. Contra Costa County looks forward to working collaboratively with ABAG-MTC as the final plan is developed and adopted in fall 2021.

Sincerely,


John Kopchik
Director

Attachment A

Executive Summary

1. EC5. Provide incentives to employers to shift jobs to housing-rich areas well served by transit. We appreciate ABAG for recognizing the importance of taking advantage of existing housing and shifting jobs to where people live but, the plan does not go far enough to address the jobs housing imbalance in Contra Costa County, which needs greater regional support for increasing the number of jobs relative to housing units in our county, particularly in unincorporated Contra Costa.
2. Build Next Generation Transit Network. Would like to see more addressing of the first mile/last mile challenge. Look at micro- and/or shared mobility solutions. Because even if we do more transit-oriented development, the vast majority of homes in the Bay Area are in suburbs, and if we want to get people off roads and on to transit, we have to provide them with options to get to transit stops without using a car.
3. EN2. Provide means-based financial support to retrofit existing residential buildings. This is very important to our collective equity goals. It is complicated and expensive to retrofit existing buildings.
4. Staff recommends that ABAG address the issue of life cycle costs, particularly for infrastructure projects.

83-1
cont.

Chapter 2 Housing

1. This is a regionwide document making recommendations for the local jurisdictions to meet their housing and economic development needs. The Plan recommends regional coordinated policies and practices when it's ultimately up to the local jurisdiction to make that determination on whether they want to adopt a policy. How are jurisdictions expected to do this when there are limited resources, staffing, and so many different governing bodies involved?
2. The discussion regarding providing housing opportunities for the missing middle references teachers as an example of the population it would serve. The missing middle is defined as moderate income households (81% - 120% AMI), whereas the Table 2-1 lists teachers as lower income professionals (50%-80% AMI). (p. 23)
3. On the section on protect and preserve housing, the recommended renter protections to be provided regionally (such as rent increase caps, tenant protection services, and fair housing laws) are measures that should be done at a statewide level as there is no precedent or framework for "regional" laws. (p.26)
4. Preserve existing affordable housing by creating pathways to home ownership for working families by transferring existing affordable deed-restricted or non-deed restricted housing to individual tenants, housing cooperatives, or public or non-profit housing organizations, including community land trusts. What is the funding source for this activity? (p.26)

5. Putting low-income persons close to transit would provide opportunities for access to transit; however, not all low-income jobs have standard working hours and transit may not operate during the hours needed to commute to and from work. This means that not everyone will have equal access to transit and that more should be done to address non-standard work hours transit needs. (p. 30)
6. Due to the limited amount of available land for development, the strategy to have inclusionary housing policies applied to projects on a sliding scale from 10% to 20% to be evaluated on a project-by-project basis could make the requirement for the development of inclusionary housing subjective, and weaken local jurisdictions' policies when they are stronger or more uniform. (p. 30)

Chapter 3 Economy

1. Universal basic income (UBI) is an interesting idea worth exploring for the Bay Area but putting into a basket for statewide programs is punting it. Everything in Plan Bay Area would be more effective if implemented on a statewide level. If UBI only works as a statewide program, don't include it in a regional plan.
2. What is meant by incentives for employers and how will ABAG-MTC fund those? Would there be a minimum pay requirement, living wage or similar? (pg. 48)
3. Allow PPAs to overlap with PDAs to reduce commute times, allow for greater transit use by PPA employees, allow more opportunities for people to work closer to where they live (pg. 49).
4. Please note Contra Costa County has trademarked the phrase "Capital of the Northern California Megaregion" (p. 51)
5. We want to see greater recognition of counter-commute capacity on major transit systems, and more support in terms of regional infrastructure grants and transit system policy to build up job centers in transit-accessible locations outside of Silicon Valley, SF, and downtown Oakland. For example, BART policy, is to prioritize housing development on surface lots. ABAG-MTC should encourage BART to change that policy to also welcome commercial or industrial jobs, or campus uses (medical, higher education).
6. Typo on page 48: Easy Bay instead of East Bay

83-1
cont.

Chapter 4 Transportation

1. Maintenance of the existing transportation system should include major paved trail facilities. (p. 56)
2. In the healthy and safe streets bullet and section, respectively, "*rollers*," which is a catch-all term that includes wheelchairs, scooters, skateboards, other mobility devices, should be included in the list of road users. MTC's Active Transportation Working Group has advocated

including this term in the *MTC Active Transportation Plan*, which is tied to PBA 2050. (pgs. 56 & 63)

3. The line representing SR-239 should extend all the way to the San Joaquin County Line. (Map 4.1)
4. Bicycle/pedestrian facilities that serve as a first-mile/last-mile connectivity to transit or as a major regional connection should be eligible for revenue generated by the proposed freeway per-mile tolling. (p. 61)
5. Interstate Freeways and State Highways are often barriers for bicycle and pedestrian travel. PBA 2050 should emphasize eliminating these barriers by acknowledging them and supporting future planning, policies, and funding efforts to retrofit these areas to better accommodate non-motorized travel. (p. 63)
6. The list of new ferry service destinations should include Contra Costa County locations (e.g., Hercules and potentially additional Northern Waterfront sites). (p. 70)
7. Show the planned BART to Brentwood extension. The Contra Costa Transportation Authority is currently studying interim transit connections (e.g., express bus service) between Antioch and Brentwood. (Map 4.2)
8. The *Transportation* section is silent on issues specific to older persons and those with disabilities, paratransit, and more broadly accessible transportation. While it is useful to have specific plans for target population and modes, the *Coordinated Public Transit-Human Services Transportation Plan* (Coordinated Plan) in this case, the findings and recommendations in those plans must be included in PBA 2050 as it is MTC's/ABAG's principal planning document. Segregating this topic exclusively to the Coordinated Plan results in the needs of this population being left out of the critical, priority setting dialog with the other needs of the system. The current Coordinated Plan paints a dire¹ picture of the state of accessible transportation, PBA 2050 should propose a proportionally appropriate response to address the needs of this vulnerable population.
9. In addition to the grim state of accessible transit as established by MTC's Coordinated Plan, that segment of the transportation system is a significant source of GHGs as established² by the U.S. Department of Energy, the Federal Highway Administration, and the American Public Transit Association. Investments in this mode will not only address the under-investment legacy but significantly reduce GHGs.

83-1
cont.

¹ "Current senior-oriented mobility services do not have the capacity to handle the increase in people over 65 years of age...the massive growth among the aging ...points to a lack of fiscal and organizational readiness...the closure and consolidation of medical facilities while rates of diabetes and obesity are on the rise will place heavy demands on an already deficient system."

² <https://afdc.energy.gov/data/10309>

10. We applaud the effort of MTC/ABAG to prioritize issues of equity relative to race and low-income populations, this effort must be expanded to include ableism and ageism which also have a legacy of inequity that must be addressed.
11. The section *Build a Next-Generation Transit Network* should include specific references to accessible transportation and funding the implementation of the Coordinated Plan.
12. Legislative initiatives should be listed to include the passage of a statewide vulnerable road user's law and the development of a revenue stream to implement the Coordinated Plan.
13. Consider including aggressive expansion of Class I and IV Bicycle Facilities which is shown to be the most effective in getting people on bikes. While expansion of recreational trails is addressed in Chapter 5, Environment, of PBA 2050 their relationship with implementation of Transportation actions should be noted. (p. 135)
14. County staff appreciates MTC's advocacy for elimination of the "85th percentile rule" for setting speed limits and for authorization of automated speed enforcement, as seen to create healthy and safe streets and advance Vision Zero. (p. 135)

Chapter 5 Environment

1. The goal to reduce climate emissions only focuses on vehicles, it does not address active transportation. (p. 79) Some of staff's suggested edits are as follows:
 - a. Strategy 2 Reduce climate emissions from vehicles: The strategy should modify the following sentence, "*On an individual level, the plan encourages Bay Area residents to drive less through transportation demand management initiatives, particularly active transportation.*"
 - b. Strategy 3 Reduce risks from hazards: Extreme heat needs to be included as a hazard. Climate change is increasing the temperature in the Bay Area and the number of days the Bay Area experiences extreme heat. On ABAG's website there is a page dedicated to extreme heat, citing a study by the California Energy Commission that found that heat waves claim more lives in California than all other disasters combined, making it the number one hazard Bay Area residents' encounter. Draft Plan Bay Area 2050 should discuss how to reduce risk from extreme heat in the Bay Area. (p. 79)
2. The discussion on trees, in the strategy to Expand Access to Parks and Open Space, should also recognize the benefits trees provide in terms of property values in neighborhoods and for privacy between neighbors. (p. 80) The Arbor Day Foundation website <https://www.arborday.org/trees/benefits.cfm>, provide the following statistics on the importance of trees in a community setting:

83-1
cont.

- a. A mature tree can often have an appraised value between \$1,000 and \$10,000. *Council of Tree and Landscape Appraisers*
 - b. Having large trees in yards along streets increases a home's value from 3 percent to 15 percent. *Wolf, Kathleen L, PhD, University of Washington (2007) City Trees and Property Values. Arborist News. 16, 4:34-36.*
 - c. In Portland, Oregon, street trees increase the value of homes by a total of \$1.1 billion, an average increase of \$7,020 for each house. *Donovan, G.H.; Butry, D.T. (2010). Trees in the City: Valuing Street Trees in Portland, Oregon. Landscape and Urban Planning 94:77-83.*
 - d. Landscaping, especially with trees, can increase property values as much as 20 percent. *Management Information Services/ICMA*
3. In the third paragraph on p. 80 again should recognize bicycles: "...emissions vary by type of developed land: walkable, bicycle- and transit-friendly neighborhoods have a lower climate footprint than poorly connected, low-density neighborhoods..." (p. 80)
 4. The discussion about transportation demand management initiatives needs to acknowledge the importance of life-cycle funding for these projects so they can be operated and maintained as designed. (pg. 84) Suggested edit:
 - a. Transportation demand management is an area ripe for partnership between regional government, local jurisdictions, and the private sector, as well as an opportunity to partner with the state Legislature and the Bay Area Air Quality Management District. It will be important to ensure that transportation demand management projects are funded on a life-cycle basis to ensure they are operated and maintained as designed.
 5. The discussion on electric vehicles should include electric bicycles. E-bikes are less expensive to purchase and maintain than a car, even an electric car, and do not have to be insured. They also have the potential to help with medium-length trips. (p. 86)
 6. Extreme heat needs to be added as a hazard to the, Reduce Risks From Hazards strategy. (p. 89) Suggested edit:
 - a. The most high-profile, and more visibly destructive, environmental events come from hazards like extreme weather (including extreme heat), wildfires, earthquakes, and sea level rise.
 7. Retrofits for energy efficiency, particularly insulation, as well as seismic retrofits should be discussed. (last paragraph p. 89)

83-1
cont.

- 8. Edit the following sentence to add building insulation, “Other home modification assistance, beyond safety upgrades, could include energy efficiency upgrades, **building insulation**, water efficiency upgrades, and electrification to replace natural gas for heating and cooking.” (p. 90)
- 9. Does the final table, on the last page of this chapter reflect both first costs (i.e., installation costs) and life-cycle costs? If these costs are not reflected the table should be modified to reflect both first costs (planning and installation) and life-cycle costs (ongoing operation and maintenance).

83-1
cont.

TECHNICAL ASSUMPTIONS REPORT (appendix)

- 1. Staff is checking technical assumptions report to be sure local tax information is up to date and includes Contra Costa County’s Measure X.

Draft EIR Comments

- 1. The no project alternative assumes that higher household growth will primarily take place in Contra Costa County based on data by MTC and ABAG. Why is this, especially compared to other jurisdictions where there are more jobs to housing? Wouldn’t market forces level it out even with “no project”?

83-2

Letter 83
Contra Costa County
John Kopchik, Director
July 19, 2021

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

83-1

The comment includes introductory information and refers to Attachment A for general comments on the Draft Plan Bay Area 2050. See Responses to Comment 83-2 to 83-6.

83-2

The commenter expresses comments and concerns regarding the proposed Plan, including the Executive Summary, Housing, and Economy chapters. The Plan Bay Area 2050 Implementation Plan focuses on short-term, tangible actions that ABAG, MTC and their partners can take to realize the proposed Plan's vision. The comments do not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comments are noted for consideration during Plan review.

83-3

The commenter addresses the Transportation chapter of the Draft Plan Bay Area 2050. Please see the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports for additional detail on transportation investments included in the fiscally constrained Plan. Also see "Master Response 7: Fiscally Constrained Transportation Project List," for discussion related to these comments. The comments are noted for consideration during Plan review.

83-4

The commenter addresses the Environment chapter of the Draft Plan Bay Area 2050 and includes suggestions for modifications. As noted on page 3.6-39 of the Draft EIR, Strategy EN02 and Strategy EN03 propose additional building retrofits on existing residential and commercial properties that would increase energy efficiency.

83-5

The commenter addresses the Technical Assumptions Report of the Draft Plan Bay Area 2050. The comment is noted.

83-6

The commenter questions why the No Project Alternative results in a higher household growth in Contra Costa relative to the proposed Plan. The proposed Plan and the three alternatives analyzed in the Draft EIR all use the same baseline data, model framework, and methodology to arrive at unique forecasted development patterns by simulating the cumulative effects of implementing specified housing and economic strategies. As stated in Section 2.2 of the Draft EIR, "Proposed Plan:"

The land use strategies along with specific geographic areas—known as growth geographies—work in tandem to focus housing and job growth into existing communities well serviced by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks and other amenities. This core strategy is known as the "focused growth" strategy.

The No Project Alternative does not assume strategies to focus housing growth into the growth geographies. As stated under Section 4.3.1 of the Draft EIR:

Unlike the proposed Plan, the No Project Alternative includes no regional strategies to focus growth in specific geographic areas within the region. Instead, growth would occur consistent with current general plans and zoning, and without consideration of a consolidated strategy that considers all nine counties and 101 cities in the Bay Area.

In this case, a lack of strategies such as H3, H4, or H5 under the No Project Alternative leads to a unique forecasted development pattern and Contra Costa County is forecasted to take on a greater share of regional housing demand, consistent with historic trends. As shown in Table 4-2 of the Draft EIR, the share of forecasted 2050 households in Contra Costa increases from 14 percent in the proposed Plan to 17 percent in the No Project Alternative.

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

Letter
84

From: [Ferenc LK](#)
To: [EIR Comments](#)
Subject: 2050 draft eir concerns
Date: Monday, July 19, 2021 9:26:33 PM

External Email

living in moraga, we are told that we will not be able to evacuated in case of a wildfire, but to gather in a parking lot of the hardware store.
just how may of the current 16 thousand residents (many of them disabled/seniors) and their cars and prized belongings will that accomodate?
building more dense housing will surely make things much worse.
one suggestion you made was to use buses to haul people out - i assume those buses and drivers are on 24x7 standby? How many trips will it evacuate the town? during normal rush hour. it takes 40 minutes to get to highway 24 from moraga. it would take a 400 round trips to evacuate the town. if just one car has a flat tire, that would basically shut down traffic.

what is your solution when it comes to our safety - more density and population?
arrgh,
ferenc

84-1

Letter 84
Ferenc LK
July 19, 2021

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

84-1

The proposed Plan's potential to affect emergency response plans or emergency evacuation plans is discussed under Impact HAZ-6 in Section 3.9 of the Draft EIR, "Hazards and Wildfire." Mitigation Measure HAZ-6 addresses the need for adequate emergency access through continued participation in MTC's 2018 *San Francisco Bay Area Regional Transportation Emergency Management Plan*. The analysis in the Draft EIR is programmatic, and as a result, specific details regarding location-specific evacuations are not known at this time. For this reason, the impact discussions in the Draft EIR are general. See the discussion of programmatic assessment of potential impacts on page ES-3 of the Executive Summary in the Draft EIR. As noted in that discussion, the analysis in this EIR does not evaluate project-specific impacts of individual projects, although it provides environmental analysis and mitigation that is intended to address the range of impacts that may be associated with individual projects. This approach does not relieve local jurisdictions of responsibility for determining whether project-specific impacts require additional CEQA analysis. The mitigation measure would require individual projects to ensure that future development would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Regarding emergency response in the Town of Moraga City, please see the Emergency Operations Plan, which is located on the Moraga Police Department's website at www.moraga.ca.us/DocumentCenter/View/513/Moraga-Emergency-Operations-Plan-PDF.

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



<p>Letter 85</p>

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105

July 19, 2021

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2050

Dear Commissioners;

Grassetti Environmental Consulting (GECO) has reviewed the Draft Environmental Impact Report (DEIR) on Plan Bay Area 2050 (PBA) on behalf of Citizens Committee to Complete the Refuge (CCCR). This letter presents our comments on the CEQA adequacy of that document. Our comments are based on a review of the DEIR and certain supporting documents by Richard Grassetti, GECO’s principal. Mr. Grassetti has over 35 years of experience writing, reviewing, and teaching about CEQA documents and procedures. His qualifications are attached to this letter. We understand that CCCR and the Sierra Club also are submitting comments under separate cover. This letter presents our general DEIR comments followed by a table of more specific comments.

85-1

General Comments

Growth Assumptions. The EIR is based on a series of population growth assumptions that apparently emanate from complex black-box models. The problem with these assumptions is that they are impossible for the lay-person to validate, and do not represent a reasonable range of growth possibilities. Further, there are apparent contradictions between growth assumptions within the Plan area and those outside of it. The EIR should explain the assumptions behind the growth projections both in the PBA area and outside of it (in the Cumulative Impacts analysis) in layperson’s terms, and discuss the possible range of error of the projections. The Bay Area will become less and less livable and more and more expensive under the Plan’s growth assumptions, and, as seen during the Covid pandemic, more and more people may choose to live more in the exurbs and suburbs than in the central cities rather than the other way around, as the Plan assumes. Further, again as evidenced during the pandemic, workers may choose to neither live where they work nor commute, but rather work from home. The plan should address that possibility, as it alters many of its subsequent analyses. The use of a single growth assumption with no disclosed underlying assumptions or range of error calls into question all of the subsequent analyses. Further, the EIR assumes that the relatively minor changes to infrastructure and funding of certain strategies can somehow re-direct growth, while at the same time claiming that it cannot limit or induce growth. Re-directing growth is, by definition, limiting or inducing growth in various sub-regions. If the Plan can re-direct growth, it also can limit or induce growth.

85-2

7008 Bristol Drive, Berkeley, CA 94705 (510) 849-2354 www.grassettienvironmental.com

Therefore, the project cannot be assumed to be solely growth accommodating, and alternatives that have different growth assumptions cannot be disregarded (see Alternatives discussion, below).

85-2
cont.

Project Objectives. The DEIR and supporting documents state that the project itself would not meet many of its own objectives. Specifically, it would not “house 100% of the region’s projected growth by income level...”, “ensure that all current and future Bay Area residents and workers have sufficient housing options...”, “conserve the region’s natural resources, open space, clean water...”. The numerous “significant and unmitigable impacts” identified in the DEIR confirm this. Given these facts, the DEIR should consider either altering the project to meet its objectives or altering the objectives to align more closely with the proposed project. If the objectives are re-aligned for consistency with the proposed project, then the range of alternatives also can be broadened to consider some of the many additional alternatives identified by agencies and groups that commented on the Notice of Preparation (see Alternatives discussion, below).

85-3

Alternatives. Related to the project objectives and growth assumptions is the range of alternatives considered in the DEIR. The DEIR includes only two “action” alternatives, both of which involve minor alterations in transportation funding options to direct growth slightly differently than with the proposed Plan. There are no alternative growth scenarios or major changes in the Plan’s focus, despite those being requested by numerous agencies and organizations in responses to the Notice of Preparation. The result of this minimal range of alternatives is that the impacts associated with them are minimally different, as shown in the Alternatives section of the DEIR. The DEIR impermissibly rejected feasible and reasonable alternatives, including alternatives with different growth scenarios (as discussed above), leading to an inadequate range of alternatives. Therefore the EIR does not comply with CEQA’s requirements that it analyze the comparative effects of a range of reasonable alternatives. The Plan and EIR-assessed alternatives focus on minor changes to transportation infrastructure. As detailed in our specific comments, neither the Plan nor any of the alternatives focus on ecological protection. The strategies in Plan Bay Area 2050 are largely silent on preserving the existence, biodiversity and functions of the Bay’s ecosystems. The DEIR must include Plan Alternatives that incorporate active Environmental Strategies. Without a thriving natural system, the rest of the Plan’s expectations to use nature-based solutions and to enjoy the natural environment are at risk. We propose the following strategy changes for these alternatives (changed text in *Italics*):

85-4

Strategy EN-1: Adapt to sea level rise. Protect shoreline communities affected by sea level rise, prioritizing low-cost, high-benefit solutions and providing additional support to vulnerable populations. *Protect vulnerable habitats and ecosystems that are threatened by sea level rise. The use of nature-based solutions (NBS) should be prioritized over that of grey infrastructure. Require a county approved plan for sea-level rise adaptation before building within the FEMA 100-year flood zone.*

Strategy EN5. *Preserve the Bay Area natural environment, biodiversity and ecosystem function.* Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to Priority Conservation Areas and wildland-urban interface areas. *Provide adequate buffers between developed areas and wildlands and implement climate smart techniques for working landscapes. Provide adequate space for migration of tidal wetlands utilizing tools such as the SFEI/San Francisco Regional Water Board’s Adaptation Atlas, the San Francisco Bay Ecosystem Habitat Goals Update, U.S. Fish and Wildlife*

Plan Bay Area EIR Comments
July 19, 2021

Page 3

Service Tidal Marsh Ecosystem Recovery Plan, and other available studies to identify appropriate sites for such migration. Support habitat conservation planning, track habitat losses and gains, and monitor habitat quality and ecosystem health. Use scientific input to determine priority conservation areas.

In addition, CCCR is requesting that the Final EIR include one or more alternatives that add robust ecological protection and sustainability to the Plan. That alternative(s) should include, at a minimum, the following elements:

- Maximize the use of work from home, and local work places near where people live, and stop commercial office development in areas that have a shortage of housing relative to employment.
- A moratorium on all development in areas in the currently revised FEMA flood zones until such time as a local jurisdiction has a funded, approved plan to adapt to sea level rise and provides space for tidal marsh inland migration as the sea rises. This could be a condition for a county receiving MTC support.
- Nature-based adaptation of existing transportation infrastructure to sea level rise should be required. Spending on solutions to better protect natural resources should be required if needed in projects such as changing Highway 37 into a causeway. Budgets for necessary projects should include funding for protecting the environment such as allowing for inland migration of marshes under elevated causeways.
- The DEIR should analyze the net new pavement of each alternative to identify and avoid or mitigate impacts to water quality, natural areas, and to avoid exacerbating urban heat island effects.¹

85-4
cont.

Finally, the EIR mis-states CEQA's requirements regarding identification of the Environmentally Superior Alternative, stating that the EIR need not identify that alternative if the no project alternative is not the environmentally superior alternative. CEQA does not eliminate the requirement of this alternative in this situation. To the contrary, the Guidelines (Section 15126a-d) clearly state that an EIR must identify the alternatives that are environmentally superior to the proposed project and that if the environmentally superior alternative is the no-project alternative, then the EIR must identify another superior alternative. In my 35 years of experience writing, teaching, and reviewing CEQA documents, not once have I seen the erroneous interpretation of the Guidelines on this topic that is used in this EIR. This is a substantive error that needs to be corrected in the final EIR.

¹ A recent Green Streets Symposium provides a compelling vision: "Urban areas of the Bay Area are fully integrated into a "no net impact" system with the larger natural environment. This includes an integrated water system that follows the call to "slow it, spread it, sink it" and brings together the planning for storm water drainage, drought concerns, and flood prevention.

Human-caused emissions can be offset by a rich canopy of trees, grasslands, and chaparral in our open spaces surrounding the urban area and integrated throughout our urban areas – gardens but also greening our infrastructure especially our street grids. Air flows are slowed and softened by trees canopies, our soil systems are protected by and enriched with natural compost." (See <http://transportchoice.org>).

Mitigation Measures. The DEIR includes two separate yet integrated actions. One is approval of a series of funding decisions over the next 50 years. The funding is primarily for transportation-related improvements, but also includes lesser appropriations for sea level rise, lands acquisition, housing equity, and economic equity programs. The second component is a Sustainable Communities Strategy (SCS) Plan for the region, which focuses on meeting regional vehicle miles traveled and greenhouse gas emissions criteria. The funding plan is, in part, intended to assist in the implementation of the SCS plan (which is, in fact PBA 2050). However, neither of the agencies proposing the Plan has substantial jurisdiction or implementation authority over most of the Plan. This is clearly stated in ABAG’s and MTC’s Draft Implementation Plan Briefs (May 2021). The DEIR and Implementation Plan Briefs note that the Plan has minimal ability to assure its own implementation, other than a portion of the funding assumptions (and major portions of the funding rely on future revenue generation actions). This severely constrains the likely implementation and effectiveness of mitigation measures identified in this EIR.

The DEIR includes a range of mitigation measures intended to reduce impacts of the project. However, there is no implementation strategy for most of the measures. Further, many of the measures involve consultation or implementation of actions “if feasible”, which do not, in fact, assure any mitigation. The DEIR reflects some of this ineffectual aspect of mitigation in finding many of the Plan’s impacts to be Significant and Unavoidable. Additionally, some of the mitigation measures identified in the DEIR would themselves result in other impacts that are not addressed in the EIR. We suggest that the mitigation measures be revised to eliminate vagueness, assure effectiveness, and assure implementation. Because this is a program EIR where other agencies will implement mitigation measures in the future, those measures must be written to assure that they will be effective and enforceable.

85-5

Additionally, most measures would require implementation by a city or county in association with approval of a specific project. However, as identified for each Plan policy in the Implementation Brief report, the lead agencies here have no authority to require implementation of most of the plan policies (with the exception of those that would be explicitly funded by these agencies) there’s no mechanism to require that implementation. Therefore the EIR cannot assume that these measures would be implemented and, subsequently, certain impacts would in fact be reduced to less-than-significant levels.

Impact “Footprints”. The DEIR addresses specific impact footprints associated with areas planned for growth as well as areas to be directly impacted by the infrastructure improvements proposed for funding in the Plan. These would be the “direct impacts” required to be addressed in CEQA documents. However, CEQA also requires that EIRs address “indirect impacts” of the project (Pub. Res. Code, § 21065). The EIR intensely focuses on identifying acreages of direct impacts, but fails to address the vast majority of the Plan’s indirect environmental impacts (both those associated with general growth assumptions and specific infrastructure improvements). A major example of this deficiency is addressed under Sea Level Rise, below. This is an issue throughout the EIR, and does not comply with CEQA analytical requirements.

85-6

Sea Level Rise. The EIR assumes a 2-foot rise in sea level from global warming by 2050. No further assumptions are presented or considered in the document. Yet the Plan’s own Implementation Plan Briefs document states that the assumption should be 2 feet of sea level rise plus another foot of king tide, for 3 feet total flood hazard considerations. More importantly the EIR assumes, by omission, that sea level rise ends at the end of the Plan period, in 2050. So, for example, a building constructed in 2040

85-7

is fine if constructed assuming 2 feet of sea level rise. Most of the structures and infrastructure constructed during the Plan period would be expected to last until at least 2100, a fact that is entirely ignored in the Plan, which blithely assumes that only 2 feet of rise need be considered. The Plan’s own Implementation Plan understood this concern, stating:

*While two feet of inundation is the assumed sea level in 2050 based upon state guidance, it is important to remember the lifespan of assets within the plan. If an asset is anticipated to last until 2100, for instance, it may need to be built for 6.9 feet of permanent inundation (under the medium-high risk aversion scenario) or be designed to be adapted to that level of rise. The rate of sea level rise becomes more and more uncertain the further into the future it is explored. The assumptions for this analysis use the best available science and acknowledge that possibility that sea level rise predictions could escalate in the future, especially with a potential flux with emissions rates and subsequent effects of climate change. It is recommended that local jurisdictions develop advanced adaptation plans that consider sea level rise heights **beyond three feet** (emphasis added) of inundation and incorporate adaptive approaches to accommodate higher water levels.*

85-7
cont.

Yet the EIR assumes that 2 feet of sea level rise is all that need be considered, even with a 40% increase in Bay Area population. This assumption and the impact analyses based on it are inadequate. At a minimum, the Plan should include (and the EIR should require as mitigation) adequate buffer areas for implementation of long-term (year 2100) sea level rise projections, and prohibit new development in those areas. We suggest that the Plan use mapping conducted in the SFEI’s Adaptation Atlas for this purpose (summarized on p. 88 of that document). The Plan (and EIR Alternatives) should include eliminating policies or infrastructure funding that promotes new development in any TRAs, HRAs, or TOD areas subject to year-2100 sea level rise. The Plan and EIR should incorporate the Ocean Protection Council’s (OPC) 2020 guidance regarding considering sea level rise in planning documents: “1.1.1 Ensure California’s coast is resilient to at least 3.5 feet of sea-level rise by 2050, as consistent with the State’s Sea-Level Rise Guidance Document as appropriate for a given location or project.”²

Wetlands. As described above, the Plan focuses entirely on development footprint in determining impacts and thereby fails to address indirect off-site impacts, such as the flooding of marshes due to the sea walls and levees. When sea waters back up behind sea walls or levees, even transition levees with some habitat space, the marshes slowly shift from tidally flooded to completely flooded areas with deeper water. This eliminates marsh habitat. Seawalls and levees can also result in drowning of wetlands on the outboard sides of the flood protection because wetlands can no longer migrate inland to escape rising waters. CEQA requires that impacts of mitigation measures be assessed in EIRs. Therefore, this EIR must address the indirect impacts of flood protection structures on habitat and, if possible, eliminate any new development in areas requiring these flood protection structures, as well as those of transportation projects and development, assuming 2100 sea level rise conditions.

85-8

²<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj08JmL9OHxAhXL854KHAEXAt4QFjABegQIDxAD&url=https%3A%2F%2Fwww.opc.ca.gov%2Fwebmaster%2Fftp%2Fpdf%2F2020-2025-strategic-plan%2FOPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf&usg=AOvVaw3oL8szDiOg7JsnmJNhYBv>

85-7
cont.

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Page 6

Conclusions

Given the above issues, we recommend that the EIR be re-scoped, revised, and re-circulated for public review. Our detailed comments are provided on the table starting on the following page.

85-9

Sincerely



Richard Grassetto
Principal
Grassetto Environmental Consulting

ATTACHMENT A – SPECIFIC COMMENTS

Page	Section/Topic	Comment	
ES-11 through ES-	Table ES-1	The DEIR should identify which of the identified mitigation measures are implementable and/or enforceable by this project’s lead agencies. If the mitigation is not subject to implementation or enforcement by the lead agencies, they cannot be assumed to reduce the impacts to a less-than-significant level.	85-10
ES-23	Biological Resources- loss of habitat	The DEIR acknowledges that the proposed plan and infrastructure improvements will adversely affect hundreds of acres of important habitat. Further, the DEIR fails to address the hundreds of acres of marshland that will be indirectly converted to permanently flooded lands with sea level rise due to protective structures proposed in the Plan. Additionally, there is no enforcement ability of the lead agencies for the biological resources mitigation measures. Given facts, the impacts on special status species and sensitive habitats (Impacts BIO-1 and BIO-5) are not less than significant with mitigation, and must be considered significant and unmitigated.	85-11
ES-32	Greenhouse Gas Emissions	Given that many of the policies and mitigation measures aimed at reducing greenhouse gases are unenforceable by the lead agencies, and that the land use patterns encouraged by the plan are similarly not implementable or enforceable by the Plan, which is clearly acknowledged in the agencies’ “Implementation Briefs” report, there is no evidence that the Plan would actually result in a 19% reduction in GHGs. In effect, the Plan may or may not achieve its goals, however given the 40% increase in Bay Area population proposed under the Plan, and the lack of mitigation authority of the lead agencies, this impact appears to be significant and unavoidable. The DEIR engages in a tautology- the plan’s goals are to reduce GHG emissions by 19% therefore the DEIR concludes that the reduction would be achieved despite the Implementation Brief acknowledging that it has minimal authority to achieve these reductions.	85-12

ES-40	Erosion	While the effects of erosion of individual projects may be reduceable to less-than-significant levels, the cumulative impacts of erosion associated with developing jobs and housing for 2.8 million people would most likely be significant and unavoidable. This impact would be exacerbated by the lead agencies' lack of authority to impose or implement mitigation strategies.	85-13
ES-46	Groundwater recharge	While the effects of pavement of individual projects may be reduceable to less-than-significant levels, the cumulative impacts on interfering with groundwater recharge associated with developing jobs and housing for 2.8 million people may be significant and unavoidable. This impact would be exacerbated by the lead agencies' lack of authority to impose or implement mitigation strategies.	85-14
ES-49	Impacts Noise-2 and Noise-4: Substantial permanent noise	This impact needs to be expanded to address the substantial additional aircraft noise associated with the planned increase in population and intensified land use activities. Flight path noise impacts have significantly increased due to the Nextgen flight paths (please contact OAK, SFO, and SJO airport noise offices for quantitative data on complaints), and this increase would be multiplied under the proposed project growth assumptions and patterns. Additionally, new housing would be located near the region's airports, increasing aircraft noise impacts and associate land use conflicts. This impact appears to be significant and unmitigable. Please address in the EIR.	85-15
ES-57	Impact PUF-2: Water Supply	Given that the EIR acknowledges that the water supply would be inadequate to meet the needs of the projected population growth, please consider Plan alternatives that reduce water demand to meet anticipated supplies and focuses on water reclamation and re-use. Funding should be allocated for those efforts in the Plan in order to reduce this impact of Plan growth on water supplies.	85-16
ES-59	Impact PUF-5: Landfill Capacity	Mitigation: 71% of the capacity for landfill will be closed in the Plan Bay Area's 2050 time horizon. Those landfill sites reaching capacity now handle 65% of the daily load, which will likely increase during the planning cycle. The growth generated in Plan Bay Area 2050 needs to be accommodated by	85-17

		increasing landfill capacity less any anticipated solid waste reduction.	85-17 cont.
ES-59	Impact TRA-2, etc.	Mitigation Measure TRA-2a and many other measures identified in this EIR include language such as “MTC shall work with state and local agencies...”. “Working with” does not mitigate. Please revise this and other similarly worded mitigation measures to assure their effectiveness. For example, on this measure language could be changed to “MTC shall withhold funding from any agency that does not fully implement components of the Plan that will help reduce regional VMT...”	85-18
1-19	1.8 Future Environmental Review; 3.1-2 Impact Analysis	<p>This sections states: “As appropriate, individual projects may be required to prepare a project-level analysis to fulfill CEQA and/or NEPA requirements. The lead agency responsible for reviewing these projects shall determine the level of review needed, and the scope of that analysis will depend on the specifics of the particular project. These projects may, however, use the discussion of impacts in this program EIR as a basis of their assessment of these regional or cumulative impacts...”</p> <p>To which projects is this referring? Given that the Plan in some way addresses all future development in the Bay Area through 2050, the EIR needs to specify which project can tier off of or otherwise use this EIR, and in which ways – it is the infrastructure projects that the project proposes to fund, or something more?</p> <p>P. 3.1-2 states, “In order to rely on this EIR to streamline environmental review for an individual project, the lead agency must require the applicable mitigation measures as a part of the project-level environmental review.” and “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.” Why would other land use agencies bother to tier off of this document when they have their own general Plan EIRs to tier off of? Do the Plan lead agencies have any means of requiring</p>	85-19

		implementation of these measures? If not, how can it be assumed in the DEIR that they will actually mitigate impacts?	85-19 cont.
2-2	Third bullet-sea level rise	As described in the general comments in this letter, if the Plan is intended to extend to 2050, then it really needs to address 75-100-year sea-level-rise estimates because buildings built during the Plan period will be in place for 50-100 years.	85-20
2-3	Project Objectives	<p>The project does not, as stated, address environmental issues, nor are its objectives worded such as to assure that environmental issues are covered in the Plan. There is a single objective, Objective 6, that purports to address environmental issues, but, in fact, the plan approaches this Objective as addressing only environmental constraints/hazards and in terms of GHG reduction, with minimal funding or policies for achieving 2-3other “environmental” resources. To address this, we request that Objectives 2, 3, 4, 5, and 7 be revised to incorporate environmental objectives, as follows:</p> <p>2. House 100 percent of the region’s projected growth by income level, and with no increase in commuters over the proposed Plan baseline year while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p> <p>3. Ensure that all current and future Bay Area residents and workers have sufficient housing options they can afford by reducing how much residents spend on housing and transportation and by producing and preserving more affordable housing, while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p> <p>4. Support an expanded, well-functioning, safe and multimodal transportation system that connects the Bay Area by improving access to destinations and by ensuring residents and workers have a transportation system they can rely on while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p>	85-21

		<p>5. Support an inclusive region where people from all backgrounds, abilities, and ages can remain in place with full access to the region’s assets and resources by creating more inclusive communities and reducing the risk that Bay Area residents are displaced while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p> <p>7. Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive while avoiding, preserving, and enhancing sensitive habitats and avoiding the need for additional flood protection structures in areas subject to year 2100 sea level rise.</p>	85-21 cont.
2-3	Proposed Plan Strategies	The EIR states, “Equity and resilience—the crosscutting themes of Plan Bay Area 2050—are integrated into each element, theme, and strategy...” yet never defines these terms. They are essentially left as planner jargon – please state clearly how the Plan defines and uses these terms.	85-22
2-3	Housing	<p>The Bay Area’s jobs-housing imbalance is as much a result of too many high-paying jobs as too few low- and moderate-income housing units. This section acknowledges this issue in stating, “it is unlikely that increased housing construction alone will be sufficient to ensure every Bay Area resident has access to a safe and affordable home.</p> <p>Therefore, the plan or an alternative in this EIR should focus on reducing job-creating land uses and designations to allow the region to achieve a better jobs-housing balance without massive new office and commercial development. Focusing solely on the jobs side of the equation artificially limits solutions to the problems of homelessness and equity.</p>	85-23
2-9	Environment	As discussed above, the nine “Environmental” strategies included in the Plan are not especially environmentally protective. They are aimed almost entirely at reducing hazards, access to parks (which is not necessarily an	85-24

		environmental benefit), and reducing GHG emissions. These strategies must be expanded to include protection and enhancement of sensitive habitats and ecological function, protection of water quality, and providing adequate undeveloped lands and buffers for ecologically based “resiliency” projects.	85-24 cont.
2-12	Table 2-2; Potential Jobs-Housing Ratio	The Plan proposes to reduce the jobs-housing imbalance in San Mateo County substantially by 2050. This fails to acknowledge the millions of square feet of proposed, approved, and under construction office, R&D, and other commercial spaces, with housing lagging far behind. The Plan is mostly transportation-related funding, most of which would repair and maintain the existing transportation network. Therefore, there is no evidence that the jobs/housing balances in each county shown in Table 2-2 would actually be achieved. Please inventory the planned, approved, and under construction non-residential and residential development and provide a clear land use path to achieve these goals or revise this table to account for the most likely development scenarios, even with the Plan.	85-25
2-18	Sea Level Rise/BIA- BAAQMD Decision	The DEIR states, “While the Plan has incorporated sea level rise adaptation infrastructure as a Plan component, it is important to note the effects of the environment on a project are generally outside the scope of CEQA unless the project would exacerbate these conditions, 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....” As noted later in this paragraph, this analytical restriction does not apply if a project will exacerbate an impact. The construction of hundreds of billions of dollars of infrastructure improvement and addition of nearly 3 million new residents to the Bay Area will clearly affect climate change and sea level rise impacts, as well as create new TAC emissions and other criteria pollutant emissions. Therefore, the BIA v. BAAQMD decision has little relevance to this EIR, and no impacts “of the environment on the project” should be eliminated from EIR review.	85-26

2-35	Growth Geographies	All of these "growth geographies" should have a caveat by adding "and would not adversely affect important habitat or conservation areas." This needs to be added to the Exceptions and Exclusions, and the TRA's and HRA's must be re-screened for compliance with this new exception.		85-27
2-41	Strategies - Environment	As discussed previously, "Environment" as used in the project strategies fails to include many traditional indicators of the environment, including sensitive species and habitats, and overall air and water quality, and must be broadened to include these resources.		85-28
3.1-3	Baseline	The DEIR assumes that the Covid-19 period was an anomaly and that development and land use patterns, and associated transportation decisions, will revert back to pre-pandemic conditions and, therefore, uses those conditions as the CEQA Baseline. What evidence is there for this assumption? Once workers and employers get used to working at home, employers may not require daily on-site attendance, and employees may wish to search for employment that does not require an on-site location. Ongoing studies confirm this likelihood (see, for example, https://www.cnbc.com/2021/04/23/how-post-covid-hybrid-work-will-change-job-benefits-perks.html). Please revise the Plan and EIR to reflect this new normal (i.e. likely baseline condition).		85-29
3.4-27	Table 3.4-7 – Travel Activity Data	The table shows a 42% population increase resulting only in a 17% VMT increase. Please describe for the layperson how this would occur. What assumptions are being used and why? Remember that the project has minimal land use controls, minimal ability to implement mitigation strategies, and spends the bulk of its funds maintaining the existing transportation system. See also the following comment.		85-30
3.4-34- 35; 37-38	Tables 3.4-8; 3.4-9 - Transportation strategies and control measures;	Please provide the effectiveness, in VMT reduction, of each of the strategies/measures listed so the reader can understand how the total VMT reduction percentage was arrived at. Absent this information it is impossible to determine whether the VMT reduction numbers and associated air pollutant emissions calculations, including TAC calculations (p. 3.4-51) are correct.		85-31

	TAC p. 3.4-51.		
3.4-55	Mitigation AQ-2	Given that the project has minimal ability to implement mitigation strategies, as stated in its Implementation Briefs document, how can Mitigation AQ-2 be considered mitigation rather than just a suggestion?	85-32
General Comment	Mitigation	Given that the project is providing funding for transportation and certain other infrastructure and housing equity improvements, why not explicitly include mitigation measures for those improvements. The rest of the "mitigation" measures are just guidance associated with the remainder of the non-binding aspects of Plan Bay Area. The "binding" mitigations should be preceded by "Include the following in all construction contracts to be funded whole or in part by MTC and ABAG as part of this project"	85-33
3.5-37, 3.5-42	Sea level Rise Adaptation Impacts; transportation System Impacts; Table 3.5-5	EIR states, "While marsh land restoration projects would likely benefit special-status species that occur in marsh habitats, overall, these projects could also result in temporary adverse effects on these resources." This "analysis" (which is just a conclusion and not an actual analysis) fails to address impacts of conversion of upland habitats to marshes and marsh habitat to open water as a result of the Plan's proposed sea-level-rise protection infrastructure. How many acres of which habitats would be affected? What species would be affected? Same comment for Transportation System Impacts. Same comment for Sea Level Rise Adaptation Impacts and transportation System Impacts on p. 3.5-42.	85-34
3.5-40, 41	Tables 3.5-2, 3.5-3, 3.5-4	This table addresses only direct impacts; please also address indirect impacts (i.e. habitat conversion from sea level rise infrastructure; off-site impacts from noise from new transportation and development projects, etc.	85-35
3.5-41	Indirect impacts	Please address indirect impacts on salmonids in rivers of providing water supply to 2.8 million new residents. Also consider impacts in the Delta from sea level rise on potential water supplies.	85-36

3.5-43, 44	Mitigation Measure Bio-1(b)	"Coordination...." Is not mitigation. Similarly, compliance with measures under other laws is not mitigation. Please revise this measure accordingly.	85-37
3.5-44	Significance after Mitigation	The discussion concludes that the project's impacts on sensitive species would be less-than-significant with mitigation, yet includes no actual analysis of the impacts or effectiveness of the mitigation measures. There's no evidence that compliance with regulations would reduce impacts of this scale to LTS. This is effectively an impermissible deferral of mitigation to subsequent permitting by other agencies. Also, mitigations here have no teeth beyond compliance with other state or federal laws. In short, the EIR fails to support its conclusion that the impacts would be LTS.	85-38
3.5-45, 46	Land Use Impacts; Table 3.5-7; Sea level Rise Adaptation Impacts; Table 3.5-8; Transportation Impacts (Table 3.5-9)	Again- these "analyses" and Tables 3.5-7, 8, and 9 need to address indirect impacts on wetlands and impacts outside of proposed development footprints, which should be actual wetlands habitats, and not limited to "Jurisdictional Waters". (For example, impacts of the protective structures on preventing inland migration of marsh habitat and drowning of outboard habitat.)	85-39
3.5-45, 46	Jurisdictional Waters	"Jurisdictional Waters" is not a habitat type; it's just a regulatory designation...the EIR needs to be revised to address loss of habitat types, not just areas of certain regulatory designations.	85-40
3.5-50	Significance after Mitigation	The discussion concludes that the project's impacts on wetlands habitats would be less-than-significant with mitigation, yet includes no actual analysis of the impacts or effectiveness of the mitigation measures. There's no evidence that compliance with regulations (Mitigation Bio-2) would reduce impacts of this scale to LTS. Also, mitigations here have no teeth beyond compliance with other state or federal laws. In short, the EIR fails to support its conclusion that the impacts would be LTS and, as discussed elsewhere in this letter, construction of seawalls and levees could result in drowning of wetlands.	85-41

3.5-51	Essential Connectivity Areas impacts	This analysis should be expanded to address indirect impacts to connectivity – including human disturbance, off-site noise impacts, construction materials sources impacts, infrastructure areas, off-site water supply infrastructure, transmission lines, landfills, etc., required to serve the proposed 40% population increase.	85-42
3.6-2	Sea level Rise projections	EIR states, “For the period 2081–2100 relative to 1986–2005, the rise will likely range from 10 to 32 inches (0.26 to 0.82 meters) (IPCC 2014:10, 13). This is an outdated source. Please update.	85-43
3.6-7	Sea level Rise projections	EIR states, “For 2050, the sea level rise projections are all still considered to be in a high emissions timeframe and range from 1.1 feet as the low risk averse choice, 1.9 feet as the medium-high risk averse choice, and 2.7 feet as the extreme risk averse choice.” Consistent with the Implementation Briefs document, the EIR needs to be revised to project sea level rise to 2100 to account for anticipated life of structures and infrastructure installed between now and 2050 and should be consistent with the current (2020) State Guidance for sea level rise resilience planning.	85-44
3.6-8	Table 3.6-4	This table is misleading- development is and would be concentrated on the Bay Plain, which also is where SLR impacts will occur- need to re-calculate based on % of developed Bay Plan to be affected, as the hilly areas included in these calculations are not being proposed for substantial development under the Plan.	85-45
3.6-9	Figure 3.6-3	Revise or add figure to show year 2100 Sea level Rise to address potential impacts to development undertaken under the Plan in its serviced lifetime.	85-46
3.6-34	Land Use Emissions	EIR states, “This analysis excludes emissions from high GWP gases, agriculture, and large industrial stationary sources (e.g., petroleum refineries). The proposed Plan does not include policies or provisions that would affect high GWP gases, large	85-47

		<p>industrial stationary sources, nor regulate agricultural land uses.”</p> <p>This omits the indirect impacts of Plan growth on all of these emitters that would be required to support the growth. Please address.</p>	85-47 cont.
3.6-38	Construction Emissions	These emissions cannot be reduced to zero as there are no requirements to offset construction emissions. Therefore they must be Significant and Unavoidable at the scale of this plan’s anticipated development.	85-48
3.6-39-43	Tables 3.6-10, 3.6-11, 3.6-13, 3.6-14 and accompanying analyses.	This table fails to address current energy use trends and regulations- it inexplicably shows a reduction in electricity use and an increase in natural gas use, neither of which is likely to occur given that: 1) cities are starting to ban use of natural gas in new development, which will be replaced by electrically powered equipment; and, 2) the rapid rise in the use of electric vehicles. Please update based on current trends. Also update all emissions calculations and impact analyses accordingly.	85-49
3.11-21	Mitigation LU-1	This measure includes “encouraging...” and “where feasible”. These don’t assure mitigation. Please replace with actual enforceable, verifiable mitigation.	85-50
3.11-31	Conclusion	EIR states, “As discussed, the proposed Plan does not induce growth but accommodates growth forecasted to occur in the region.” This is false- the EIR, through provision of housing opportunities, improved transportation infrastructure, and sea level rise protection would clearly induce growth. The fallacy of this document’s growth analysis is that growth would not be induced, but just re-directed. The project intends to induce growth in the urban centers, and, as it is currently written, lands subject to future inundation that are critical to meeting Bay Habitat Goals; it does almost nothing to deter growth in outlying areas. Therefore it would be growth inducing.	85-51
3.12-37	Impact NOISE-2;	Please add a discussion of increased aircraft noise impacts associated with regional growth projections. Would new development be located under or near airports or flight paths? Also, per Berkeley Keep Jets Over the Bay v. Board of Port	85-52

		Commissioners court decision, please add discussion of repeated single-vent noise impacts of potentially significant increased aircraft operations along flight paths distant from airports.	85-52 cont.
3.4-18	Table 3.14-5	Redwood Road landfill is shown as having a capacity of 19.1 million cy, and a remaining capacity of 26 million cy. A “remaining capacity” that exceeds the “total capacity” is not physically possible. Please correct.	85-53
3.14-36	Method of Analysis	EIR states, “The EIR identifies areas where: 1) there is an existing forecasted shortage in long-term supplies that would need to be met by imported water or additional water conservation, reuse, and recycling; or 2) where the proposed Plan projects population or jobs beyond what is assumed in current UWMPs and could result in a potential shortage.” This EIR is schizophrenic with respect to growth impacts- sometimes it considers the project growth inducing and other times it considers it growth accommodating. It can't be both...	85-54
3.14-37-40	Land Use Impacts	This analysis is all jumbled and indecipherable- suggest separate sub-headings for each utility; it also includes construction impacts under "operations". Please revise.	85-55
3.14-39	Sea Level Rise	For Operation- need to address effects of higher sea level on drainage outfalls, wastewater treatment plant outfalls, and operation of wastewater treatment plants themselves, which are typically near sea level. Will new pumping stations and outfall relocations/replacements be needed? How will new levees, etc. affect storm drainage?	85-56
3.14-40, 41	Utilities	There's no analysis on utilities other than stormwater and communications... are there other potential utility effects from transportation projects?	85-57
3.14-41, 42, 46, 48, 49,	Mitigation PUF-1(a); PUF-1(e); PUF-1(f); PUF-2(a); PUF-3	Measures are caveated “where feasible” and use “coordinate” and “consider” as mitigation. These do not assure mitigation. Also, there’s no mitigation for impacts to water supply, drainage, and sewer outfall impacts – please add.	85-58

general	VMT and GHG model Estimates	What is the range of error of the EIR’s VMT model output estimates? What’s the range of error of the GHG model output estimates?	85-58 cont.
3.15-28	VMT reduction – Strategy EN-09	Please provide percentage breakdown for each EN-09 TDM method. Include the ability of agencies to implement the strategy, and likely implementation levels.	85-59
3.15-29	Mitigation measures TR-2a and b	These measures are phrased as “work with’ and “where feasible”. As such, they don’t assure mitigation. Please re-word as enforceable measures.	85-60
4-3	Project Objectives	Please see comments on Project Objectives, above, and revise accordingly.	85-61
4-5	PBA 2040 EIR Alternatives	Please review the effectiveness of the previous plan in implementing/achieving past strategies and goals, especially goals similar to those included in the current plan – what was implemented and what wasn’t? How effective were the strategies in meeting the goals? This information is critical to understanding the likely effectiveness of the proposed Plan in meeting its objectives.	85-62
4-6-4-10	Alternatives	If the Plan can direct growth, why can't it control growth...?	85-63
4-7	Lower regional Growth Alternative	See above comment- it is unclear why the EIR rejects this alternative. Regional housing can be included in the plan with a reduction in businesses and growth – in fact, this would be an environmentally superior alternative, as it would not exacerbate housing shortages by permitting extensive new employment development.	85-64
4-7	Wildland-Urban Interface Avoidance Alternative	EIR states, “This alternative is expected to perform similar to the proposed Plan and Alternative 1. Because this alternative would not contribute to a reasonable range of alternatives, it is not identified for further study in the EIR. “ This appears to mis-understand the requested alternative, which is to further reduce WUI development compared with the Plan, and thus reduce the risk associated with fire hazards (and also could result in reduced ecological impacts.)	85-65

4-8	Climate-Smart Alternative	EIR states that, "This alternative is anticipated to perform similar to the proposed Plan. Because this alternative would not contribute to a reasonable range of alternatives, it is not considered in further detail in this EIR." What is meant by "perform"? The alternative could be designed to substantially reduce emissions of GHG compared to the Plan. Please re-evaluate.		85-66
4-9	Other Suggested Alternatives	A wide range of suggested alternatives are brushed off with a conclusion that they would "perform similar" to the Plan, with no evidence supporting this conclusion and no definition of what "perform similar" means in terms of impacts. In short, they were improperly dismissed. This is critical because the EIR as written included only two "build" alternatives, both of which would 'perform similar" to the project. And neither of which substantially reduced the project's impacts. The range of alternatives is not adequate to meet CEQA requirements. Please re-evaluate the alternatives suggested in response to the NOP, and include alternatives that would substantially lessen some of the numerous Significant Unavoidable impacts identified in this EIR.		85-67
4-10	Alternatives	Please include an alternative that focuses on reducing travel and emissions from existing development instead of on directing future growth? Emphasize/encourage work-from home, trip linking, etc... Discourage growth of jobs in general, and of both jobs and housing in non-urbanized areas.		85-68
4-10	Alternatives	Please include an "environmental protection" alternative that eliminates development in high-value habitat areas, preserves tidal marsh migration pathways...and increases marsh restoration areas. Such an alternative could improve community resilience to sea level rise. Specific policies in this alternative should include: <ul style="list-style-type: none"> • When increasing transportation capacity, the alternative should consider ways to minimize new paving of habitat and places for habitat restoration using transit alternatives such as using existing highway bridges and freeways to carry express rapid bus transit, and consider monorails and light rails adjacent or over and near existing freeways if new sections of transit are needed. • Minimize the net new pavement of each alternative to protect water quality, protect natural areas, and to avoid 		85-69

		<p>exacerbating urban heat island effects.³ No net climate change emissions means reducing single-occupancy vehicle use and promoting walking, biking, transit or other shared low- or zero emission vehicles.</p> <ul style="list-style-type: none"> Nature-based adaptation of existing transportation infrastructure to sea level rise should be included. Spending on solutions to better protect natural resources should be required if needed in projects such as changing Highway 37 into a causeway. Budgets for necessary projects should include funding for protecting the environment such as allowing for inland migration of marshes under elevated causeways. 	85-69 cont.
Alternatives section – overall comment	Alternatives scenarios – Tables 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 4-11, 4-12; Section 4.5; Table 4-34	<p>As shown in all of the tables, there's almost no difference between these alternatives either structurally or in terms of impacts...and they fail to substantially reduce any of the Plan's numerous significant unavoidable impacts - how is this a reasonable range of alternatives?</p> <p>Note that the Alternatives analyses suffer from the same "footprint-only" flaw that affects the plan assessment- they are similarly deficient in not addressing indirect impacts.</p>	85-70
4-35	Alternatives - Table 20, etc.	<p>The EIR claims that other alternatives are not worthwhile because they would not "perform differently" from the Plan, but neither do the two alternatives considered in the EIR. There are minimal differences among the "build" alternatives and the proposed project yet they were selected for evaluation while other alternatives were rejected.</p> <p>Ultimately, because the EIR improperly rejects consideration of most of the alternatives suggested in response to the NOP and includes only two alternatives which are both very similar to</p>	85-71

³ A recent Green Streets Symposium provides a compelling vision: "Urban areas of the Bay Area are fully integrated into a "no net impact" system with the larger natural environment. This includes an integrated water system that follows the call to "slow it, spread it, sink it" and brings together the planning for storm water drainage, drought concerns, and flood prevention.

Human-caused emissions can be offset by a rich canopy of trees, grasslands, and chaparral in our open spaces surrounding the urban area and integrated throughout our urban areas – gardens but also greening our infrastructure especially our street grids. Air flows are slowed and softened by trees canopies, our soil systems are protected by and enriched with natural compost." (See <http://transportchoice.org>).

85-69 cont.

		each other and to the proposed Plan, the EIR fails to include a reasonable range of alternatives.	85-71 cont.
4-40	Climate Change	Same comment as above.	85-72
4-75	Transportation	Same comment as above.	85-73
4-78	Environmentally Superior Alternative	See general comment in cover letter- this section mis-states CEQA's requirements with respect to selecting an Environmentally Superior Alternative. This is especially egregious in that the EIR finds that the Plan has numerous Significant Unavoidable impacts.	85-74
5-3	Biological Resources	Please add loss of tidal wetlands as another Significant Unavoidable impact of the Plan.	85-75
5-8, 9	Growth Inducement	This analysis is deficient in: 1). Assuming that just because growth is "planned" the project would not induce it by removing constraints to growth or providing facilities that generate new growth. 2) There's no actual analysis of infrastructure improvements necessary to handle project growth, and their direct or indirect impacts. 3) Directing growth is a form of growth inducement, albeit localized.	85-76
5-12	Table 5-1	The growth projections for the "cumulative development area", i.e., nearby rural and exurban counties, makes no sense, especially in Post Covid-19 times where more people, can work at home. This table shows minimal non-bay-area growth percentage-wise, outside of San Joaquin and Stanislaus Counties. Please discuss why this percentage growth was assumed to be so much lower than within the Bay Area counties?	85-77

Letter 85
Grassetti Environmental Consulting
Richard Grassetti, Principal
July 19, 2021

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

85-1

The comment introduces a series of comments that are addressed in the following responses. Please see Responses to Comments 85-2 to 85-77.

85-2

See “Master Response 1: Regional Growth Forecast” for a discussion related to the development, use, and legal requirements associated with the growth assumptions included in the Draft EIR, including the need to provide sufficient housing for the region’s forecasted growth so commuting into the Bay Area is not increased. See “Master Response 2: COVID-19 Pandemic Considerations” for a discussion related to how changes in behavior related to the pandemic, including changes in commute options and preferences, were considered in preparation of the proposed Plan and could be incorporated into future versions of Plan Bay Area.

Regarding the request for a range of error associated with the growth projections, the projections are informed predictions based on the various economic and demographic forecasts described in Master Response 1. While MTC understands the commenter’s request, there are virtually limitless possible future growth outcomes, based on the many factors that will shape the future. Changes to the underlying basis of the predictions, or external factors, will change the forecasts. The forecasted growth projections are reasonable, as discussed in Master Response 1. The proposed Plan is intended to provide for a reasonable growth forecast and a proposed development pattern that can accommodate the growth forecast in a way that reduces GHG emissions. The EIR analyzes the potential impacts associated with implementing the proposed Plan’s development pattern, in compliance with CEQA. See Draft EIR Chapter 3, Sections 3.1 through 3.15 for discussions disclosing the impacts. As described in CEQA Guidelines Section 15144, “Drafting an EIR...necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” MTC has fulfilled this requirement, in the Draft EIR, in the discussion in Master Response 1, and in the supporting documentation for Plan Bay Area 2050 (see <https://www.planbayarea.org/2050-plan/plan-bay-area-2050-blueprint>).

Regarding assumptions associated with the cumulative analysis, population projections contemplated for adjoining jurisdictions (i.e., surrounding counties), is derived from the California Department of Finance, as indicated in the notes of Table 5-1. Chapter 7 of the Draft EIR, “References,” contains the full citation for this source. Reference material used to prepare the Draft EIR was available upon request from MTC during the public comment period as required by CEQA Guidelines Section 15087[c][5]).

Please see “Master Response 4: EIR Alternatives” for a discussion related to alternatives that contemplate different growth scenarios.

85-3

Section 4.7 of the Draft EIR, “Ability to Meet Project Objectives,” provides an overview of how the proposed Plan and Plan alternatives would meet the project objectives. As discussed, the proposed Plan would house 100 percent of the region’s projected growth (see page 4-87 of the Draft EIR); would ensure sufficient housing options for current and future Bay Area residents and workers through

implementation of strategies that plan for sufficient housing at all income levels, lower transportation costs for those that are most burdened, and universal basic income provisions (pages 4-88 and 4-89 of the Draft EIR); and would conserve the region's natural resources, open space, clean water, and clean air (page 4-93 of the Draft EIR). The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area households by the year 2050. Housing Element strategies H02, H04, and H05 would yield sufficient affordable housing to meet that threshold, helping to bring down housing costs for low-income Bay Area households to a greater degree than the region at large. The proposed Plan would meet all of the project objectives. MTC does not concur that changes to the document are required. It should be noted that the Plan development process, as described in Draft EIR section 1.7.5 and Response to Comment 8-1 of this Final EIR, included the 18-month Horizon initiative. Conducted from spring 2018 to fall 2019, the Horizon initiative was a predecessor initiative to the proposed Plan. Horizon explored a suite of strategies to ensure a more resilient and equitable future in the face of uncertainty and considered how the Bay Area would achieve project objectives.

See "Master Response 1: Regional Growth Forecast" for a discussion related to development of the growth assumptions for the proposed Plan.

85-4

The comment correctly notes that the Draft EIR analyzes two action alternatives in detail. See "Master Response 4: EIR Alternatives" for a discussion related to the CEQA requirements for an alternatives analysis as well as the alternatives that were considered for evaluation. As noted in Draft EIR Chapter 4, "Alternatives to the Proposed Plan," alternatives were considered during scoping of the proposed Plan, including suggestions from stakeholders. As explained in Chapter 4, an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. Each of the alternatives is constrained by the same planning assumptions as the proposed Plan and housing units maintain the same regional growth forecasts—population, employment, households—and maintains the same forecast of reasonably available transportation revenues. In addition, the proposed Plan is obligated to set forth a forecasted development pattern for the region that includes the Regional Housing Control Total. Therefore, an alternative that substantially changes growth scenarios is not feasible.

The commenter also suggests changes to proposed Plan strategies EN01 and EN05. The proposed Plan is supportive of many of the commenter's recommendations. Regarding Strategy EN01 and prioritizing nature-based adaptation measures, the Draft Plan Bay Area 2050 states on page 91:

While there is still important research to be done to understand the appropriateness and efficacy of various adaptation measures, Plan Bay Area 2050 emphasizes nature-based interventions, such as restoring degraded marshes or implementing ecotone levees — physical structures that protect communities and provide surface area where shoreline vegetation and habitats can slowly migrate up slope over time. These natural interventions have ecological benefits beyond stemming the impacts of sea level rise, as marshlands provide animal habitats, restore ecosystems and purify water.

Similarly, the Draft Plan Bay Area 2050 states on page 91 that, "Plan Bay Area 2050 adds its efforts to an existing regional goal of restoring 100,000 acres of marsh."

The Draft Plan Bay Area 2050 highlights the specific ways MTC and ABAG can advance action including supporting adaptation planning at the local level and improving the Priority Conservation Area program to better prioritize the most critical areas for conservation. See page 145 of the Draft Plan Bay Area 2050 for a full list of the actions.

Regarding the environmentally superior alternative, please see Master Response 4. Please see also Responses to Comments 85-69 and 108-9 for further discussions relevant to the alternative suggested by this commenter.

85-5

The comment correctly states that the Draft EIR includes a range of mitigation measures that would require implementation by a city or county associated with approval of a specific project. This is because MTC does not have the authority to approve land use projects that may be proposed, even if they are consistent with the proposed Plan. Please see “Master Response 6: MTC and ABAG Roles and Authority” for discussion related to the lead agency’s roles.

Chapter 3 of the Draft EIR contains a programmatic and comprehensive analysis of the potential environmental effects of the proposed Plan. As noted in the EIR, MTC and 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. The Draft EIR is considered a program EIR, as defined by 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. The CEQA statutes that authorize tiering for later transit priority projects consistent with the RTP/SCS specifically contemplate future environmental review incorporate “feasible” mitigation measures, as do the CEQA Guidelines for tiering from a program EIR. (See Public Resources Codes section 21155.2. (a) [A transit priority project that has incorporated all *feasible* mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081, shall be eligible for [streamlined environmental review]”]; see also CEQA Guidelines section 15168, subdivision (c)(3) [“[a]n agency shall incorporate *feasible* mitigation measures and alternatives developed in the program EIR into later activities in the program.”].)

The analysis in the Draft EIR complies with MTC and ABAG’s obligation to disclose potential impacts and identify feasible mitigation measures. The programmatic analysis in the Draft EIR does not allow for a precise description of the details of project-specific impacts or mitigation, because details related to the location, size, design, or setting of specific projects are unknown and therefore a meaningful evaluation could not occur at this time. The EIR discloses a menu of potential mitigation measures that could be applied at the project-level; however, for the reasons stated above, MTC acknowledges that application of such measures would be the responsibility of the lead agency conducting environmental review under CEQA.

As a result, there is inherent uncertainty in the degree of mitigation that would ultimately be implemented to reduce potentially significant impacts identified in the Draft EIR. Consequently, the Draft EIR acknowledges this in its post-mitigation significance conclusions (i.e., concluding that feasible mitigation may not be sufficient) and discloses that potentially significant environmental impacts may be unavoidable, where appropriate. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 865-867 [with respect to mitigation measures of uncertain

effectiveness, a lead agency must identify and explain the uncertainty].) If a potentially significant environmental effect cannot be feasibly mitigated with certainty, the Draft EIR identifies it as potentially significant.

The comment also suggests that mitigations measures identified in the Draft EIR would themselves result in impacts not addressed in the Draft EIR, but does not identify any such mitigation measure or impacts, and thus cannot be responded to in this respect. The comment is noted for consideration during project review.

85-6

The analysis presented in the Draft EIR identifies and focuses on the significant direct and indirect environmental effects from the adoption and implementation of the proposed Plan, including those related to sea level rise and the integration of sea level rise infrastructure projects into the proposed Plan. The analysis considers the short-term and long-term effects of the proposed Plan based on construction and operational assumptions. Please see Response to Comment 85-8 and “Master Response 5: Sea Level Rise.”

85-7

See “Master Response 5: Sea Level Rise” for a discussion related to the comment.

85-8

As described on pages 2-17 and 2-18 of the Draft EIR (“Project Description”), sea walls account for just 6 percent of the sea level rise adaptation infrastructure footprint and are typically used on highly developed shorelines where impacts on wetlands would be minimal. Horizontal levees account for 58 percent of the sea level rise adaptation infrastructure footprint. Horizontal levees can attenuate waves and provide a wetland-upland transition zone for marshland and species to migrate upslope. Traditional levees make up 30 percent of the total sea level rise adaptation infrastructure footprint. Because construction of these infrastructure archetypes may result in earthmoving activities, mitigation for impacts on wetlands would be required pursuant to Mitigation Measure BIO-2, on pages 3.5-48 through 3.5-50 of the Draft EIR, such that there would be no net loss of wetlands. As described in Mitigation Measure BIO-2, a biological resource assessment would be required for all sea level rise adaptation infrastructure projects to determine whether impacts on wetlands would occur. Mitigation Measure BIO-2 specifically states that mitigation would be required to “avoid and minimize direct and indirect adverse effects on State- or federally protected wetlands....” Additionally, the impact discussion regarding sea level rise adaptation infrastructure on pages 3.5-46 and 3.5-47 of the Draft EIR states that sea level rise adaptation infrastructure could have the potential to affect wetlands and other waters directly or indirectly.

See the discussion of programmatic assessment of potential impacts on page ES-3 of the Executive Summary in the Draft EIR. As noted in that discussion, the analysis in this EIR does not evaluate project-specific impacts of individual projects, although it provides environmental analysis and mitigation that is intended to address the range of impacts that may be associated with individual projects. This approach does not relieve local jurisdictions of responsibility for determining whether project-specific impacts require additional CEQA analysis. However, to provide additional details regarding the potential indirect impact mechanisms resulting from construction of sea level rise adaptation infrastructure archetypes, the “Sea Level Rise Adaptation Impacts” discussion on page 3.5-47 of the Draft EIR has been clarified. The clarification amplifies and adds detail to the existing discussion in the Draft EIR. Because the Draft EIR discloses that sea level rise adaptation infrastructure could have potentially significant direct or indirect impacts on wetlands (Draft EIR, pp. 3.5-46 to 3.5-47), the revision does not identify a new or substantially more severe impact. These edits do not alter

the conclusions with respect to the significance of any environmental impact, because they add additional detail to an impact already included in the Draft EIR.

The “Sea Level Rise Adaptation Impacts” discussion on pages 3.5-46 and 3.5-47 of the Draft EIR is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

Potential effects of sea level rise adaptation infrastructure projects on wetlands and other waters are generally similar to those described above for land use development under the proposed Plan. In this case, most impacts on wetlands and other waters would occur in association with sea level rise adaptation infrastructure projects that would result in earthmoving activities (e.g., elevated highway/roadway, levees, sea walls, tidal gates) in areas that contain or are adjacent to wetlands or other waters. ~~Additionally, w~~While marshland restoration projects would likely result in an overall beneficial impact on wetlands and other waters, these projects could also result in temporary adverse effects on these resources. Additionally, if sea walls or levees are sited in areas containing or adjacent to wetland habitat (e.g., estuarine and marine wetlands), indirect effects on these resources may occur, including disruption of the existing hydrology of these habitats.

Adverse effects on State- and federally protected wetlands would be addressed, if feasible, through avoidance of these resources. Where avoidance is not possible, and in accordance with USACE, EPA, USFWS, RWQCB, and CDFW guidelines, a standard of “no net loss” of wetland acreage and value is required. Mitigation for wetland impacts would be based on project-specific wetland mitigation plans, subject to approval by USACE, RWQCB, CDFW, BCDC, and CCC where applicable. Impacts on jurisdictional waters would be potentially significant (PS).

85-9

Recirculation of a draft EIR is required when significant new information is added to the EIR. Examples of “significant new information” are defined in the CEQA Guidelines under Section 15088.5(a) as follows:

- (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 environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Because the responses to the referenced comments, 85-1 through 85-8 and revisions do not present any new significant information or substantial evidence of new significant information as defined in CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required. The revisions and clarifications amplify and add detail to the existing discussion in the Draft EIR. The revisions do not identify a new or substantially more severe impact. These edits do not alter the conclusions with respect to the significance of any environmental impact, because they add additional detail to an impact already included in the Draft EIR.

85-10

All of the mitigation measures included in the Draft EIR are considered implementable by local lead agencies. Table ES-1 presents a summary of the impacts and mitigation measures that are presented in Chapter 3 of the Draft EIR. The “Significance after Mitigation” column presents the post-mitigation conclusion under two column headings. The column labeled “with MM” assumes that mitigation measures are implemented by the local agency approving the future proposed project. The column labeled “without MM” assumes that some or all of the listed mitigation measure(s) are not implemented because MTC and ABAG cannot require local implementing agencies to adopt mitigation measure(s). The “with MM” column in Table ES-1 reflects the significance after mitigation, as explained in the discussions included for each impact in Draft EIR sections 3.2 through 3.15. See Response to Comment 85-5 for a discussion related to the level of specificity needed in a program EIR as it relates to mitigation measures.

85-11

This comment states that the Draft EIR does not address indirect impacts on marshlands resulting from sea level rise adaptation infrastructure. See Response to Comment 85-8. Additionally, this comment states that the lead agencies do not have the ability to enforce the mitigation measures included in the Draft EIR. See Response to Comment 85-5. As explained on Draft EIR pages 3.5-39 and 3.5-44, to the extent that a local agency requires an individual project to implement all feasible mitigation measures described in Mitigation Measures BIO-1(a) and BIO-1(b), Impacts BIO-1(a) and BIO-1(b) would be less than significant with mitigation. Further, because Mitigation Measure BIO-1(b) is tied to existing regulations that are law and binding on responsible agencies and project sponsors, it is reasonable to determine that they would be implemented. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Regarding Impact BIO-5, the Draft EIR states that projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply Mitigation Measure BIO-5, as applicable, to address site-specific conditions. However, the Draft EIR acknowledges that MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Impact BIO-5 is identified as significant and unavoidable for purposes of this program-level review.

85-12

The comment suggests that the proposed Plan would not be able to achieve GHG reduction targets, because the proposed Plan is not enforceable, and that the proposed Plan will result in population increase. The proposed Plan details housing and economic strategies (“land use”) to invest \$702 billion in expected revenues to accommodate 2.7 million new persons, 1.4 million new households, 1.5 new forecasted housing units, and 1.4 million new jobs between 2015 and 2050. MTC and ABAG do not have land use authority over the projected growth. The proposed Plan includes advisory strategies for consideration by those nine counties and 101 cities that would consider future development applications. See “Master Response 1: Regional Growth Forecast” for a discussion regarding growth and “Master Response 6: MTC and ABAG Roles and Authority” for a discussion of land use authority.

The comment expresses concern that the Plan would not result in a 19-percent reduction in GHG emissions because MTC has limited authority over local land use. As discussed on pages 3.6-17 and 3.6-18 of Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” of the Draft EIR, the California Air Resources Board (CARB) set emission reduction targets for metropolitan planning organizations across the state, and MTC’s target for per-capita emissions from automobiles and light trucks in the Bay Area is a 19-percent reduction below 2005 levels by 2035. Impact GHG-2 found that Plan Bay Area 2050 would not conflict with achieving this target. Refer to the calculation methodology presented on pages 3.6-34 through 3.6-36, which explains how the motor vehicle emissions affected by the Plan

were calculated. The Plan includes a land use development pattern and transportation projects that, as proposed, would result in at least a 19-percent reduction in per-capita CO₂e emissions from 2005 to 2035. This is consistent with the statutory mandate that the RTP/SCS must meet CARB's GHG emission reduction target "if implemented." (Gov. Code, § 65080(b)(2)(J)(ii); see also *Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966, 982.) ABAG and MTC cannot mandate local implementation; rather, MTC and ABAG set forth a development pattern that, if implemented by local jurisdictions, will achieve the CARB greenhouse gas reduction targets. (Gov. Code, § 65080, subd. (b)(2)(K).)

With respect to MTC's level of land use authority, see "Master Response 6: MTC and ABAG Roles and Authority" for a discussion related to the comment. MTC is required by CARB to make a plan to achieve the SB 375 reduction targets in the SCS. As discussed under Impact GHG-2, MTC demonstrated that the Plan would reduce emissions by 19 percent if implemented.

85-13

The comment questions the conclusions regarding erosion, but no specific comments associated with the Draft EIR analysis are provided. As discussed under Impact GEO-5 (Result in substantial soil erosion or the loss of topsoil), State and federal requirements, such as the National Pollutant Discharge Elimination System and California Green Building Standards Code (CALGreen) requirements, have been designed to prevent or reduce discharges of sediment through best management practices, thereby substantially eliminating or reducing the potential for environmental effects related to erosion. The cumulative effects on erosion are presented under the subheading "Geology, Seismicity, and Mineral Resources," on page 5-16 of the Draft EIR. As discussed, the effects of erosion occur independently of one another, related to site-specific and project-specific characteristics and conditions.

85-14

The comment questions the conclusions regarding groundwater recharge, but no specific comments associated with the Draft EIR analysis are provided. As stated under Impact Hydro-2, implementation of the proposed Plan's forecasted land use development pattern, sea level rise adaptation infrastructure, and transportation projects could 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 off-site stormwater runoff by encouraging on-site infiltration, which would effectively minimize the potential reduction in groundwater recharge to an acceptable level. Therefore, for this and the other reasons stated on pages 3.10-24 through 3.10-34, the proposed Plan would have a less-than-significant (LTS) impact.

While the comment correctly states that MTC generally lacks authority to impose or implement mitigation strategies, existing regulations would reduce impacts related to groundwater recharge to a less-than-significant level. The discussion of cumulative effects on hydrology and water quality are included in Draft EIR Chapter 5, "Other CEQA-Mandated Sections."

85-15

The comment is correct in stating that the Plan would increase aircraft noise and that impacts related to aircraft noise would be significant. As noted in Impact NOISE-4, starting on last paragraph of page 3.12-38:

Because implementation of the proposed Plan's land use development pattern could potentially result in land use development being located in close proximity to existing airports

such that applicable exterior and interior noise thresholds would be exceeded. This would be a potentially significant (PS) impact.

Additionally, the proposed mitigation under Mitigation Measure Noise-4 would reduce some noise associated with aircraft, but as noted on the last paragraph of page 3.13-39:

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, 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 would be **significant and unavoidable (SU)** for purposes of this program-level review.

85-16

Impact PUF-2 addresses water supply impacts associated with the proposed Plan. Mitigation Measures PUF-2(a), PUF-2(b), and PUF-2(c) address these impacts. Mitigation Measure PUF-2(a) lists measures that would reduce water demand, and focus on water reclamation and re-use, as replicated below.

- ▲ For projects that could increase demand for water, coordinate with the relevant water service provider to ensure that the provider has adequate supplies to accommodate the increase in demand. This can and should be documented in the form of an SB 610 Water Supply Assessment, an SB 221 Water Supply Verification, or other capacity analysis.
- ▲ Implement water conservation measures which result in reduced demand for potable water. This could include reducing the use of potable water for landscape irrigation (such as through drought-tolerant plantings, water-efficient irrigation systems, the capture and use of rainwater) and the use of water-conserving fixtures (such as dual-flush toilets, waterless urinals, reduced flow faucets).
- ▲ Coordinate with the water provider to identify an appropriate water consumption budget for the size and type of project and designing and operating the project accordingly.
- ▲ For projects located in an area with existing reclaimed water conveyance infrastructure and excess reclaimed water capacity, use reclaimed water for non-potable uses, especially landscape irrigation. For projects in a location planned for future reclaimed water service, projects should install dual plumbing systems in anticipation of future use. Large developments could treat wastewater onsite to tertiary standards and use it for non-potable uses onsite.
- ▲ Apply Tier 1 or Tier 2 CALGreen standards as mandatory local requirements, which reduce water use by 12 and 20 percent, respectively, and require additional qualifying elective actions.

As discussed in the last paragraph on page 3.14-46, mitigation measures are proposed to reduce impacts to water supply (Impact PUF-2) through on-site water conservation strategies, water budgeting, and incorporation of recycled water for non-potable use. However, it cannot be concluded with certainty that all impacts related to water supply would be mitigated to a less-than-significant level. Therefore, this impact would remain significant and unavoidable.

An alternative that reduces water demand would require a reduction in the forecasted growth in the alternative. As noted in Draft EIR section 4, "Alternatives to the Proposed Plan," each of the alternatives is constrained by the same planning assumptions as the proposed Plan and housing units maintain the same regional growth forecasts—population, employment, households—and maintains the same

forecast of reasonably available transportation revenues. In addition, the proposed Plan is obligated to set forth a forecasted development pattern for the region that includes the Regional Housing Control Total. Water reclamation and re-use efforts are implemented by water suppliers, or are conducted on a regional level, as noted on Draft EIR page 3.14-8 regarding the Bay Area Regional Water Recycling Program. These types of programs would continue to be implemented by local water agencies. See Response to Comment 85-18 and “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to future funding opportunities and restrictions.

85-17

The comment correctly states that the proposed Plan’s land use development pattern, sea level rise adaptation infrastructure, and transportation projects have the potential to reduce the capacity of existing landfills, leading to earlier closure dates than currently anticipated and a need for increased landfill capacity (see Impact PUF-4). Mitigation Measure PUF-4 identifies project- and site-specific considerations, such as landfill diversion strategies, including reusing building materials, maintaining structures where applicable, developing construction waste management plans, and using guidance from the Construction Materials Recycling Association. However, impacts related to increased generation of solid waste would remain significant and unavoidable (last paragraph on page 3.14-52).

85-18

Please see “Master Response 6: MTC and ABAG Roles and Authority” for discussion relevant to this comment.

As discussed in Master Response 6, MTC funding programs continue to make progress toward lowering VMT across the region while balancing other federal and State requirements and regional goals. However, MTC discretionary funding is still limited to specific transportation investments and components, and the implementation of the RTP/SCS necessarily includes improvements beyond the eligibility requirements of those funds, making mitigation that would require certain funding decisions to remove or withhold funding infeasible. (See Public Resources Code Section 21061.1 [defining “feasible” to mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors”]; CEQA Guidelines Section 15364 [adding “legal” considerations as another factor in determining feasibility]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App. 4th 957 [the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project].) For these reasons, the strategic use of partnerships is employed to extend MTC’s ability to incentivize implementation of the Plan. See Master Response 6 for additional information related to the OBAG 2 framework and the Regional Early Action Planning (REAP) grants program. REAP 2.0 is still under development but is expected to be designed to support and fund infill housing, infrastructure investments (e.g., transportation), or other actions that reduce VMT and implement SCSs.

85-19

Section 2.4.2 of the Draft EIR, “Intended Uses of This EIR,” describes opportunities for tiering from this document. As stated on in the first three paragraphs on page 2-42:

[t]his program EIR is a first-tier document that addresses the environmental impacts that may affect the nine-county Bay Area as a result of adoption and implementation of Plan Bay Area 2050. Therefore, future programs or projects may “tier” from this program EIR, as stipulated in CEQA. “Tiering” refers to the coverage of general environmental analysis in broad, program-level EIRs, with subsequent focused environmental documents for individual projects that implement the program. If the potential environmental effects of consistent subsequent

actions are adequately addressed by a certified program EIR, additional environmental analysis may be unnecessary. This finding can be substantiated using an initial study that evaluates whether the environmental effects of the subsequent project have already been adequately covered.

The lead agencies for projects analyzed in this program EIR may use it as the basis for cumulative analysis of specific project impacts, together with the projected growth in the region. Cities and counties may use information in this EIR in their future housing elements. Bay Area congestion management agencies may incorporate information provided in this EIR into future county transportation plans, such as congestion management programs, countywide transportation plans, and county bike and pedestrian plans. Other agencies expected to use this EIR include the California Department of Transportation, county transportation authorities, transit providers in the region (such as Muni, BART, AC Transit, SamTrans, Caltrain, SolTrans, WestCAT, Altamont Corridor Express, and Water Emergency Transit Authority), the Bay Conservation and Development Commission, the Bay Area Air Quality Management District, and cities and counties.

Mitigation measures described in this EIR may be incorporated into project-level environmental impact analyses by project sponsors or local agencies as appropriate to mitigate identified project-level impacts.

This EIR is also intended to help activate the CEQA streamlining benefits of SB 375 for local jurisdictions and private development. As described in Section 1.9.1 of the Draft EIR, “Streamlining under SB 375,” of the Draft EIR (second paragraph on page 1-21):

[p]rojects that use the SB 375 CEQA streamlining benefits would still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements. Other development projects that do not fall into any of these categories could still use this EIR for other CEQA tiering benefits.

Lead agencies for specific projects would be subject to requirements under CEQA, including CEQA Guidelines Section 15126.4(a)(2), which states that “mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” The Draft EIR discloses that implementation of Plan Bay Area 2050 would result in 38 potentially significant impacts (see Table ES-1, Summary of Impacts and Mitigation Measures, in the Draft EIR Executive Summary). Mitigation was included for all of those impacts in the EIR. Of the 38 impacts, 24 could not be determined to be reduced to less than significant with mitigation and are identified as significant and unavoidable. It was determined that 14 impacts could be reduced to a less-than-significant level with implementation of the mitigation shown in the Draft EIR. However, 36 impacts were ultimately determined to be significant and unavoidable because MTC and ABAG do not have jurisdiction over the approval of future projects. The Draft EIR impact discussions explain this under the heading “Significance after Mitigation.” The EIR explains that future projects that qualify for CEQA streamlining benefits must apply the mitigation measures in the impact discussion.

85-20

See “Master Response 5: Sea Level Rise” for a discussion related to the treatment of long-term sea level rise in the Draft EIR.

85-21

As stated in Section 2.2.1, Project Objectives, of the Draft EIR: "The proposed Plan's adopted vision is to 'ensure by the year 2050 that the Bay Area is affordable, connected, diverse, healthy, and vibrant for all.'" (Draft EIR, p. 2-2.) "As part of the planning process, MTC and ABAG developed guiding principles and associated performance measures for the proposed Plan in conjunction with members of the public, partners, and elected officials." (*Ibid.*) Overall, the Project Objectives reflect MTC and ABAG's objectives that support its adopted vision and reflect input from the public, partners, and elected officials. Further, the objectives reflect SB 375 performance targets related to housing the population and achieving GHG emission reduction targets as well as their obligation under a settlement agreement with the Building Industry Association to achieve no net growth in in-commute into the region. (See also Draft EIR, p. 2-28.) These are reflected in Project Objectives 1 and 2, specifically.

CEQA does not require objectives to address specific environmental issues. CEQA Guidelines Section 15124(b) clarifies that the statement of objectives assists in developing alternatives and aids in preparing findings and/or a statement of overriding considerations. It also states that "[t]he statement of objectives should include the underlying purpose of the project and may discuss the project benefits." Section 2.2.1 of the Draft EIR satisfies this provision by providing CEQA project objectives based on the proposed Plan's guiding principles and performance metrics.

85-22

Resilience, in the context of the proposed Plan, is related to future uncertainties outside the region's control, such as climate change, economic booms and busts, and changing technologies. As cited under the first paragraph under the heading "Advancing Equity" on page vi of the Draft Plan Bay Area 2050, MTC and ABAG defined equity as "just inclusion in a Bay Area where everyone can participate, prosper and reach their full potential."

As discussed in the first paragraph in Section 2.1 of the Draft EIR, "Introduction":

[t]he proposed project is a long-range regional plan for the nine-county San Francisco Bay Area (Bay Area or region), encompassing housing, economic, transportation, and environmental strategies designed to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. Known as Plan Bay Area 2050, referred to herein as the "proposed Plan," it serves as the region's 2021 RTP/SCS.

Furthermore, as stated in the second paragraph in Section 2.2.2 of the Draft EIR, "Proposed Plan Strategies":

[t]he strategies detailed below are the proposed Plan's 35 integrated strategies that will enable the Bay Area to accommodate future growth and make the region more equitable and resilient in the face of unexpected challenges, such as the uncertainties posed by rising sea levels, economic cycles, and new technologies

Additional information can be found in the Draft Plan Bay Area 2050 document, specifically on page iii of the Executive Summary.

85-23

See Response to Comments 9-1 and 42-5 for a discussion on jobs-housing balance. See also "Master Response 4: EIR Alternatives" for a discussion of the range of alternatives selected.

85-24

Strategies in the Environment Element help to restore and adapt 100,000 acres of marshlands to achieve Baylands Ecosystem Habitat Goals (Strategy EN1), maintain urban growth boundaries and

protect high-priority natural lands to protect ecological functions (Strategy EN04 and Strategy EN05), and provide funding for new parks and open space (Strategy EN6), among other benefits.

85-25

The Plan considers nonresidential and residential development that is planned, approved, and under construction through the “Scheduled Development Events” model as part of the land use modeling. Further information can be found in the Draft Plan Bay Area 2050 Forecasting and Modeling Report (page 26-29). See Responses to Comments 9-1 and 42-5 for a discussion of jobs-housing balance.

85-26

The Draft EIR does include analysis of impacts of the proposed Plan related to new criteria pollutant emissions and toxic air contaminants emissions. (Draft EIR Impacts AQ-2 to AQ-4, pp. 3.4-38 to 3.4-57). Thus, this impact was not eliminated from review.

With respect to climate change and sea level rise, please see “Master Response 5: Sea Level Rise.” Further, Chapter 3.6 addresses global climate change and states that transportation and land use projects generate GHG emissions and drive climate change. The chapter also explains in detail that climate change is causing sea level rise and provides projections for sea level rise in the proposed Plan area (Draft EIR, pp. 3.6-1 to 3.6-8). The Draft EIR quantifies projected GHG emissions from implementation of the proposed Plan (Draft EIR, pp. 3.6-39 to 3.6-42).

Further, the impact of anticipated climate change effects, such as increased flooding risk and wildfires, on land uses in the Bay Area are addressed in Impact HAZ-7 of Section 3.6 of the Draft EIR, “Hazards and Wildfire.” However, connecting a specific quantity of emissions to specific impacts of climate change, such as sea level rise, is not scientifically feasible and would be speculative. (See CEQA Guidelines Section 15145). GHGs dissipate across the atmosphere, and emissions cumulatively contribute to global climate change. Modeling of sea level rise or other impacts of climate change estimates the likely magnitude of climate change impacts that will result from global emissions, but this cannot be confidently done for local emissions. The modeling and analysis of the effect of GHGs on climate change is complicated and occurs on a planetary basis. Global emissions totals, concentrations of GHGs in the atmosphere, and feedback mechanisms such as radiative forcing, ocean temperatures and currents, snow and rainfall patterns, polar cap loss, and many other factors are considered when determining effects of climate change. The fraction of emissions associated with the MTC region is an infinitesimal part of global GHG emissions, and the changes (reductions) in annual GHG emissions associated with the proposed Plan are too small, on a global basis, to reasonably be modeled, and if they were modeled, they would likely not show any changes in sea level rise or other effects because of the relatively small contribution of emissions from the Bay Area compared to global emissions. Thus, it is not feasible to accurately model or predict the proposed Plan's impact on climate change or sea level rise, and an attempt to do so would be speculative. Accordingly, this analysis is not required under CEQA. (See CEQA Guidelines, § 15145, 15151; see e.g., *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521.)

85-27

The commenter requests revisions to the growth geographies to ensure avoidance of habitat and conservation areas. The Draft EIR appropriately analyzes the potential impacts from implementation of the Plan, as proposed. Impacts on habitat and conservation areas are disclosed in Draft EIR section 3.5, “Biological Resources,” and mitigation is included, as needed, to address potential impact to these resources.

85-28

See Response to Comment 85-24 for a discussion related to the comment.

85-29

See “Master Response 2: COVID-19 Pandemic Considerations” for a discussion related to consideration of how the pandemic changed employment, housing, and travel behaviors. As noted, many of the strategies were adjusted to reflect information learned from pandemic-related behaviors. Regarding the CEQA baseline for the EIR analyses, explanations of the baseline used are included in Draft Section 3.1, “Approach to the Analysis” as well as in individual technical sections. As noted on Draft EIR page 3.1-3:

As the CEQA Guidelines make clear, ordinarily the appropriate baseline will be the actual environmental conditions existing at the time of CEQA analysis (typically when the Notice of Preparation [NOP] is published). In many cases, establishing this “existing conditions” baseline is a straightforward task. However, there may be times when a deviation from the use of the NOP date to establish the baseline is appropriate in order to present a fair and accurate description of the expected environmental impacts of a proposed project. In the case of the proposed Plan, the NOP was released on September 28, 2020, during a global pandemic caused by the COVID-19 coronavirus. From March 2020 up to, and beyond, the release of the NOP the nine-county Bay Area was in varying stages of compliance with shelter-in-place orders directed by various county health officers. These orders affected such things as commercial and office business operations, employee commutes, and travel behavior, resulting in secondary effects related to traffic and congestion, air quality, and energy use. In some cases in the following technical sections, the environmental baseline is more accurately represented as prior to March 2020. For physical conditions that were not altered by the global pandemic and shelter-in-place orders, the existing conditions for the analysis are generally September 2020. See the discussion under “Method of Analysis” for each technical section for a description of the baseline for the analysis.

85-30

The commenter notes that the amount of vehicle travel in the Plan, as measured in vehicle miles traveled (VMT), is not expected to grow as much as the region’s population and asks for an explanation of these unequal rates of growth. The Plan accomplishes this through the coordinated set of transportation, housing, economic, and environmental strategies. The impact of the Plan on VMT is assessed under Impact TRA-2 in Section 3.15 of the Draft EIR, “Transportation.” As described in the first paragraph in the “Land Use, Sea Level Rise Adaptation, and Transportation System Impacts” section of 3.15.3 Impact TRA-2:

[t]he core land use strategy of the proposed Plan is to accommodate forecasted changes in population, households, and employment through “focused growth” in existing communities along the existing transportation network, particularly in communities with proximity to frequent, robust transit service. As discussed in detail in Chapter 2, “Project Description,”...[t]he growth geographies in the proposed Plan accommodate 85 percent of the 1.4 million new households and 55 percent of the 1.4 million new jobs.

As described in the third paragraph of the same section, “implementation of the proposed Plan would lead to shorter auto trip distances.” The fourth paragraph states that “the proposed Plan’s land use strategies result in increases in higher density, multi-family housing units in developed areas, where services tend to be closer to residences, walking and biking become more viable travel options, and transit is relatively more available,” resulting in “higher shares of households with zero or one vehicle relative to existing conditions.”

In addition to the land use strategies, the fifth paragraph describes the suite of transportation and environmental strategies that support “transit capital, infrastructure, and operations and maintenance and...bicycle and pedestrian facilities” and “improvements to make transit and other non-auto modes more convenient and attractive through integrated fare policies, streamlined multimodal trip planning and fare payment, and transportation demand management (TDM) strategies.” These integrated strategies cumulatively have the effect of reducing VMT per capita and the rate of overall VMT growth compared to population growth.

85-31

The commenter requests the VMT impacts of each Plan strategy. However, the Plan is developed and analyzed as a set of 35 integrated Housing, Economy, Transportation, and Environment strategies; individual strategies are not generally modeled separately. A number of strategies have interactive or cumulative effects, and modeling single strategies alone may not accurately represent the impact of an individual strategy in the context of the full integrated set of strategies. For example, strategies to optimize and expand transit service have different regional impacts when paired with strategies to focus growth near transit and vice versa. However, the relative impacts of some strategies can be observed in the analysis that preceded the development of the final set of strategies in the Plan. Different strategies were explored in the Horizon initiative and analyzed under varying future scenarios. More information about Horizon can be found in Section 1.7.5 of the Draft EIR, “Plan Development Process,” and the Horizon Futures Final Report (available for download at planbayarea.org).

85-32

Please see “Master Response 6: MTC and ABAG Roles and Authority,” for a discussion relevant to this comment. Projects taking advantage of the CEQA Streamlining provisions of SB 375 would be required to apply applicable mitigation measures, including MM AQ-2, to address site-specific conditions. (Draft EIR, pp. 3.4-56 to 3.4-57.) However, MTC and ABAG do not have authority to require implementing agencies to implement AQ-2 for all projects, thus it is not feasible for the mitigation to be mandated. See also Response to Comment 85-5.

85-33

Please see Responses to Comments 85-5, 85-18, and 85-32 for discussion related to this comment.

85-34

The commenter states that the Draft EIR does not address indirect off-site impacts on wetlands resulting from sea level rise adaptation infrastructure (e.g., sea walls, levees). See Responses to Comments 85-8 and 85-35 and “Master Response 5: Sea Level Rise” for discussion relevant to this comment. Please see Draft EIR Tables 3.5-8 and 3.5-9 for acreages of sea level rise adaptation footprints and transportation project footprints within each habitat type, and Draft EIR pages 3.5-9 through 3.5-21 for a discussion of special status species in each habitat type that may potentially be affected by impacts to such habitat.

85-35

Implementation of Plan Bay Area 2050 would result in potential direct and indirect impacts from transportation projects, sea level rise resiliency infrastructure, and land use development projects developed consistent with the Plan. Therefore, the analysis presented in the Draft EIR identifies and focuses on the significant direct and indirect environmental effects from the adoption and implementation of the proposed Plan, including those related to sea level rise and the integration of

sea level rise infrastructure projects into the proposed Plan. The analysis considers the short-term and long-term effects of the proposed Plan based on construction and operational assumptions.

The impact discussion for designated critical habitat on page 3.5-41 describes potential indirect impact mechanisms, including introduction of night lighting, increases in ambient noise levels, and introduction of invasive species and predators. As described in Mitigation Measure BIO-1(b), on pages 3.5-43 and 3.5-44 of the Draft EIR, project-level coordination with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries would be required to determine the need for further mitigation, consultation, or permitting. While the exact acreage of impact is not known at this time, because of the programmatic nature of the Draft EIR, sufficient mitigation is included to reduce direct and indirect impacts on designated critical habitat to less than significant at the project level.

85-36

This comment requests analysis of indirect impacts on the Sacramento–San Joaquin Delta and salmonids in rivers related to future increased water demand from forecasted population growth. Impacts resulting from construction and operations of transportation and land use development on Riverine habitats are evaluated on pages 3.5-44 through 3.5-47 of the Draft EIR. The Draft EIR acknowledges that this development could impact habitat directly and indirectly. Thus, these impacts are analyzed in the EIR. Please see also Response to Comment 41-7. For a discussion relevant to the impacts of sea level rise on the project or its residents or users, please see “Master Response 5: Sea Level Rise.”

85-37

This comment states Mitigation Measure BIO-1(b) is not mitigation. Mitigation Measure BIO-1(b) requires coordination between project proponents and USFWS and NOAA Fisheries to determine whether formal consultation or permitting is required. It requires compliance with all local regulations and policies, including applicable habitat conservation plans/natural community conservation plans. Additionally, it requires implementation of Mitigation Measure BIO-1(a). Mitigation Measure BIO-1(a) requires, in part, biological assessments and biological surveys be performed and a habitat compensation plan be prepared to address unavoidable direct impacts to special status plant species. The habitat compensation plan contains detailed measures to ensure mitigation will be effective.

Projects taking advantage of the CEQA streamlining provisions of SB 375 must apply Mitigation Measure BIO-1(b) to address site-specific conditions. Moreover, Mitigation Measure BIO-1(b) is tied to existing regulations that are law and binding on responsible agencies and project sponsors. Thus, future projects must commit to these measures. Courts have repeatedly approved of and upheld mitigation measures similar to the above when there is a commitment or requirement to implement them (See *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275-1276; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945-947; see also *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.). CEQA does not restrict consideration of regulatory requirements as mitigation, so long as these requirements meet the definition of mitigation (avoids, minimizes, rectifies, reduces, or compensates for an impact; see Guidelines Section 15370).

85-38

See response to comment 85-37. Analysis of the potential impact is included in Draft EIR pages 3.5-40 through 3.5-43. See Draft EIR section 3.1, “Approach to the Analysis,” for a discussion of the methodology used to determine the significance of impacts and the formulation of applicable mitigation measures. While the comment expresses skepticism that the mitigation is sufficient to reduce impacts to less than significant, no information is provided in the comment that refutes the

conclusions of the Draft EIR. Moreover, because the EIR covers potential development throughout the entire nine-county, 101-city Bay Area, the programmatic nature of the mitigation is not considered deferral. Performance standards are included, and where uncertainty exists, the EIR acknowledges that impacts may be significant (and unavoidable) after mitigation. See also Response to Comments 85-35 and 85-39.

85-39

See Response to Comment 85-35. As described on page 3.5-45, proximity of project footprints to mapped wetlands and waters provides only a coarse indicator of actual impacts. Specific detail regarding the location of projects and project-specific details are not known at this time and the Draft EIR therefore provides a programmatic analysis. The impact discussion for State- and federally protected wetlands on page 3.5-46 describes potential indirect impacts, including stormwater runoff and sedimentation, and clarifying details regarding indirect impacts on wetlands resulting from sea level rise adaptation infrastructure have been added to the discussion on pages 3.5-46 and 3.5-47 (see Response to Comment 85-8).

As described in Mitigation Measure BIO-2, on pages 3.5-48 through 3.5-50 of the Draft EIR, a biological resource assessment would be required at the project level to determine whether impacts on wetlands would occur. While the exact acreage of impact is not known at this time sufficient mitigation in the form of performance standards is included to reduce direct and indirect impacts on State- and federally protected wetlands to less than significant at the project level.

85-40

This comment states that “jurisdictional waters” is not a habitat type and that the Draft EIR needs revision to address loss of habitat types. The “Wetlands” section of the “Environmental Setting” section on pages 3.5-18 through 3.5-20 of the Draft EIR includes a section regarding jurisdictional waters. This section describes the definition of jurisdictional waters and the regulations that apply to these resources. The “Wetlands” section also includes detailed descriptions of coastal marsh and estuaries and freshwater emergent wetlands. Impact BIO-2, on pages 3.5-44 through 3.5-50, addresses impacts on State- and federally protected wetlands by qualitatively analyzing impacts on seven wetland habitat types based on National Wetlands Inventory mapping: estuarine and marine deepwater, estuarine and marine wetland, freshwater emergent wetland, freshwater forested/shrub wetland, freshwater pond, lake, and riverine.

85-41

See Response to Comment 85-37. Analysis of the potential impact is included in Draft EIR pages 3.5-44 through 3.5-48. See Draft EIR section 3.1, “Approach to the Analysis,” for a discussion of the methodology used to determine the significance of impacts and the formulation or applicable mitigation measures. Mitigation Measure BIO-2 includes numerous measures in addition to compliance with existing state and federal laws. As stated on Draft EIR page 3.5-50, these measures would require that sensitive habitat (e.g., jurisdictional waters, sensitive natural communities) 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 results in no net loss of sensitive habitats and meets applicable regulatory requirements. The establishment of performance standards, such as no net loss of sensitive habitats, is considered mitigation under CEQA. This impact analysis and discussion are sufficient, and no revisions or additions are needed.

85-42

This comment states that indirect impacts on connectivity and essential connectivity areas (ECAs) should be addressed. See Response to Comment 107-10 for a discussion relevant to indirect impacts to connectivity. Impact BIO-3 evaluates the impact of the proposed Plan on connectivity and movement of wildlife species. As noted therein, ECAs are not regulatory designations, are mapped at a statewide level, and do not include a large degree of detail regarding the needs of particular species and ecological processes. The Draft EIR concludes that the proposed Plan's land use development and ongoing operations, sea level rise adaptation infrastructure, and transportation projects would all have potentially significant impacts related to connectivity. Mitigation Measures BIO-3(a) and BIO-3(b) address these impacts. In particular, MM BIO-3(a) requires implementing agencies to prepare detailed analyses for specific projects affecting ECAs, and implement mitigation to reduce those impacts. Implementation of this mitigation would reduce these impacts to a less-than-significant level. However, because MTC and ABAG cannot require local implementing agencies to adopt this mitigation the impact is considered significant and unavoidable. This analysis on pages 3.5-50 through 3.5-55 encompasses both direct and indirect impacts of the proposed Plan, including those stated in the comment.

See also Draft EIR pages 3.14-37 through 3.14-43 for a discussion relevant to the impacts related to electrical power and water supply infrastructure and Draft EIR pages 3.14-49 through 3.14-52 for a discussion relevant to impacts related to solid waste infrastructure.

85-43

The commenter notes that the sea level rise projections near the top of page 3.6-2 should be updated. The revisions to the sea level rise projections are presented in Chapter 3, "Revisions to the Draft EIR." The update does not alter the conclusions with respect to the significance of any environmental impact, because as stated on page 3.6-39, "[t]he proposed Plan's sea level rise adaptation infrastructure is not anticipated to generate or emit greenhouse gas emissions during operation."

The first full paragraph on page 3.6-2 is revised as follows (new text is underlined, deleted text is shown in ~~strikeout~~):

"IPCC predicts that the global mean surface temperature increase by the end of the 21st century (2081–2100), relative to 1986–2005, could range from 0.5 to 8.7 degrees Fahrenheit. Additionally, IPCC projects that global mean sea level rise will continue during the 21st century, very likely at a faster rate than observed from 1901 to 2015~~1971 to 2010~~. By 2100 ~~For the period 2081–2100 relative to 1986–2005~~, the rise will likely range from 18.10 to 33.32 inches (0.480-26 to 0.840-82 meters) (IPCC 2019:323-4 ~~IPCC 2014:10, 13~~)."

See "Master Response 5: Sea Level Rise" for discussion related to this comment.

85-44

Please see "Master Response 5: Sea Level Rise" for discussion related to the comment.

85-45

The commenter states that the table should be recalculated to show the vulnerability of potential development. The proposed Plan analyzes the effectiveness of all 35 strategies proposed as a part of the Plan, including the strategy "Adapt to Sea Level Rise." The analysis identifies the percent of land areas that will be inundated with and without potential adaptation measures. Please see page 59 of the Draft Plan Bay Area 2050 Forecasting and Modeling Report for more information related to this comment. Table 3.6-4 accurately describes what it displays, projected sea level rise inundation zones

by County in 2050, and does not imply that it shows the distribution of development areas or other data the comment suggests, and therefore is not misleading.

85-46

This comment raises an issue related to environmental effects impacting the proposed Plan's forecasted land use development pattern, sea level rise adaptation infrastructure, and transportation projects and programs. As explained in "Master Response 5: Sea Level Rise" the effects of the environment on a project are generally outside the scope of CEQA.

85-47

With respect to indirect impacts, high global warming potential (GWP) gases and large stationary sources area were excluded from the EIR because they are regulated by CARB. Agricultural emissions were also excluded as MTC does not have regulatory control over these sources. CARB's Short-Lived Climate Pollutants (SLCP) strategy oversees the regulation of high GWP gases, such as in the regulation of high GWP content in consumer refrigerants. Emissions from large stationary sources are regulated through CARB's cap-and-trade program. Both the SLCP strategy and the cap-and-trade program are key strategies under CARB's Climate Change Scoping Plan, which accounts for growth in the entire state in addition to these regulations in meeting the State's GHG reduction goals.

85-48

The commenter states that construction related GHG impacts must be found significant and unavoidable at the plan level because they will not be reduced to zero. This is reflected in the Draft EIR. Though Mitigation Measure GHG-1 provides several measures to avoid or minimize construction related GHG measures (Draft EIR, p. 3.6-42), the conclusion discloses that even if these measures were adopted by implementing agencies, there is no guarantee that construction related GHG impacts would be reduced to less than significant levels, i.e., net zero. (Draft EIR, p. 3.6-43.) Accordingly, the Draft EIR concludes this impact would be significant and unavoidable, as the comment states it must. (*Ibid.*)

The commenter is correct in stating that construction emissions cannot be reduced to zero and that there are no requirements to offset these emissions. There are currently no GHG offset programs in place at Bay Area Air Quality Management District, Northern Sonoma County Air Pollution Control District, or Yolo-Solano Air Quality Management District that would require the offset of construction emissions. However, GHG offsets can be purchased through private offset markets on a voluntary basis.

85-49

The commenter suggests that Tables 3.6-10, 3.6-11, 3.6-13, and 3.6-14 do not address current energy use trends and regulations. This interpretation is incorrect because the current modeling tool used for the analysis takes into account changes in the future use of electric vehicles and other projected changes in energy use. Land use emissions for the analysis use the latest available Title 24 standards, released in 2020. Please see page 3.6-33 of the Draft EIR, under the subheading "Method of Analysis," for more information on land use emissions assumptions. Motor vehicle assumptions were calculated using the most up-to-date CARB Emission Factor (EMFAC) model, released in 2021, and additional analysis consistent with guidance from CARB. Please see page 3.6-34 of the Draft EIR for additional information on these motor vehicle assumptions, under the subheading "Motor Vehicle Emissions." As noted on Draft EIR page 3.6-39, improved building energy efficiency standards and increased renewable energy sources for electricity would reduce future GHG emissions from new land use. Note that information in the column labeled "Net Change in Activity" does not indicate a reduction in electricity use, but information in the column labeled "Net Change in MTCO₂e/year between 2015-2050" indicates a decrease, in part because of the reasons noted above.

85-50

The CEQA statutes that authorize tiering for later transit priority projects consistent with the RTP/SCS specifically contemplate future environmental review incorporate “feasible” mitigation measures, as do the Guidelines for tiering from program EIRs. (See Public Resources Codes section 21155.2. (a) [A transit priority project that has incorporated all *feasible* mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081, shall be eligible for [streamlined environmental review]”]; see also CEQA Guidelines section 15168, subdivision (c)(3) [“[a]n agency shall incorporate *feasible* mitigation measures and alternatives developed in the program EIR into later activities in the program.”]) As such, the Draft EIR properly requires implementation of “feasible” mitigation.

The analysis in the Draft EIR complies with MTC and ABAG’s obligation to disclose potential impacts and identify feasible mitigation measures. Because details related to the location, size, design, or setting of specific projects are unknown and cannot be known such that a meaningful evaluation could occur at this time, the Draft EIR provides a programmatic analysis of impacts. The EIR discloses a menu of potential mitigation measures that could be applied at the project-level; however, for the reasons stated above, MTC acknowledges that application of such measures would be the responsibility of the lead agency conducting environmental review under CEQA. As a result, there is inherent uncertainty in the degree of mitigation that would ultimately be implemented to reduce potentially significant impacts identified in the Draft EIR. Consequently, the Draft EIR acknowledges this in its post-mitigation significance conclusions (i.e., concluding that feasible mitigation may not be sufficient) and discloses that potentially significant environmental impacts may be unavoidable, where appropriate. (See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 865-867 [with respect to mitigation measures of uncertain effectiveness, a lead agency must identify and explain the uncertainty].) If a potentially significant environmental effect cannot be feasibly mitigated with certainty, the Draft EIR identifies it as potentially significant. Mitigation Measure LU-1 includes an additional measure in cases where it has been determined that it is infeasible to avoid creating a barrier in an established community. As discussed under “significance after mitigation,” because project sites are unique, it cannot be concluded with certainty that all potentially significant divisions of established communities could be avoided, and this impact was identified as significant and unavoidable.

85-51

The commenter takes a position that implementation of the Plan would be growth inducing. MTC and ABAG disagree with this conclusion, and the EIR substantiates that the Plan is growth accommodating. The actions and decisions necessary to effectuate the land use components of the Plan lie solely with regional cities and counties through their land use authority. MTC and ABAG have no land use authority. The potential for the proposed Plan to induce growth is discussed in Section 5.3 of the Draft EIR, “Growth-Inducing Impacts.” As stated in the section, “forecasted growth would be accommodated and managed, [and] the proposed Plan is not growth-inducing overall; rather, it reflects the regulatory mandate to house the forecasted population” (beginning on the last line of page 5-7 of the Draft EIR). This section also addresses the potential of the proposed Plan to eliminate obstacles to population growth. This analysis indicates that (second to last paragraph on page 5-8 of the Draft EIR):

[i]n summary, the roadway investments of the proposed Plan are located and sized to achieve more sustainable forecasted growth. While obstacles to growth would be removed by providing more capacity in some instances, this growth is forecasted. In addition, sea level rise infrastructure has been planned to protect existing shoreline communities affected by sea level rise.

As discussed in Section 5.3 of the Draft EIR, “Growth-Inducing Impacts,” the proposed Plan accounts for growth forecasted to occur through 2050 and makes assumptions about location and design that promote regional environmental benefits. Growth is not under the authority or control of MTC or ABAG (see the “Summary” section on page 5-9 of the Draft EIR).

See also “Master Response 1: Regional Growth Forecast” for discussion related to this comment.

85-52

Increased aircraft noise effects on regional growth under the Plan are addressed in Impact NOISE-4. Specifically, the third paragraph on page 3.12-38 states:

However, given the regional scale of the proposed Plan and the high level of projected development throughout the region, it is possible that the Plan's forecasted land use development pattern could result in exposure to exterior and interior noise levels from existing airports or airstrips that exceed applicable thresholds. There would be a potentially significant (PS) impact resulting from excessive airport noise levels if projected development were to occur in close proximity to existing airports or airstrips that would require mitigation.

Additionally, single-event noise impacts are addressed in the second paragraph on page 3.12-38:

In addition to consideration of exterior CNEL noise levels, increases in interior noise levels near airports have the potential to result in sleep disturbance at nearby sensitive land uses. In accordance with FICAN guidance, aircraft-generated interior single-event noise levels of 65 dBA could result in a 5-percent or less chance of awakening someone.

Please refer to Response to Comment 85-15 for additional discussion of noise impacts from aircraft.

85-53

The comment states that Table 3.14-5 shows that the remaining capacity of the Redwood Road Landfill exceeds the total capacity of the landfill, which is inaccurate. As shown in column seven of Table 3.14-5, the Redwood Road Landfill currently has 136 percent more capacity to accommodate new solid waste. Column five of Table 3.14-5 summarizes the existing capacity of the various landfills operating within the proposed Plan area, not the total capacity. The data in the table was sourced from the California Department of Resources Recycling and Recovery, which constitutes the best available data.

85-54

As explained in “Master Response 1: Regional Growth Forecast” the EIR evaluates the impacts of the regional growth forecast. Chapter 3 of the Draft EIR addresses the development pattern proposed under the proposed Plan to accommodate the regional growth forecast. The development pattern includes a footprint in which development would occur, including infrastructure improvements necessary to address projected growth. Direct and indirect impacts associated with the proposed Plan are discussed throughout Sections 3.2 through 3.15 of the Draft EIR.

UWMPs are adopted by urban water suppliers to ensure that available water supplies are adequate to meet their customers' existing and future demands. (See Water Code, Sections 10631 and 10632.) Although the proposed Plan accommodates the forecasted regional population and economic growth overall, its growth patterns do not necessarily align with local planning assumptions; nor do they distribute growth evenly throughout the region (Draft EIR, p. 3.14-44). This means that growth in some areas may exceed the level of growth assumed within the boundaries of existing UWMPs. See Response to Comment 76-2 regarding impacts that are speculative in nature, and the *Urban Water Management Plan Guidebooks 2020* guidance on water supply characterization.

See “Master Response 3: Water Supply” for more information related to this comment.

85-55

The commenter addresses the organization of Impact PUF-1 and points out a mislabeling of a discussion. Regarding the discussion of construction impacts under the “Operation” subheading, the text of Impact PUF-1 on page 3.14-38 is corrected to add “Construction” as a separate heading as follows (new text shown in underline):

Construction

Environmental impacts could occur from both construction and the conversion of undeveloped land to accommodate new, expanded, or relocated water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. The construction process could result in environmental impacts related to air quality, greenhouse gas emissions, hazardous materials, stormwater runoff, cultural and tribal cultural resources, and noise. Moreover, it may be necessary to relocate existing electrical, natural gas, and telecommunication infrastructure if the proposed Plan's development pattern would require re-routing infrastructure. It is foreseeable that the removal or relocation of this infrastructure could result in potentially significant construction impacts related to aesthetics, agriculture and forest land, air quality, greenhouse gas emissions, hazardous materials, emergency response or evacuation plans, wildfire, stormwater runoff, cultural resources, and noise.

85-56

Regarding sea level rise, please see discussions under “Sea Level Rise” in Draft EIR Section 3.6, “Climate Change, Greenhouse Gases, and Energy.” The discussions describe the estimated extent of sea level rise expected to occur as a result of climate change. As discussed in Draft EIR Chapter 2, “Project Description,” the proposed Plan has integrated the issue of sea level rise-caused inundation and identifies a strategy to adapt the shoreline of the San Francisco Bay. Environmental strategy EN1, “Adapt to Sea Level Rise,” was included to protect shoreline communities affected by sea level rise by identifying a series of adaptation infrastructure strategies. Archetype adaptation infrastructure was identified for regularly inundated shoreline areas. Archetypes include elevated roadways, a variety of levees, seawalls, tidal gates, and marsh restoration. These archetypes include both green (i.e., natural) and gray (i.e., human-made) infrastructure. The proposed Plan includes strategies to protect infrastructure against future sea level rise, and future resiliency projects would be conducted by the operators/owners of the infrastructure and the lead agency for future approval of those projects would make a determination regarding the need for additional environmental review at the time of approval. For a discussion of the impacts of sea level rise on the project or its residents and users, please see “Master Response 5: Sea Level Rise.”

85-57

The comment inquires about impacts on utilities from transportation projects. Transportation projects constructed and operated under the proposed Plan would not induce new water demand requiring the construction of new water treatment facilities. Stormwater and communications infrastructure impacts are addressed under Impact PUF-1 on pages 3.14-37 through 3.14-43 of the Draft EIR. Natural gas and electrical infrastructure impacts are discussed on page 3.14-40 of the Draft EIR, which notes that operation of transportation projects could result in the relocation of natural gas and electrical infrastructure in addition to communications infrastructure. While Impact PUF-1 appropriately addresses potential impacts to utilities, the language in the discussion could be clarified. Therefore, the text on page 3.14-41 is revised to read as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

Conclusion

Potential impacts on water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities would occur primarily from the land use development pattern that would result from implementation of the proposed Plan and increased electricity demand related to electrification of the transportation fleet. Relocation impacts on electrical, natural gas, and telecommunications infrastructure could occur from transportation projects. Stormwater impacts from transportation projects would only be expected to occur in the case of a combined stormwater and wastewater conveyance system. Development outside of urbanized areas could require the construction of new stormwater drainage systems, and this impact would be potentially significant. Transportation projects that aren't subject to Caltrans NPDES Stormwater Regulations or in areas lacking adequate stormwater drainage capacity or hardened sea level rise adaptation infrastructure could result in impacts that would be potentially significant. Additionally, implementation of the proposed Plan may require new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities or the relocation of existing facilities. The construction or relocation of these facilities may have effects related to construction and to conversion of undeveloped land. Therefore, these impacts would be **potentially significant (PS)**. Mitigation Measures PUF-1(a) through PUF-1(f) address these impacts and are described below.

85-58

The comment provides feedback on certain language used in the mitigation measures recommended for the proposed Plan. The Draft EIR includes mitigation for water supply, drainage, and sewer infrastructure impacts. As noted on Draft EIR page 3.14-43, implementation of Mitigation Measure PUF-1(a) would reduce impacts associated with exceeding existing water and wastewater treatment capacity because application of such mitigation would require that land use and transportation projects comply with project-level CEQA review and identify infrastructure improvements to ensure adequate capacity. Implementation of Mitigation Measures PUF-1(b), and PUF-1(c), and PUF-1(d) would reduce impacts associated with exceedances of existing stormwater drainage capacity because application of such mitigation would require that land use, sea level rise, and transportation projects comply with project-level CEQA review, incorporate on-site stormwater control practices, and develop and implement stormwater management plans or stormwater control design features. Additionally, implementation of Mitigation Measures PUF-2(a), PUF-2(b), and PUF-2(c) would lower water demand and wastewater generation, thus reducing the potential need for facilities. Mitigation Measure PUF-3 requires that project-specific design and CEQA review projects for wastewater treatment capacity and coordinate with service providers to accommodate increased demand, or provide infrastructure improvements. See Response to Comment 85-18 regarding the feasibility of implementing mitigation measures in the EIR.

As further discussed in Response to Comment 85-5, the CEQA statutes that authorize tiering for later transit priority projects consistent with the RTP/SCS specifically contemplate future environmental review incorporate "feasible" mitigation measures, as do the Guidelines for tiering from program EIRs. (See Public Resources Codes section 21155.2. (a) [A transit priority project that has incorporated all *feasible* mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081, shall be eligible for [CEQA streamlined environmental review]"];]"; see also CEQA Guidelines section 15168, subdivision (c)(3) ["[a]n agency shall incorporate *feasible* mitigation measures and alternatives developed in the program EIR into later activities in the program."].) As such, the Draft EIR properly requires implementation of "feasible" mitigation.

The fact that measures require coordination with relevant service providers does not mean that they fail to assure mitigation will occur. (See CEQA Guidelines 15091, subdivision (a)(2) [acceptable findings for projects that involve significant and unavoidable impacts include that mitigation is under the responsibility and jurisdiction of another public agency and not the agency making the approval and such measures have been, or can and should be, adopted by such other agency].) Mitigation Measures PUF-1(a), PFU-2(a), and PUF-3(a), which require coordination, also require that the appropriate agencies ensure existing services, supplies, and capacity exists or is planned, and if it is not adequate, project sponsors must ensure infrastructure improvements are identified and the relevant service provider must undertake the appropriate level of CEQA review. The discussion for Impact PUF-3 finds that impacts related to wastewater capacity would be mitigated to less than significant if all feasible mitigation is implemented because it requires that land use and transportation projects comply with project-level CEQA review and incorporate on-site water conservation strategies, which would reduce the generation of wastewater. (Draft EIR, p. 3.14-49.) The discussion for Impact PUF-3 acknowledges that wastewater capacity impacts must be considered significant and unavoidable for purposes of the program level review because MTC and ABAG cannot require adoption of specified mitigation measures. (*Ibid.*)

The discussions for Impact PUF-1 and PUF-2 explain that it is uncertain whether the provided mitigation measures would reduce impacts to less than significant. (Draft EIR, p. 3.14-43, 3.14-46; see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 865-867 [with respect to mitigation measures of uncertain effectiveness, a lead agency must identify and explain the uncertainty].) Accordingly, it is appropriate for Mitigation Measure PUF-1(e) to require "consideration" of onsite electrical and storage systems because the Draft EIR discloses that it is uncertain whether mitigation will reduce impacts to less than significant.

See Response to Comment 9-6 for a discussion on the validity of Travel Model 1.5. Similarly, regarding emission modeling, further technical documentation on CARB's EMFAC model can be found at the following link, <https://content.govdelivery.com/accounts/CARB/bulletins/2d48287>. While a range of error of the EIR's VMT model and GHG model outputs is not available, the modeling tools used to evaluate the proposed Plan are appropriate because they have been extensively reviewed by federal and State agencies.

85-59

The commenter requests information regarding individual TDM measures in Strategy EN09. The TDM initiatives explicitly analyzed in the proposed Plan are bike sharing, car sharing, vanpools, parking fees, and targeted transportation alternatives, an outreach and incentive program to encourage shifting trips to more sustainable modes. While the VMT reductions per strategy are not disclosed in the Draft EIR, Table 3.6-14 of the Draft EIR discloses the effectiveness of each TDM strategy in reducing on-road passenger vehicle emissions in 2035. As noted in the methodology, Travel Model 1.5 is not sensitive to the full range of strategies in the proposed Plan. As a result, the emissions reduction benefits of Strategy EN09 are calculated off-model consistent with guidance from CARB. The analysis methodology and the per-capita greenhouse gas emission reduction percentages of each of these strategies, along with MTC and ABAG's implementation activities, are described in the Draft Plan Bay Area 2050 Forecasting and Modeling Supplemental Report pages 104 to 125. Unlike the other Strategy EN09 TDM initiatives, parking fees are incorporated into the travel model.

85-60

As further discussed in Response to Comment 85-5, the CEQA statutes that authorize tiering for later transit priority projects consistent with the RTP/SCS specifically contemplate that future environmental review will incorporate "feasible" mitigation measures, as do the Guidelines for tiering

from a program EIR. (See Public Resources Codes section 21155.2. (a) [A transit priority project that has incorporated all *feasible* mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 2108], shall be eligible for [CEQA streamlined environmental review]"]; see also CEQA Guidelines section 15168, subdivision (c)(3) ["[a]n agency shall incorporate *feasible* mitigation measures and alternatives developed in the program EIR into later activities in the program."].) As such, the Draft EIR properly requires implementation of "feasible" mitigation.

While Mitigation Measure TRA-2(a) requires MTC to "work with" state and local agencies to implement the Plan and reduce regional VMT, the measure does not violate CEQA. The Draft EIR consistently discloses that local jurisdictions retain authority over future land use development. As indicated by the mitigation measure, MTC and ABAG must work with local jurisdictions to ensure the proposed Plan is implemented, they have no authority to mandate implementation. Further, the discussion for Impact TRA-2 explains that even with implementation of Mitigation Measure TRA-2(a)-(c), it is uncertain whether the regional reductions necessary to attain statewide 2050 targets would be achieved; accordingly, it determines the impact would be significant and unavoidable. (Draft EIR, pp. 3.15-30 to 3.15-31; see *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 865-867 [with respect to mitigation measures of uncertain effectiveness, a lead agency must identify and explain the uncertainty].)

85-61

See Response to Comment 85-3, regarding concerns related to the project objectives.

85-62

An evaluation of how the proposed Plan and Plan alternatives would meet the project objectives is presented in Section 4.7 of the Draft EIR, "Ability to Meet Project Objectives." The information presented in that section is based on the Draft Plan Bay Area 2050 Performance Report, which evaluated the direction, magnitude, and diversion of change of the proposed Plan and Plan alternatives.

The proposed Plan is a stand-alone plan, rather than an update to Plan Bay Area 2040. It includes a different development pattern based on changed conditions and reevaluated objectives and a different growth forecast. Strategies have been changed, and a new strategy to adapt to risks of sea level rise has been added, which is a substantial change from the previous plan. Nor is evaluation of the effectiveness of the previous plan required. Federal law simply requires the plan be updated every four years, and state law requires that, if implemented, the proposed Plan would meet the region's GHG emission reduction target and house all economic segments of the population. The proposed Plan satisfies these requirements. The integrated Priority Development Area/One Bay Area Grant Assessment, which was presented to the Programming and Allocations Committee at its July 2021 meeting, presented an assessment of its effectiveness.

85-63

The proposed Plan is composed of 35 integrated strategies across the 4 elements that provide a blueprint for how the Bay Area can accommodate future growth and make the region more equitable and resilient in the face of unexpected challenges and achieve regional GHG emissions reduction targets established by the California Air Resources Board (CARB) pursuant to SB 375. Cities and counties, not MTC or 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" (Government Code Section

65080(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 (Public Resources Code Section 21155(a) (emphasis added)). The land use portion of the proposed Plan will be implemented only insofar as local jurisdictions act upon the Plan’s policies and recommendations. Please see “Master Response 1: Regional Growth Forecast,” “Master Response 4: EIR Alternatives,” Response to Comment 85-64, and Draft EIR pages 5-5 to 5-9 for discussions relevant to this comment.

85-64

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. Accordingly, the proposed Plan and Plan alternatives are designed to accommodate the same growth in jobs, as well as population and households. An alternative that adjusted the forecast to assume less business and employment growth would not be a potentially feasible alternative that contributes to a reasonable range of alternatives. Please also see “Master Response 4: EIR Alternatives.”

85-65

An EIR is required to identify and assess feasible alternatives that would lessen a project’s significant impacts (Public Resources Code Section 21002). The EIR must consider a “reasonable range of potentially feasible alternatives,” and “[t]here is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason” (CEQA Guidelines Section 15126.6).

The Draft EIR states that the alternatives listed in Sections 4.2.4, 4.2.9, and 4.2.11 were not considered further because they were expected to perform similar to the proposed Plan or alternatives evaluated and therefore would not contribute to a reasonable range of alternatives.

“When an EIR discusses a reasonable range of alternatives sufficient to foster informed decision-making, it is not required to discuss additional alternatives substantially similar to those discussed” (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 355.; see also CEQA Guidelines Section 15126.6(a) [“An EIR need not consider every conceivable alternative to a project.”]).

The Wildland-Urban Interface Avoidance Alternative (WUI Alternative), as suggested, would shift all growth geographies outside of the wildland-urban interface (WUI) zone. The Draft EIR concludes that this alternative would perform similar to the proposed Plan and the TRA Focus Alternative (Draft EIR, p. 4-7).

As with the WUI Alternative, the proposed Plan would have the effect of shifting development away from the WUI zone because the proposed Plan’s “core strategy” is to focus growth in “existing communities along the existing transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities.” The proposed Plan acknowledges that “there could be increased wildfire hazards if development expands into the wildland-urban interface” and addresses this issue by excluding very high and high fire hazard severity areas from the proposed Plan’s growth geographies (Draft EIR, p. 3.9-38). The growth geographies also explicitly exclude “locations within a county-adopted wildland-urban interface area” (Draft EIR, p. 2-35). The Plan’s environmental strategies also reduce ecological impacts because they “would limit new construction outside of existing development or areas otherwise suitable for growth and would protect high-priority natural lands (e.g., wildland-urban interface lands)” (Draft EIR, p. 3.5-36). Therefore, the WUI Alternative would perform similar to the proposed Plan.

Likewise, the TRA Focus Alternative would have the effect of shifting development away from the WUI zone because it would concentrate growth in areas that contain high-quality transit services (Draft EIR, p. 4-11). As high-quality transit services generally exist in urbanized areas, and not within the WUI

zone, the TRA Focus Alternative would have the effect of further shifting development away from the WUI zone. This would also further reduce ecological impacts. The TRA Focus Alternative would “result in a lesser area of land being converted from undeveloped to developed uses compared to the proposed plan” and therefore would have the potential to further reduce impacts on special-status species compared to the proposed Plan (Draft EIR, p. 4-37). Therefore, the WUI Alternative would perform similar to the TRA Focus Alternative.

For these reasons, the WUI Alternative would perform similar to the proposed Plan or the TRA Focus Alternative. Thus, the analysis supports Draft EIR’s determination to not to study this alternative further because it would not meaningfully add to the range of alternatives evaluated.

85-66

Please see Response to Comment 85-65 regarding the meaning of “perform” in the context of alternatives and for a discussion related to the comment. Please also see “Master Response 4: EIR Alternatives.”

The suggested Climate-Smart Alternative would “incorporate climate mitigation and adaptation measures into all proposed Plan strategies, including a focus on natural solutions for climate resilience” (Draft EIR, p. 4-8). The proposed Plan has a strong focus on climate mitigation, adaptation, and resilience, reflected in its 35 strategies. (See, for example, Draft EIR pages 2-9 and 2-10.) The proposed Plan’s environmental strategies “promote conservation, adaptation and climate mitigation” (Draft EIR, p. 2-9; see also Draft EIR, p. 2-2 [“the proposed Plan...details environmental strategies to invest \$102 billion in expected revenues to protect the region from at least two feet of future permanent sea level rise inundation, reduce climate emissions, and maintain and expand the region’s parks and open space system.”]). Nonetheless, the proposed Plan would result in a substantial and unavoidable impact with regard to GHG emissions (Draft EIR, Impacts GHG-1 and GHG-3, at pages 3.6-38 to 3.6-47).

The proposed alternative contains four strategies designed to reduce GHG emissions (Draft EIR, Appendix B, Letter of Together Bay Area, Save the Bay, and Greenbelt Alliance, p. 2]). One is to commit to net negative GHG emissions by 2030. However, the proposed Plan already accomplishes this for land use and transportation sources, resulting in a net reduction of more than 2,000,000 metric tons of carbon dioxide equivalent per year (MTCO₂e/year) by 2030 (Draft EIR, p. 3.6-42). By 2050, the proposed Plan would result in a net reduction for land use and transportation emissions of more than 4,000,000 MTCO₂e/year (Draft EIR, p. 3.6-42). Despite this, because construction emissions may not be reduced below baseline levels in all cases, the Draft EIR conservatively concludes that Impact GHG-1 is significant and unavoidable. (See Draft EIR, pp. 3.6-38 to 3.6-43.) Because the proposed Plan would largely achieve net reductions in GHG emissions by 2030—since GHG emissions from land use and transportation would be lower than the 2015 baseline—the proposed alternative would perform similar to the proposed Plan.

The proposed Plan would also result in a significant and unavoidable impact under Impact GHG-3 because it would not reduce target 2050 GHG emissions to 83 percent below 2015 levels and therefore would not meet targets under Executive Order S-3-05 and the 2017 Scoping Plan (Draft EIR, p. 3.6-46). CARB states that the Bay Area is not unique in this and anticipates that such a reduction would be extremely difficult absent additional State legislation and regulation (Draft EIR, p. 3.6-45). Meeting this target would require a GHG emission reduction of roughly 37,000,000 MTCO₂e/year by 2050, whereas the proposed Plan would reduce such emissions by only roughly 4,000,000 MTCO₂e/year, leaving a shortfall of roughly 33,000,000 MTCO₂e/year (*ibid*). Given the magnitude of the shortfall, the proposed alternative would not be expected to perform differently than the proposed Plan. Its strategies would not significantly reduce the 33,000,000 MTCO₂e/year shortfall, meaning it also would not meet the

Executive Order S-3-05 and 2017 Scoping Plan targets. Accordingly, the proposed alternative would not substantially reduce this significant and unavoidable impact.

Thus, the proposed Plan would perform similar to the suggested Climate-Smart Alternative. For these reasons and those stated in Response to Comment 85-65 and “Master Response 4: EIR Alternatives” the Draft EIR is not required to evaluate the Climate-Smart Alternative further.

85-67

Please see Responses to Comments 85-65 and 85-66 for a discussion of why the alternatives discussed in Sections 4.2.4 and 4.2.9 of Chapter 4, “Alternatives to the Proposed Plan” of the Draft EIR were not evaluated further.

The suggested alternatives listed in Section 4.2.11 were rejected because they are anticipated to perform similar to the proposed Plan or project alternatives. Many are variations of the proposed Plan or project alternatives. Because these suggested alternatives are not considerably different from the proposed Plan or project alternatives, they are not considered in further detail. Please see also “Master Response 4: EIR Alternatives” for further relevant discussion. For these reasons and those stated in Responses to Comments 85-65 and 85-66, the Draft EIR is not required to evaluate these suggested alternatives further.

The comment also states that the range of alternatives selected for further consideration is not adequate. The Draft EIR considered a reasonable range of alternatives to the proposed Plan, as explained in “Master Response 4: EIR Alternatives.”

85-68

Federal and State regulations require MTC as the Bay Area’s metropolitan planning organization to plan for a 20-year horizon using the most recent assumptions of population growth. Please see “Master Response 4: EIR Alternatives” and Response to Comment 85-64.

The proposed Plan seeks to invest in existing transit infrastructure serving existing communities, following the “Fix It First” commitment (Draft EIR, p. 3.15-19). Implementation of the proposed Plan would lead to a smaller share of workers across the region relying on autos to access work, and a larger share using bike and transit modes (Draft EIR, p. 2-29). It would also increase working from home (“telecommuting”) (Draft EIR, p. 2-29). The net impact of implementation of the proposed Plan’s transportation strategies would be an overall reduction in VMT per capita across the region relative to baseline conditions (Draft EIR, p. 3.15-27).

Furthermore, while there was strong public support for telecommuting strategies in the proposed Plan, concerns were also raised from businesses, elected officials, and transit agencies about economic impacts of telecommuting. See Response to Comment 18-1 for a discussion on telecommuting strategies.

The comment requests that the proposed Plan discourage the growth of jobs in general and housing in non-urbanized areas. Per statutory mandate, the proposed Plan must accommodate not only population growth, but also job projections. Accordingly, an alternative that did not accommodate the forecasted growth in jobs would be infeasible based on legal factors. (Guidelines section 15364.) The proposed Plan details how the region can accommodate the forecasted growth in population, households, housing units, and jobs, and shapes the projected growth using growth geographies (Draft EIR, p. 2-1). The core strategy of the proposed Plan is “focused growth” (Draft EIR, p. 2-1). The proposed Plan’s grow geographies “promote compact development in established communities with high-quality transportation access while placing less development pressure on the region’s vast and varied open spaces and agricultural lands.” (Draft EIR, p. 2-38). One of the proposed Plan’s strategies is also to maintain urban growth boundaries, “focus[ing] new development within the existing

footprint or areas otherwise suitable for growth, as established by local jurisdictions” (Draft EIR, p. 2-10). As such, the proposed Plan does address the comment’s concerns.

85-69

Please see “Master Response 4: EIR Alternatives.” As discussed below, the alternative proposed by this comment is not materially different from the proposed Plan or the alternatives examined in the Draft EIR and would not substantially reduce significant impacts of the proposed Plan. Therefore, it is not necessary to separately consider the proposed alternative.

“[T]he proposed Plan incorporates environmental strategies that would limit new construction outside of the existing development or areas otherwise suitable for growth and would protect high-priority natural lands (e.g., wildland-urban interface lands). These strategies include environmental corridors, stream conservation areas, and riparian buffers” (Draft EIR, p. 3.5-36). The Draft EIR also contains proposed mitigation to address impacts to protected species and their habitats, including to reconfigure project designs to avoid sensitive habitats (Draft EIR, p. 3.5-38). As such, these measures would serve to limit the amount of development and pavement in habitat areas. However, as MTC/ABAG cannot require local implementing agencies to adopt these measures, such impacts are found to be significant and unavoidable for purposes of the program-level review (Draft EIR, pp. 3.5-39 to 3.5-40). Even so, eliminating development within high-value habitat areas would not significantly reduce this significant and unavoidable impact, as the significance stems from a number of causes, not solely from development in high-value habitat areas (Draft EIR, p. 3.5-36).

Both the TRA Focus and HRA Focus Alternatives would reduce impacts to biological resources compared to the proposed Plan, including those related to species habitat and wetlands (Draft EIR, p. 4-82). Thus, the proposed alternative is not substantially different from those studied in the Draft EIR.

The proposed Plan does minimize the impacts of transportation systems by concentrating transportation projects along existing transportation corridors in areas of degraded habitat value due to past and ongoing disturbance (Draft EIR, p. 3.5-37). As such, the proposed Plan anticipates that habitat loss and fragmentation from transportation system impacts would be lower than if projects were entirely new construction or sited on previously undeveloped areas. (*Ibid.*)

Impervious surfaces, such as pavement, are also addressed by the proposed Plan, which “would guide the forecasted land use development pattern away from undeveloped locations... and this total acreage of potential development is largely within developed areas that may currently include impervious surfaces” (Draft EIR, p. 3.10-31). Automobile use as a percentage of commute trips would be reduced under the proposed Plan, whereas walking, biking, transit and other low- or zero-emission commute options are increased (Draft EIR, p. 2-29).

The proposed Plan currently incorporates nature-based sea level rise adaptation measures, making marsh restoration one of its five archetypes for sea level rise adaptation infrastructure (Draft EIR, p. 2-18).

Finally, the proposed Plan provides significant funding for protecting the environment. The proposed Plan allocates roughly \$100 billion in funding to its environmental strategies (Draft EIR, pp. 2-9 to 2-10). This includes \$15 billion to protect and manage high-value conservation land. (Draft EIR, p. 2-10).

85-70

Please see “Master Response 4: EIR Alternatives.” The TRA Focus and HRA Focus Alternatives are substantively different planning scenarios and are also different in terms of their impacts. The proposed Plan is composed of 35 integrated strategies across 4 elements (Draft EIR, p. 2-1). Discussion of the differences in strategies across the alternatives begins under sections 4.3.1, 4.3.2 and 4.3.3 of the Draft EIR. The TRA Focus and HRA Focus Alternatives each modify a substantial number of those strategies. The TRA Focus Alternative modifies 10 strategies and adds one strategy (Draft EIR, pp. 4-12 to 4-13).

Alternative 2 modifies 10 strategies and removes one (Draft EIR, pp. 4-13 to 4-14). As disclosed in the second paragraph under Section 4.3:

- ▲ “Similar to the proposed Plan, the alternatives are defined by a unique set of strategies across the four elements—housing, the economy, transportation, and the environment—to accommodate future growth. These differences in strategies result in different future conditions, including forecasted land use development pattern (“land use growth footprint”), sea level rise adaptation infrastructure (“sea level rise adaptation footprint”), and transportation projects and programs (“transportation projects footprint”).”

Furthermore, as stated on the second paragraph of Page 2-11 of the Draft EIR:

- ▲ The proposed Plan prioritizes these designated growth geographies to accommodate the regional growth forecast by applying a series of land use strategies (a subset of the housing, economic, and environmental strategies discussed in Section 2.2.2, “Proposed Plan Strategies”) to these select geographies to make individual parcels of land more attractive for both development and redevelopment. The proposed Plan uses the growth geographies and land use strategies to influence the forecasted development pattern by affecting the location, use, intensity, and density of forecasted development.

In the case of the TRA Focus and HRA Focus Alternatives, the TRA and HRA growth geographies are prioritized, respectively, to accommodate the regional growth forecast. The ensuing forecasted development patterns are differentiated by their location of growth (“growth footprint,” Draft EIR, Table 4-10) and the type and intensity of development summarized by the number of households (Draft EIR, Table 4-3) and jobs (Draft EIR, Table 4-6). Thus, contrary to this statement in the comment, the alternatives would be substantially different from one another and from the proposed Plan.

Table 4-34 (Draft EIR, p. 4-81 to 4-86) shows a comparison of the impacts of the proposed Plan and the alternatives. As the table shows, either of the two alternatives would affect, and generally reduce, most of the proposed Plan’s substantial unavoidable impacts. This is consistent with CEQA requirements that alternatives be evaluated that “substantially lessen [a Project’s] significant effects.” (Pub. Resources Code, Section 21002).

The impacts and impact reductions of the two alternatives would also differ from each other. The TRA Focus Alternative would result in less land use growth within toxic air contaminant risk areas, and therefore reduce the level of exposure of sensitive receptors to substantial pollutant concentrations, which is a significant and unavoidable impact under the proposed Plan (Draft EIR, p. 4-34). It would also reduce the impacts related to displacement of people and housing compared to the proposed Plan because it increases the amount of deed-restricted affordable housing (Draft EIR, p. 4-66). Alternative 2 does not accomplish either of these.

However, Alternative 2 would reduce the per capita GHG emissions more than the proposed Plan, due to the concentration of household and job growth in HRA areas (Draft EIR, p. 4-43). This leads to a reduction in impact GHG-3, which is significant and unavoidable under the proposed Plan (Draft EIR, p. 4-43). The TRA Focus Alternative would not accomplish this (Draft EIR, p. 4-42).

Please see Response to Comment 85-6 regarding analysis of indirect impacts relevant to this comment.

85-71

Please see “Master Response 4: EIR Alternatives” as well as Response to Comment 85-70, which addresses the differences between the proposed Plan and the alternatives considered in the Draft EIR, and Responses to Comments 85-64 to 85-69, for further discussion. As explained in those

responses, proposed and considered alternatives were not carried forward for further analysis for a number of permissible reasons, including:

- ▲ The suggested alternative would not meet most project objectives.
- ▲ The suggested alternative would be legally infeasible because it would not comply with statutory mandates.
- ▲ The suggested alternative would not reduce significant and unavoidable impacts of the proposed Plan.
- ▲ The suggested alternative is expected to perform similarly to the proposed Plan or to one of the studied alternatives.

85-72

It is unclear which comment is being referred to as being the same. Please see previous relevant responses.

85-73

It is unclear which comment is being referred to as being the same. Please see previous relevant responses.

85-74

See Response to Comment 85-4.

85-75

This comment requests that the loss of tidal wetlands be added as a significant and unavoidable impact of the Plan. See Response to Comment 108-6, regarding the Draft EIR's analysis of tidal wetlands. Tidal wetlands are addressed in Impact BIO-2. See Response to Comment 85-41.

85-76

The proposed Plan does not approve or entitle growth, nor does it remove constraints to growth. It is a framework under which forecasted regional growth can occur while meeting statutory obligations to house all economic segments of the population and achieve the region's GHG reduction targets. The proposed Plan does not supersede local land use authority, which is retained by cities and counties. To approve growth, or remove constraints to growth, approvals and entitlements must be made by local jurisdictions and accommodated by their general plans. Please see "Master Response 6: MTC and ABAG Roles and Authority" for additional relevant discussion.

The EIR evaluates the impacts of the regional growth forecast. Chapter 3 of the Draft EIR addresses the development pattern proposed under the proposed Plan to accommodate the regional growth forecast. The development pattern includes a footprint in which development would occur, including infrastructure improvements necessary to address projected growth. Direct and indirect impacts associated with the proposed Plan's development footprint are discussed throughout Sections 3.2 through 3.15 of the Draft EIR. Impacts related to infrastructure improvements for the forecasted growth are addressed in Chapter 3.14, in impact analyses Impact PUF-1 through Impact PUF4. (Draft EIR, pp. 3.14-37 to 3.14-52.)

85-77

As discussed in Section 5.4.1 of the Draft EIR, "Methodology," the proposed Plan is a cumulative plan by design and therefore the Draft EIR analyzes cumulative impacts throughout Sections 3.2 through 3.15 (see second paragraph page 5-10 of the Draft EIR). Nevertheless, Section 5.4 of the Draft EIR,

“Cumulative Impacts,” examines impacts associated with implementation of the proposed Plan, plus implementation of projected development for jurisdictions adjoining the Bay Area, to assess the potential for cumulative impacts from growth extending beyond the region. Population projections contemplated for adjoining jurisdictions (i.e., surrounding counties), is derived from the California Department of Finance (DOF), as indicated in the notes of Table 5-1. Chapter 7 of the Draft EIR, “References,” contains the full citation for this source. Reference material used to prepare the Draft EIR was available upon request from MTC during the public comment period as required by CEQA Guidelines Section 15087[c][5]).

The comment expresses concerns that the population projections are low. As noted above, population projection data presented in this Table are based on information provided by DOF at the time of release of the NOP. According to the DOF, the methodology used to develop population projections in California (DOF 2020):

The 2019 baseline projections incorporate the latest historical population, birth, death, and migration data available as of December 2019 for information through July 1, 2019. Historical trends from 1990 through 2019 for births, deaths, and migration are examined. County populations by age, sex, and race/ethnicity are projected to 2060.

The DOF acknowledges that projections were published before the COVID-19 pandemic and do not reflect possible effects on future economic and demographic trends. However, data shown in Table 5-1 represents the best information available at the time of release of the Draft EIR because they contain assumptions developed by the State Demographic Research Unit of DOF, which is the single official source of demographic data for state planning and budgeting (DOF 2021). Further, population projections from the State have not been updated as of September 2021, and thus, the data presented in the Draft EIR remain the best available data from DOF. The comment does not contain recommendations for alternate data sources to consider. Please see “Master Response 2: COVID-19 Pandemic Considerations.”

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

Letter
86

From: [holzemer/herandez](#)
To: [EIR Comments](#)
Subject: DEIR Comments on Plan Bay Area 2050/RHNA Allocation Process
Date: Monday, July 19, 2021 6:23:27 PM

External Email

Dear ABAG/MTC,

I find it extremely objectionable that ABAG is now proceeding with the Plan Bay Area 2050 process when the entire methodology that produced the Plan and its RHNA allocations does not even take into account the various State Codes that it has so clearly violated in this process since 2019.

86-1

It's unfortunate that ABAG has developed a Plan that focuses almost exclusively on the high jobs/housing growth on a small geographic region in the South Bay, known as Super District #9. Allocating this huge amount of growth to a single region is against one of the key principles or Objectives of this proposed Plan, as stated by your own ABAG Staff -- "support the creation of quality job opportunities for all . . . by **MORE EVENLY DISTRIBUTING JOBS AND HOUSING** in the Bay Area".

In addition, ABAG has shown little regard for following specific California State Codes during the preparation of this Plan. One of these codes specifically states -- the "regional governmental body should explore -- in **PUBLIC** Meetings -- alternative means for dealing with intraregional jobs-housing imbalances". However, despite repeated attempts from citizens to request that ABAG study such "alternative means" ABAG/MTC has failed to do so. In fact, with **no public discussion**, they said they not look further at one of their own identified controlled growth strategies -- the positive impacts of putting business caps on cities experiencing excessive growth.

86-2

Specific State Codes have been violated in this process and those should be followed before moving forward with this Plan. These code sections are:

1) Code Section 65584.04 (d) -- specifically points to the essential role of "public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of regional housing needs. Participation by organizations other than local jurisdictions and councils of government shall be solicited in a diligent effort". This has not been done, by any organization that represents the majority of homeowners and residents in Super District #9, that is most affected by your methodology process.

86-3

2) Code Section 65584(d) (3) -- which emphasizes "intraregional balances". In this section it states that the Plan should promote the following Objective: "Promoting an improved intraregional relationship between jobs and housing." This was not done, either in the development of this entire Plan.

3) Code Section 65890.5 -- has been clearly violated as well. It specifically states that HCD must prepare and distribute a **GUIDEBOOK** that would present "methodologies for measuring the balance of jobs and housing" and identify "incentives which local, regional -- including ABAG -- and state agencies may offer the private sector to encourage developments

which facilitate an improved balance between employment and residential uses". Where is such a "guidebook"?

Beyond the Code violations -- which should halt this process immediately -- I ask why does ABAG and HCD continue to rely so heavily on it's own in-house models (REMI and Bay Area Urban Sim) when it is so clear that these models have produced striking errors in the location of job concentrated growth during the period of 2010-2018, without any clear or open **PUBLIC DISCUSSION** about the model assumptions and characteristics?

ABAG should disclose and identify when "alternative methods of dealing with intraregional jobs-housing imbalances" were discussed in **open, public** sessions. And why has been no public discussion on the benefits flowing to large businesses because of this concentrated growth while the continual cost burden is so severe on local residents. Business needs to pay its fair share and ABAG and the State refuse to hold them accountable for this uncontrolled growth in jobs. They need to bare the burden of building housing for their own workers, not the tax-paying residents.

I would be remiss if I didn't also mention the so-called Plan Bay Area 2050 "public outreach" that ABAG did throughout my own city, Palo Alto. It was NONE. At no time, did ABAG hold any public discussion or meeting on PBA 2050, They did feature a bunch of "pop-ups" booths at several local farmers markets and libraries in the area, but it was not at convenient times for most residents who work during the day and with very little public notification. I attended two of them and observed what the representatives did -- it wasn't practically nothing besides handing out "sticky notes" to folks. It was a total joke and you should be ashamed of what happened at those "pop-ups". At no time, did residents get an real understanding of PBA 2050 or how it would impact their lives. Public outreach was again -- worthless to the communities most affected.

I request that ABAG reject the current methodology model and work with the community -- with much more public involvement -- for a much better future for our entire Bay Area region.

Sincerely,

Terry Holzemer

[Redacted]

Palo Alto, CA 94306

[Redacted]

86-3
cont.

Letter 86
Terry Holzemer
July 19, 2021

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

86-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. See Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed. Please see Draft EIR pages 4-94 to 4-95 for a discussion of how the proposed Plan would satisfy Objective 7: Support the creation of quality job opportunities for all and ample fiscal resources for communities by more evenly distributing jobs and housing in the Bay Area and by enabling the regional economy to thrive.

86-2

See Response to Comment 86-. Please see also Response to Comment 8-1 for discussion related to public outreach conducted for the preparation of the proposed Plan and Draft EIR.

86-3

See Response to Comment 86-1. See also Response to Comment 86-2 for a discussion on public outreach conducted for the proposed Plan and Draft EIR.

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

Letter
87

From: [Margaret Kallman](#)
To: [EIR Comments](#)
Subject: Public Comment on Plan Bay Area 2050
Date: Monday, July 19, 2021 1:55:11 PM

External Email

Dear MTC/ABAG,

CA Gov't Code requires your Process to hold Public Meetings to explore alternative means of dealing with housing-jobs imbalances - BUT MTC/ABAG has failed to fulfill this obligation, despite formal documented requests to do so by citizens affected by your proposed Plan.

Of the Substance, Content of your proposed Plan 2050:
ABAG's earlier Plan 2040 vastly under-estimated future Housing-Jobs Imbalances. Your models need to be examined in Public discussion.

Your Plan 2050 densifies geographic area with small apartments, for single people - thus freezing out families needing larger housing. That Plan also ignores people's actual declining use of mass transit - undermining the rationale for the Plan itself, which assumes increasing use.

In short - NO to Plan 2050,

Margaret Kallman,
Palo Alto, CA 94306

87-1

Letter 87
Margaret Kallman
July 19, 2021

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

87-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. See Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed. See Response to Comment 8-1 for discussion related to public outreach associated with the proposed Plan and Draft EIR.

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

Letter
88

From: [John McLaughlin](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050
Date: Monday, July 19, 2021 2:17:03 PM

External Email

Association of Bay Area Governments:

I am writing to express my dismay and concern regarding Plan Bay Area 2050.

I believe that this misguided power grab by an unelected regional agency will be disastrous for the quality of life that we all worked so hard to achieve. And worst of all it won't solve our problems.

Taking away community controls for zoning will exacerbate concerns over infrastructure problems, overcrowding, traffic and parking, schools, municipal services, etc. How will we fare regarding these and other worries such as air quality and drought conditions for example?

I don't believe the plan was fully vetted either legally or fairly. And the modest living standards that so many worked hard for and the many who aspire to the same benefits will be negated.

I hope this plan will receive additional review and discussion and fully adjusted to reflect an acceptable consensus.

It's most important to get it right.

John J. McLaughlin

[Redacted]

Palo Alto, CA 94303-3009

[Redacted]

|

88-1

Letter 88
John J. McLaughlin
July 19, 2021

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

88-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

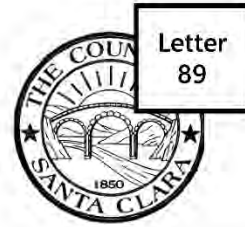
Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for discussion related to this comment. Air quality effects of Plan implementation are addressed in Draft EIR Section 3.4, “Air Quality,” and Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” Water supply effects are addressed in Draft EIR section 3.14, “Public Utilities and Facilities.” See also “Master Response 3: Water Supply” in this Final EIR.

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

County of Santa Clara

Parks and Recreation Department

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



July 19, 2021

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

Subject: Notice of Preparation of a Draft Program Environmental Impact Report for the Plan Bay Area 2050

The County of Santa Clara Parks and Recreation Department (“County Parks Department”) is in receipt of a Notice of Preparation for a Draft Program Environmental Impact Report (DEIR) for Plan Bay Area 2050, an update to the previous Plan Bay Area; which includes the area Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS). As stated in the NOP, the overarching goal is to develop, “a long-range plan that balances future mobility and housing needs with other economic, environmental, and public health goals” for the nine Bay Area counties.

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

89-1

The Santa Clara County Parks system consists of over 50,000 acres of regional parklands, open space, lakes, streams, creeks and trails in 28 parks. These regional parks, trails and open space areas provide ‘green’ infrastructure and resource preservation/protection of critical importance to the County and the greater Bay Area and afford residents substantial public health benefits that should be recognized in the Plan Bay Area 2050 update. The importance of these resources to residents of the region was demonstrated by recent election results wherein natural resource funding Measure A in Santa Clara County and Measure AA in the greater San Francisco Bay Area passed with resounding support.



Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S.Joseph Simitian

County Executive: Jeffrey V. Smith

As addressed in Plan Bay Area 2050, transportation and land use policies have the potential to either significantly impact open space and park resources or to seamlessly connect these critical infrastructures. As such, the County Parks Department respectfully requests that Plan Bay Area 2050 builds on and extends the conceptual integration reflected in Priority Development Areas and Priority Conservation Areas. We recommend an in-depth discussion and proposed framework that seeks to better incorporate work undertaken by agencies and organizations like ours (open space preservation, access for recreation, provision of regional trail connections, cultural and natural resource protection, etc.) into the larger long-range regional vision for transportation and general land use policy and development. The One Bay Area Grant program should continue to grow to make additional funding available for land acquisition and development projects that protect undeveloped open space and agricultural land in outlying areas, and to support the development of regional trails and connectivity to these areas and throughout the broader region. Further, Plan Bay Area 2050 should ensure that the quantity and quality of public transit and other clean-air connections to open space, trails, and parks is identified as a priority.

89-1
cont.

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

89-2

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

89-3

The Santa Clara County Parks Department appreciates the opportunity to comment on the Notice of Preparation for a Draft Program Environmental Impact Report for the update of Plan Bay Area 2050. Please add our contact information to your distribution list for future notifications. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at kimberly.brosseau@prk.sccgov.org.

Sincerely,

Kimberly Brosseau

Kimberly Brosseau, AICP
Senior Planner

cc: Annie Thomson, Deputy Director
Don Rocha, Director



Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith

Letter 8g
Santa Clara County Parks and Recreation Department
Kimberly Brosseau, AICP, Senior Planner
July 19, 2021

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

89-1

This comment is an NOP comment letter and provides recommendations related to development of the proposed Plan as it relates to open space, trails, and parks. The comment addresses potential open space and park impacts. The Draft EIR addresses at a programmatic level regional impacts related to agriculture and forestry resources (section 3.3); and land use and planning and population and housing (section 3.11). Impacts related to open space and recreational facilities are addressed in Draft EIR section 3.13, “Public Services and Recreation.” See “Master Response 6: MTC and ABAG Roles and Authority for discussions of the OBAG program, including the OBAG 2 framework.

89-2

Impact LU-2 describes the potential effects on access to parks and open space and presents a discussion of the strategies to expand access to parks and open space. This is discussed as follows in the last paragraph on page 3.11-22 of the Draft EIR:

Two of the proposed Plan’s environmental strategies—Strategy EN04, “Maintain Urban Growth Boundaries,” and Strategy EN05, “Protect and Manage High-Value Conservation Lands”—expand access to parks and open space and seek to reduce conflicts with applicable open space protection policies by focusing new growth in existing urban areas to help preserve natural areas. Furthermore, Strategy EN06, “Modernize and Expand Parks, Trails, and Recreation Facilities,” would invest in parks, trails, and open spaces to expand access across the region. However, portions of the proposed Plan’s land use growth footprint (approximately 740 acres) could overlap with open space/parklands. The largest overlaps are anticipated in Santa Clara, Sonoma, Contra Costa, and San Francisco Counties (**Table 3.11-4**). In TPAs [transit priority areas], open space/parklands included in the land use growth footprint are smaller, totaling 150 acres regionwide. While TPAs are areas in which growth is focused, they would not be developed in their entirety and would include diverse land uses, in addition to jobs and housing, that could include preservation of open space and parklands.

In addition, impacts related to sea level rise adaptation projects and transportation projects are discussed on pages 3.11-25 through 3.11-28. Section 3.13 of the Draft EIR, “Public Services and Recreation,” addresses the proposed Plan’s potential impacts on recreation facilities. Note that Implementation Plan Action 9e proposes to “[d]evelop a sea-level rise funding plan to support the implementation of projects that reduce sea level risk risks to communities, infrastructure and ecology, prioritizing green infrastructure wherever possible.” The recommendations regarding management and maintenance of parkland and trail routes is noted and will be forwarded to the decision makers for their consideration.

89-3

The Draft EIR addresses at a programmatic level regional impacts related to aesthetics (section 3.2); agriculture and forestry resources (section 3.3); air quality (sections 3.4 and 3.6); biological resources (section 3.5); cultural resources (section 3.7); hydrology and water quality (section (3.9); land use and planning and population and housing (section 3.10); noise and vibration (section 3.12); and

transportation (section 3.15). Impacts related to open space and recreational facilities are addressed in Draft EIR section 3.13, "Public Services and Recreation."

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

Letter
90



July 19, 2021

Metropolitan Transportation Commission Public Information
Attn: Draft Plan / Draft EIR Comments
375 Beale Street
Suite 800
San Francisco, CA, 94105
Submitted via email: info@planbayarea.org, eircomments@bayareametro.gov

- Andrea Mackenzie, General Manager
- Alex Kennett, District 1
- Mike Flaughner, District 2
- Helen Chapman, District 3
- Dorsey Moore, District 4
- Shay Franco-Clausen, District 5
- Mike Potter, District 6
- Kalvin Gill, District 7

Subject: Plan Bay Area 2050, and the Draft EIR for Plan Bay Area 2050

Dear MTC Commissioners and Staff,

On behalf of the Santa Clara Valley Open Space Authority (Open Space Authority), I submit the following comments to both the full Draft Plan Bay Area 2050 and the Draft EIR.

The Open Space Authority is a public, independent special district created by the California State Legislature in 1993 to conserve the natural environment, support agriculture, and connect people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations.

First, let me express our gratitude to MTC staff and leadership for their work to prepare this important framework through which our region can establish a strong vision for climate change response, and begin to plan for and advance achievable, meaningful climate actions.

We applaud MTC for incorporating visionary strategies into the Environment Chapter that prioritize investment in protection and management of high value conservation lands, inclusive public access at parks and open spaces, managed retreat and nature-based solutions that help communities adapt to climate change, such as marshland restoration and ecotone levees. We also are grateful for the emphasis in this Chapter on smart growth strategies that reduce reliance on automobile commuting through programs that encourage alternative transportation and transit, which will result not only in reduced vehicle emissions, but also reduced pressure on conversion of greenfields that results from automobile-enabled sprawl.

We look forward to working with MTC on updates to the Priority Conservation Area program, as it has been a very effective tool in the land conservation toolbox. Additionally, we support the suggestion to increase policy capacity around transferable development credits and tradable conservation credits, as an important additional conservation tool.

90-1

33 Las Colinas Lane
San Jose, CA 95119
408.224.7476 T
408.224.7548 F

Recommendations for Plan Bay Area 2050

Expand research and implementation related to Sea Level Rise, to address climate issues at a more comprehensive watershed-based level. While Plan Bay Area includes important measures to address Sea Level Rise, the issues of flooding go well beyond the shoreline. A comprehensive approach that contemplates upstream flooding during storm events which often exacerbate storm surge from the shoreline, needs to be developed. Nature-based upstream solutions, like natural floodplain and hillside protection, can contribute significant hazard reduction benefits, while providing many other environmental co-benefits such as wildlife habitat, agricultural preservation, and groundwater recharge.

Incorporate drought more comprehensively and support existing drought strategies. As drought conditions continue to worsen, it is important to highlight strategies for addressing drought – including water conservation - throughout Plan Bay Area. Many of the strategies, like discouraging sprawl and prioritizing green infrastructure and watershed protection/stewardship are already good drought resilience strategies, however we believe that drought should be highlighted throughout the documents.

Take a more comprehensive approach to wildfire resilience. As with the regional focus on addressing Sea Level Rise, a coordinated regional approach to enhancing wildfire resilience, through development and implementation of regional wildfire principles and actions, is critical.

Expanded public transit to open spaces. Access to nature via parks and open space was an important resource for mental, physical, and emotional health during the pandemic. However, the pandemic highlighted the ongoing issue of insufficient access to private transportation for many lower income communities, which makes it difficult to impossible to benefit from urban edge open space areas. So-called “transit to trails” programs can help fill this gap by providing meaningful, regular and timely service to these locations, particularly during weekends. This should include active transportation “last mile” connections to open space. Because traveling to open space areas incurs high vehicle-miles traveled (VMT), transit service has the additional benefit of reducing carbon emissions.

Prioritize local labor from underserved communities. Publicly funded transportation, housing and environmental projects called for in the plan should use local labor from disadvantaged communities to the greatest extent possible. Engaging with and collaborating with organizations that have workforce development programs – for example *San Jose Works* in the South Bay - for underserved or opportunity youth can provide new opportunities to address economic inequities. These programs also provide solid educational and career paths to strengthen the next generation of regional leaders, critical to a strong Bay Area and in support of the goals of Plan Bay Area. Building a skilled and trained workforce within the region will reduce in-commutes from outside the region and improve economic opportunities and equity for communities of color within the region.

Support for Draft EIR Alternative 1

As mentioned above, the Open Space Authority supports Plan Bay Area 2050 strategies and objectives that promote compact urban communities using smart growth approaches to focus job and housing development in already-urbanized areas around transit. This sort of smart growth approach aligns well with the Authority’s mission to conserve the natural environment,

90-2

90-3

support agriculture, and connect people to nature. It is also consistent with statewide planning efforts, including Executive Order N-82-20, which aims to conserve at least 30% of California’s natural spaces by 2030.

The Open Space Authority strongly supports *Alternative 1 - Transit Rich Area (TRA) Focus Alternative* – the environmentally superior alternative identified in the DEIR – as the preferred Plan Bay Area 2050 growth strategy to protect our natural and working lands.

Alternative 1 would create a more urban-oriented growth pattern relative to the current Plan Bay Area 2050, which would reduce development pressure on undeveloped greenfields, the wildland-urban interface, land zoned for agriculture, and Essential Connectivity Areas. In addition, Alternative 1 would minimize mobile source greenhouse gases (GHG) and vehicle miles travelled, which will support the reduction of GHG emissions that contribute to climate change.

Alternative 1 also drives Plan Bay Area in the direction of reducing, and ultimately eliminating sprawl, which is the direction we all need to head, given the severity of our climate crisis, and its impacts on natural and human communities, especially those communities with the greatest vulnerabilities. We feel Plan Bay Area, even under Alternative 1 of the DEIR, could go even further in discouraging sprawl and all of the damaging impacts that sprawl has on communities and the environment, but this alternative is at least a step in the right direction.

The Open Space Authority appreciates the opportunity to comment on this important framework for the Bay Area, and stands ready to partner with the Metropolitan Transportation Commission to further develop and implement the strategies our region most needs.

90-3
cont.

Sincerely,



Andrea Mackenzie
General Manager

Cc:

Santa Clara Valley Open Space Authority Board of Directors

Letter 90
Santa Clara Valley Open Space Authority
Andrea Mackenzie, General Manager
July 19, 2021

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

90-1

The comment is an introductory statement. Please see Responses to Comments 90-2 and 90-3.

90-2

The commenter provides recommendations for the proposed Plan that will be considered by the MTC Commission and ABAG Executive Board in their decision-making regarding the proposed Plan. These comments do not raise a specific issue related to the Draft EIR or the analysis of environmental impacts.

Proposed Plan Strategy EN01, “Adapt to Sea Level Rise” does focus actions to address shoreline flooding from sea level rise. Strategy EN05, “Protect High-Value Conservation Lands” and Strategy EN04, “Maintain Urban Growth Boundaries” is anticipated to provide hillside protection, reduce flooding, and achieve other benefits listed by the commenter.

Additionally, the proposed Plan includes Strategy EN02, “Provide Means-Based Financial Support to Retrofit Existing Residential Buildings” which would support regional efforts to replace inefficient water fixtures and non-drought tolerant landscapes in properties built before current codes and standards.

Measures to address wildfire were integrated into both the proposed Plan’s growth framework and into multiple strategies. Page 96 of Draft Plan Bay Area 2050 highlights the different ways wildfire measures are incorporated. Beyond the proposed Plan, MTC and ABAG are helping Bay Area cities integrate wildfire considerations into their housing element updates.

Access to open space is an area of increased emphasis for the proposed Plan. Strategy EN6, “Modernize and Expand Parks, Trails and Recreation Facilities” envisions a full buildout of the Regional Trail Network, entailing over 1,500 new trail miles. Transit operators and parks departments are exploring ways to improve access to open spaces as well – for example, Sonoma County Regional Parks provides shuttle access to several Russian River destinations. The proposed Plan supports the operation and expansion of services like this through the \$31 billion envisioned for investment in local transit through Strategy T10, “Enhance Local Transit Frequency, Capacity and Reliability.” Finally, Strategy T02, “Support Community-led Transportation Enhancements in Equity Priority Communities” includes \$8 billion in targeted investments that could go toward shuttles to open spaces in communities that identify access to open space as a local priority.

MTC/ABAG staff agree that access to middle class career opportunities are an essential element of improving economic mobility through the region. Strategy EC2, “Expand Job Training and Incubator Programs” envisions \$5 billion over 30 years to “support training for high-growth in-demand occupations in collaboration with local community colleges in disadvantaged communities, working with community colleges and other training partners.” As part the Plan Bay Area 2050 Implementation Plan process, MTC/ABAG staff are considering revisions to further emphasize the importance of apprenticeships and skilled and trained labor. Labor and the trades could be key partners in exploring job training and workforce needs in the region.

90-3

The commenter's support for Alternative 1 is noted for the record.

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

Letter
91

From: [Greg Schmid](#)
To: [EIR Comments](#)
Subject: eir comment
Date: Monday, July 19, 2021 3:50:17 PM

External Email

Plan Bay Area's spending on housing is extremely high. The total included in the Plan Bay Area 2050's "Technical Assumptions Report, May 2021 (pages 4, 105, 107) totals \$468 billion. This includes both spending needed for new affordable housing as well as subsidies to maintain existing affordable housing. Of that \$346 billion comes from spending above current levels. And this may an underestimate since the fastest growth in new housing is targeted to the areas of fastest job growth (e.g. Special District #9), pushing both land costs and new housing costs up even higher. Further, the addition of substantial amounts of housing in inclusionary housing projects will raise the rental costs of their market rate housing by 10-15%, compounding a growing shortage of middle income housing.

91-1

A serious look at the potential benefits that might come from dispersing job growth would be very helpful. But ABAG officially announced at the very beginning of their internal Technical Committee meetings, before detailed statistical analysis took place, that they would not move forward with a Horizon Strategy that would "place office caps in jobs-rich cities" (October 11, 2019). How could you not examine the possible beneficial impacts of dispersing jobs (as mentioned in California Codes 65584 and 65890.5) as a possible beneficial alternative?

Please stop the ABAG process until the possible benefits of dispersing job growth is fully explored in open public sessions.

Gregory Schmid
Palo Alto CA 94303



Letter 91
Gregory Schmid
July 19, 2021

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

91-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The commenter remarks on the cost of housing in the Bay Area. The comment references development of an alternative that would explore the dispersal of jobs. See Response to Comment 9-1 and 8-1 for discussions on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed, respectively. See the "Economy" section in Section 2.2.2 of the Draft EIR, "Proposed Plan Strategies," for a discussion of housing and economy strategies and Section 2.2.3, "Conditions Under the Proposed Plan" for a discussion on housing and locations. See "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. The proposed Plan includes economic strategies (EC04, EC05, and EC06) that work in tandem with the proposed Plan's growth geographies to shift jobs. Other strategies to shift jobs were evaluated during the Horizon initiative and Plan development process.

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

Letter
92

From: [Jim Schmidt](#)
To: [EIR Comments](#)
Subject: FW: Comments on MTC Draft EIR for PBA 2050
Date: Monday, July 19, 2021 2:49:34 PM

External Email

- Table 2-8 in Chapter 2 of the PBA 2050 DEIR indicates expectation that PBA 2050 will add:
- 4.1m additional local bus seat miles of service (+45%) by 2050 vs. existing in 2015
 - 2.8m additional express bus seat miles of service (+140%) by 2050 vs. existing in 2015
 - 1.2m additional light rail seat miles of service (+60%) by 2050 vs. existing in 2015
 - 9.2m additional heavy rail seat miles of service (+76%) by 2050 vs. existing in 2015
 - 14.6m additional heavy commuter rail seat miles of service (+292%) by 2050 vs. existing in 2015
 - 2.2m additional ferry seat miles of service (+319%) by 2050 vs. existing in 2015

92-1

Overall, the proposed Plan foresees a very robust composite increase of 110% in transit service miles operated. The increase service includes 25 million added seat miles of light rail, heavy rail and commuter rail service operating in 2050 vs. what existed in 2015. The billion dollar question is how many of those seat miles will have an occupant?

This is a very interesting question because the Plan places great emphasis on higher density development within transit rich service areas. And the utilization of the seat-miles proffered is extraordinarily important to the expense, revenue and funding of daily transit operations.

The proposed Plan anticipates a single-digit increase in roadway lane miles, although we would reasonably expect greater improvement in roadway person carrying capacity and efficiency as well as safety.

Table 2-10 projects 87% of households in 2050 own one or more vehicles in 2050 compared to 90% of households in 2015, with an overall regional average of 1.48 vehicles per household vs 1.54 in 2015. So the vast majority of Bay Area household will own vehicles and incur the corresponding cost of vehicle ownership, insurance and operation.

With continued intensive vehicle ownership, availability and sunk costs, what will induce households to dramatically increase transit use? [Note in the next paragraph that average transit travelers spend over twice as long in trip times as do auto users.]

92-2

Tables 2-12 and 2-13 shows the expected trip length for commute journeys is comparable in 2050 to 2015 at under 10 miles; unfortunately the distribution of trip length for all commute journeys is not presented. Trip times (overall) by auto average 14.9 minutes vs. 36.5 minutes by transit modes. Vehicle trips in 2050 are projected to comprise 88% of the total vehicle and transit person trips.

Table 2-15 shows anticipated 2050 journey to work percentages by mode, and suggests that the share of work journeys via transit modes is expected to grow from 13% in 2015 to 20% in 2050 – concurrent with telecommuting (i.e., working at home or otherwise remotely) increasing also by 7% over 2015.

The "Plan Bay Area 2050 Draft Performance Report, May 2021" presents greater statistical information pertaining to transit accessibility to job opportunities in 2015 and projected for 2050. Page 53 of the Performance report states,

*"The Draft Plan improves proximity to transit and accessibility to jobs by all modes for all households, with better outcomes for households with low incomes.
.... The number of Bay Area jobs accessible to the average household within a 45-minute transit trip, including walking and waiting time, doubles from 2015 to 2050 Draft Plan, due to focused housing growth in Transit-Rich Areas and transit expansion strategies. **The share of the region's jobs accessible by transit in 45 minutes increases from 5% to 8% (emphasis added).** The number of jobs accessible within a 30-minute drive, well over the number that can be accessed by a 45-minute transit trip, increases by over 200,000 jobs between 2015 and 2050;...."*

92-3

Figure 14 on page 55 of the Performance Report shows that 8.0% of jobs (433,000) will be accessible to Equity Priority Communities' residents within 45 minutes by transit; 4.3% for HRA residents; 5.1% (276,000 jobs) for all residents.

How can all residents have 5.1% of regional jobs accessible within 45 minutes by transit when just the residents of Equity Priority Communities have 8.0% of all jobs with the same accessibility? The presented numbers and percentages are entirely counter-intuitive.

92-4

Further, with the number of jobs accessible by 45 minute transit travel being far, far less than those within 30 minute travel by auto, why then will 20 percent of journeys to work be made via transit?

Letter 92
Jim Schmidt
July 19, 2021

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

92-1

While the Draft EIR does not estimate occupancy of seat miles, it does disclose forecasted increases in transit use; including a 133 percent increase in daily transit boardings and 168 percent increase in daily transit passenger miles (Table 2-11 on page 2-27 of the Draft EIR), 110 percent increase in transit trips (Table 2-14 of the Draft EIR); and a 7 percent shift in the share of workers using transit in their journey to work (Table 2-15 of the Draft EIR). In addition, transit crowding was forecasted as part of the supplemental Plan Bay Area 2050 Performance Report (page 39 for methodology, p. 56 for findings) found on the Plan Bay Area website at www.planbayarea.org/reports. The Plan Bay Area 2050 Performance Report discloses that, “while increased ridership supports critical climate goals, overcrowding on transit vehicles, which risks denial of boardings, is anticipated to rise.” The performance report defines crowded conditions as the vehicle operating at a capacity over 85 percent of the combined seated and standing capacity.

92-2

As the commenter has noted, the Draft EIR discloses forecasted increases in transit use in 2050. Please see Response to Comment 92-1 for more information on transit use. See also Response to Comment 8-2 for more information on benefits of focused development around transit. The combination of strategies in the proposed Plan—especially focused housing and employment growth in transit-rich areas; enhanced transit frequency, capacity and reliability; operational improvements to transit, such as fare policy and seamless mobility; introduction of per mile tolling on freeways and expansion of transportation demand management initiatives such as parking fees—enable this shift in modeshare. Further discussion of the proposed Plan’s transportation system begins on page 2-20 of the Draft EIR. Additional details on the simulation and mode choice models used can be found in the supplemental Plan Bay Area 2050 Forecasting and Modeling Report found on the Plan Bay Area website at www.planbayarea.org/reports.

92-3

The commenter references information contained in the supplemental Plan Bay Area 2050 Performance Report. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

92-4

The commenter references information disclosed in the supplemental Plan Bay Area 2050 Performance Report and asks a question about the job accessibility metric. This job accessibility metric represents the share of the region’s jobs accessible to an average household. Households in Equity Priority Communities do not have the same accessibility as all households, but have better access with transit, both in the base year (2015) and as a result of the proposed Plan (2050). A substantial share of Equity Priority Communities are in transit-rich locations, and enhancements to the transit system under the proposed Plan would further increase this accessibility. Please see Response to Comment 92-1 for more information on transit use.

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

Letter
93

From: [Laura Seitel](#)
To: [EIR Comments](#)
Subject: Re: NO to Plan Bay Area 2050
Date: Monday, July 19, 2021 10:41:59 PM

External Email

To Whom It May Concern:

I'm writing on behalf of myself and my husband in opposition ABAG's Plan Bay Area 2050. It imposes great burdens on our community without any effective public discussion of these burdens. This is true despite the California Government Code that states that the regional government body "explore in public meetings alternate means of dealing with intraregional jobs-housing imbalances." We wish to understand the reasoning behind our planning agency proposing to concentrate growth in jobs and housing in an already jobs-rich area with infrastructure that is currently struggling to support existing jobs and homes. If more jobs and housing are added, city residents, whose way of life will be negatively impacted, will nonetheless have to pay for the cost of increased roads, schools and parks, etc. and the bulk of the funds for new affordable housing. Traffic congestion, which before COVID was unmanageable, will deteriorate further with more job and housing growth, all this despite the inadequate public transit in the area.

We'd like to ask that the Plan Bay Area 2050/RIINA process be suspended until MTC/ABAG meets in meaningful public sessions to explore benefits to the community that might result from an alternative job dispersion plan; for instance, one that discusses the positive impacts of placing business caps on cities experiencing rapid job growth. We are strong advocates of local citizens having a strong say in shaping the environment they inhabit.

Thank you for your attention to this message.

Sincerely,

Laura Seitel and Loy Martin

93-1

Letter 93
Laura Seitel and Loy Martin
July 19, 2021

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

93-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. See Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed. See Section 3.15 of the Draft EIR, “Transportation” for a discussion on the proposed Plan’s potential effects on transportation conditions.

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



Letter
94

David Rabbitt, Chair
Sonoma County Board of Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Judy Arnold
Marin County Board of Supervisors

Kate Colin
Transportation Authority of Marin

Damon Connolly
Marin County Board of Supervisors

Debra Fudge
Sonoma County Mayors' and
Councilmembers Association

Patty Garbarino
Golden Gate Bridge,
Highway/Transportation District

Susan Gorin
Sonoma County Board of Supervisors

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Chris Rogers
Sonoma County Mayors' and
Councilmembers Association

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

July 19, 2021

Therese McMillan, Executive Director
Metropolitan Transportation Commission
Association of Bay Area Governments
375 Beale Street
San Francisco, CA 94105

SUBJECT: *Plan Bay Area 2050* SMART Comment Letter

Dear Ms. McMillan:

On behalf of SMART, I am writing to request the Metropolitan Transportation Commission (MTC) amend the *Draft Plan Bay 2050* financially constrained transportation project list so that SMART can be eligible to compete for and receive outside grant funding to advance the completion of the SMART Rail and Pathway system. Specific projects requested for inclusion or amendment into *Plan Bay Area 2050* are:

- SMART Windsor to Healdsburg,
- SMART Healdsburg to Cloverdale, and
- SMART to Solano (Novato to Suisun)

Since we last requested inclusion of SMART's projects into Plan Bay Area 2050 in July 2020, progress has been made in several areas:

- SMART has completed 30% of the construction of the SMART to Windsor project, thanks to State and Federal fund support.
- The California Department of Transportation selected SMART Windsor Rail Extension to be one of only three official State submittals to the Federal Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant competition. If and when funding is secured, SMART will complete the Windsor extension within 16 months. Once that is completed, if no additional SMART projects are amended into the financially constrained project list, SMART will be precluded from competing for more grants for the term of *Plan Bay Area 2050*, through 2026.
- In March 2021, the State of California completed the transfer of approximately 21-miles of railroad right-of-way to SMART from the now defunct North Coast Railroad Authority (NCRA). This transfer from NCRA of the northern 21-miles of track means SMART is now the agency responsible for this currently underutilized interregional public asset.

94-1

SMART Plan Bay Area 2050 Comment Letter

July 19, 2021

Page 2 of 3

- On July 11, 2021, SMART assumed freight operations and common carrier duties following a June 2021 Surface Transportation Board ruling supporting the transfer. SMART duties cover 89 miles from the Mendocino-Sonoma county line south and east to the freight interchange junction in Napa.
- SMART, with MTC's concurrence, has implemented the Clipper START means based fare program with a 50% discount (November 2020). Separately the SMART Board implemented a Welcome Back fare reduction campaign of 40% of all fares from May 2021 – May 2022. The result of this Welcome Back fare is Clipper START, Youth, Seniors and Passengers with Disabilities can ride the full 45-mile system for \$3.75, while retaining transfer credits to and from connecting bus and ferry services.

SMART's system is helping to fulfill many of MTC's and our local jurisdictions' mutual goals to reduce vehicle miles traveled and greenhouse gases, to develop low- and middle-income affordable infill housing, to support equitable access to economic opportunity, and to create resiliency.

- Passengers traveling on SMART emit 33% fewer greenhouse gases and travel an average of 25 miles on the SMART system.
- Development of affordable housing and infill is being addressed in local communities along the corridor because the existence of operating rail is sparking a real effort to create transit oriented development for the first time in much of the North Bay.
- By providing Clipper START and lowering rates with the Welcome Back campaign, SMART is expanding access to affordable, high-quality, time-competitive regional transit services that provide equal frequency of transit service in both the northbound and southbound directions during morning and evening commutes. For the first time ever Marin and Sonoma County are the beneficiaries of transit that serves all the commute markets along the corridor, whether you work in one of the 7,000 jobs within a short distance of the SMART Sonoma County Airport Station or in Downtown San Rafael or all the places in between.
- SMART is taking on the role of freight transport to help local businesses grow in an environmentally friendly manner and to encourage the transfer of freight traffic off our roads and onto rail.
- SMART has operated through too many federally declared disasters in our four short years of service, twelve national disaster declarations in Sonoma County alone from 2017-2020. Our services are available for evacuations, supply chain concerns (people and materials), to transport essential workers to their jobs, and as a warm community partner in time of need. Additionally, SMART has a public-private partnership with internet service provider Sonic to dedicate a dark fiber strand for broadband access to public agencies and schools along the railroad, a service that became more valuable during pandemic-induced distance learning.

We would like to be able to provide these benefits to other jurisdictions along our tracks not currently in our operating service area, both north to Healdsburg, Cloverdale, rural Sonoma County and adjacent Mendocino, as well as east to the City of Sonoma and Napa County. Our right-of-way is owned by the public and includes nearly 30 miles of unrehabilitated and unused track from Windsor to the Mendocino-Sonoma county line. If it is not being used to its full potential for public benefit, or if it is neglected and becomes a financial drain, then we are all not fulfilling our collective responsibility.

94-1
cont.

SMART Plan Bay Area 2050 Comment Letter

July 19, 2021

Page 3 of 3

We have been deemed through your process as a "Low-Cost Rail Investment" and we are proud of how efficient we are at delivering projects and how appropriately scaled and productive our services are for the communities we serve. We are ready to re-engage our voters to show them that we have not given up on completing the mission statement we were given by them with our 2008 Measure Q sales tax passage by over 70%. We heard their message in March 2020 when Measure I, the early extension of our sales tax, was defeated 54% to 46% and we engaged in community Listening Sessions in jurisdictions around Marin and Sonoma County. We need to work harder to finish what they asked us to complete in 2008 and we ask your assistance in that endeavor by allowing us to compete for state and federal grants in the next four years by including our projects in Plan Bay Area 2050's financially constrained project list.

94-1
cont.

Thank you for the opportunity to comment and provide you with new information about our progress.

Respectfully,



Farhad Mansourian
General Manager

Cc: SMART Board of Directors

Letter 94
Sonoma-Marín Area Rail Transit
Farhad Mansourian, General Manager
July 19, 2021

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

94-1

The commenter requests that three Sonoma-Marín Area Rail Transit (SMART) passenger rail extension projects be added to the proposed Plan: (1) from Windsor to Healdsburg, (2) from Healdsburg to Cloverdale, and (3) from Novato to Suisun City (to Solano). As presented on page 1-16 in Section 1.7.5, “Plan Development Process,” of the Draft EIR, a Project Performance Assessment was conducted to evaluate major transportation projects considered for inclusion in the proposed Plan. The Project Performance Assessment evaluated nearly 100 projects for societal benefit-cost ratios, equity impacts, and alignment with the proposed Plan’s guiding principles. Among the projects evaluated were SMART’s extensions to Cloverdale and to Solano (between Novato and Suisun City). SMART’s extension to Windsor was assumed as a committed project and was not evaluated in the assessment and thus was ultimately integrated into the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. Both the Cloverdale and Solano extension projects had benefit-cost ratios less than 0.5, indicating that the costs significantly outweighed the societal benefits of the project. Further, both projects had an equity score of “Challenges” based on quantitative modeling analysis, indicating that transportation accessibility benefits of the projects accrued in higher proportion to higher-income populations. The performance of these two extensions were evaluated against three different potential futures, including a high-growth transit-supportive future, and the results were similar across all futures, indicating that these projects would not perform well under a wide range of future conditions.

In general, the assessment found that, “High-cost commuter rail projects have mixed performance outcomes, predominantly benefitting higher-income groups.” It was recommended that, “Rail projects should be evaluated alongside lower-cost bus improvements. Rail projects should be paired with complementary fare policy and land use strategies to ensure that all Bay Area residents benefit from them.” While the SMART projects were considerably lower in cost than other evaluated rail projects, their performance outcomes were similar. These findings were released in winter 2020 and can be found online at: https://mtc.ca.gov/sites/default/files/documents/2021-08/ProjectPerformance_FinalFindings_Jan2020_editAug2021.pdf.

In addition, the Confidence Assessment within the Project Performance Assessment considered other factors that may not be captured in the modeling analysis of these projects:

- ▲ SMART to Cloverdale: Analysis was performed for a typical weekday, but many of the project’s benefits may occur on weekends due to recreational use and tourism. Further, the analysis does not capture some potential benefits of the project such as allowing freight rail service and providing infrastructure redundancy during emergency evacuations. Other potential benefits of the project may include providing rural broadband infrastructure and dark fiber access.
- ▲ SMART to Solano: The analysis does not capture the cost of investment necessary for protection from sea level rise, and may therefore overestimate the benefit-cost ratio. The analysis does not capture some potential benefits of the project such as allowing freight rail service and providing infrastructure redundancy during emergency evacuations. Other potential benefits of the project may include providing rural broadband infrastructure and dark fiber access.

After the release of the Project Performance Assessment findings, a shortlist of high-performing projects were integrated into the Draft Blueprint, and MTC and ABAG identified performance challenges in terms of cost-effectiveness, alignment with the adopted Guiding Principles, and support for equitable outcomes for the remaining projects. Project sponsors were then asked to submit tangible policy commitments or scope revisions to address these issues by April 2020. In June 2020, MTC and ABAG discussed the performance commitments made by project sponsors. SMART staff identified commitments to reduce fare burden through participation in a regional means-based fare program and to discount transfers to several local transit systems, but did not identify any broader, more substantive actions to address poor performance results. As a result, because of the limited future funding available for major transportation projects and the legal requirement that the proposed Plan's transportation project list be fiscally constrained, the two SMART extension projects were not prioritized for inclusion in the proposed Plan as part of Strategy T11. See "Master Response 7: Fiscally Constrained Transportation Project List" for additional discussion of this topic.

Apart from funding for maintaining and operating existing SMART service operations from Larkspur to Santa Rosa, extending service to Windsor, and adding an infill station in Petaluma, proposed Plan investments that benefit SMART would preserve existing SMART right-of-way from sea level rise inundation. The SMART corridor was found to be vulnerable to sea level rise, with key portions of the existing line susceptible to closures within the proposed Plan's 30-year period. Without the implementation of adaptation infrastructure, analysis found that SMART service would be unable to operate between the San Rafael and Petaluma Downtown stations due to potential sea level rise inundation occurring in multiple locations. Strategy EN01, Adapt to Sea Level Rise, includes a set of multi-benefit adaptations in Marin County that would protect the SMART corridor in these crucial segments, as well as Highway 101, and a number of neighboring homes and businesses. It is estimated that it could cost at least \$260 million for the protection of the existing SMART right-of-way within the Plan period. These adaptation investments would also provide benefits beyond 2050, as they would maintain the existing communities that support the SMART service, including downtown San Rafael. For more information on the Adapt to Sea Level Rise strategy, please see the Plan Bay Area 2050 and Sea Level Rise Adaptation document found at https://www.planbayarea.org/sites/default/files/pdfs_referenced/PBA2050_SLR_Brief_102120_Final_0.pdf.

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

Letter
95

From: [Tirumala Ranganath](#)
To: [EIR Comments](#)
Subject: ABAG decrees with RHNA requirements that are out of whack
Date: Monday, July 19, 2021 10:32:30 PM

External Email

Dear Sirs,

I am writing as an individual resident of Palo Alto concerned about the following issues of concern with ABAG's call for ever more housing while at the same time taking away local zoning under the auspices of Plan Bay Area 2050. First of all, I would like to know how ABAG was created - as far as I can tell it is an unelected body composed of appointees from the various cities from around the bay area. One of the questions that needs to be asked - Who appointed these members and whose interests are they expected to represent. When looking at the plans being floated by ABAG, it appears that the demands for more housing while sacrificing local Zoning, represent the interests of developers as well as real estate interests. Trying to push for increasing the concentration of jobs and housing in an already jobs rich area like Palo Alto without proper public discussion as required by CA codes about the consequences of concentrated growth, is highly irregular and disturbing. Prior to the pandemic, it was a nightmare to navigate traffic in Palo Alto throughout the day due to the congestion created by people pouring into town for jobs. Why is it that Palo Alto is expected to provide an ever increasing number of dwellings for more and more people who want to work here ? Why can't other neighboring cities, some across the bay be suitable for this kind of overflow? The existing residents have invested a great deal of their energies and money over a long time to get a single family dwelling in Palo Alto. Now we are being told that the city needs to provide even more housing and that too, not for workers who badly need housing help - meaning, we need housing for essential workers like teachers, policemen, other service workers who at the present time have to commute of great distances to provide the essential services we the residents need. Above market rate housing that is lucrative to developers are not what we need here.

Another question to ask is, who is going to pay for the needed infrastructure costs that would be needed. Are the developers going to pay for them? Are the (lucrative for the developers) above market rate buyers going to be paying for these expenditures? Or are we the residents expected to foot the bills? When one considers the fact that we already have the highest office and housing prices in the country, it is astonishing that organizations like ABAG continue to push the developer interests as though, the rest of us are ignorant, blind and plain stupid. This has to stop.

Regards,
Ranganath (long time resident of Palo Alto who doesn't want to get bulldozed into bad office and housing proposals from ABAG with its RHNA requirements. Enough is enough!

concerned

95-1

Letter 95
Ranganath Tirumala
July 19, 2021

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

95-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See Draft EIR page 1-11 for an explanation of the regional planning agencies, MTC and ABAG. See Response to Comment 8-1 for a discussion related to public outreach associated with the proposed Plan and Draft EIR. Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance and the public forums in which they were discussed. See the “Economy” section in Section 2.2.2 of the Draft EIR, “Proposed Plan Strategies,” for a discussion of housing and economy strategies and Section 2.2.3, “Conditions Under the Proposed Plan” for a discussion on housing and locations. See “Master Response 6: MTC and ABAG Roles and Authority” for a discussion related to this comment. Please see Draft EIR section 3.14, “Public Utilities and Facilities” for an analysis of the potential for implementation of the proposed Plan to have an impact on public utilities, facilities, and services within the nine counties of the Bay Area. The public utilities, facilities, and services addressed in the Draft EIR are water supply, wastewater (sanitary sewer), stormwater, solid waste, telecommunications, electric power, and natural gas. Public parks and schools are addressed in Draft EIR section 3.13, “Public Services and Recreation.”

The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology.

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

Letter 96

The Yerba Buena Neighborhood Consortium
c/o 230 Fourth St, San Francisco, CA 94103

July 19, 2021

Via Email (eircomments@bayareametro.gov)

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

RE: Plan Bay Area 2050 DEIR
SCH#2020090519

Dear MTC and ABAG commissioners and staff:

We are righteously opposed to Plan Bay Area 2050 as proposed. PBA2050 is now actually a blueprint for the annihilation of the Bay Area's lower-income/working class/minority Central City communities. It is the manifesto for their conquest by the higher-income professional Gentry of the Bay Area who will replace their displaced populations by 2050 and reap the benefits of their proximity to good transit and urban amenities. This in fact would replicate their racist zoning/lending 'red-lining' of decades past with a new racist "\$-lining" of Gentry-class homogenization as their future.

To actually provide a blueprint for Social Equity, Social Justice, Smart Growth, and Environmental Sustainability for the future of our Bay Area, PBA50 must:

- Mandate 100% Jobs/Affordable Housing Balance for all large scale future commercial development in all Bay Area counties. San Francisco's 2020 Proposition E was the first step towards this goal in the Region. It must be mandated throughout the Bay Area, starting with the upcoming Oakland Downtown Plan.
- Exempt all identified Central Cities "Communities of Concern" from Priority Development Areas and any State mandated up-zonings unless and until really affordable housing for ALL their lower-income and working class residents is already assured and in place. PBA50's mere promises of un-guaranteed and un-required affordable housing for Communities of Concern without clear land use policies that de-commodify land and do not include clear financing are not realistic.
- Transform the hundreds of wasted square miles of surface parking lots for office parks and shopping malls throughout the Region into medium-density new residential districts to meet the Bay Area's housing needs - without disrupting the neighborhood life of existing communities and ensuring sufficient amount of affordable housing.

96-1

- Mandate that no less than 50% of new housing developed on publicly owned property will be affordable for lower and middle-income households (excepting Teacher Housing). | 96-1 cont.

Please also be advised for the record that the Draft Environmental Impact Report for PBA2050 is itself legally insufficient to meet the requirements of CEQA. It fails to evaluate Project Alternatives that may well be environmentally superior and would certainly be socially and ethically superior. In particular, the “Equity, Environment, and Jobs Alternative” of the PBA2040 – which was NOT adopted as the approved PBA2040 Plan – is completely omitted and discarded from any consideration in the PBA 2050 DEIR. | 96-2

Sincerely,

John Elberling
Manager

Cc: Susan Brandt-Hawley

Letter 96
Yerba Buena Neighborhood Consortium
John Elberling, Manager
July 19, 2021

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

96-1

The comment expresses opposition to the proposed Plan and provides recommendations related to social equity, social justice, smart growth, and environmental sustainability. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. The proposed Plan Strategies H06, "Transform Aging Malls and Office Parks into Neighborhoods" promotes the reuse of shopping malls and office parks, including their parking. Similarly, Strategy H08, "Accelerate Reuse of Public and Community-Owned Land for Mixed-Income Housing and Essential Services" promotes the accelerated development of mixed-income affordable housing.

96-2

MTC and ABAG respectfully disagree with the position taken by the commenter that the EIR is "legally insufficient." The analysis and substantial evidence in the EIR demonstrate adequacy. Please see "Master Response 4: EIR Alternatives" regarding the adequacy of the Project Alternatives. CEQA is limited to analyzing adverse changes to the physical environment and does not require analysis of social or ethical issues. (See CEQA Guidelines Section 15131(a); *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 579.) While these issues are certainly important from a policy and decision-making perspective the Draft EIR and alternatives are not required to address socially or ethically superior alternatives. However, the proposed Plan itself incorporates numerous strategies and goals relevant to the prior Equity, Environment, and Jobs Alternative. As explained in the Draft EIR, equity and resilience are integrated into each element, theme, and strategy of the proposed Plan. (Draft EIR, p. 2-3.) As explained in Section 2.2.2, the proposed Plan includes strategies and funding to protect current residents from displacement, preserve existing affordable housing, and produce new housing to secure long-term affordability to address the Bay Area's housing crisis (the "three Ps"). It also includes funding and strategies to improve economic mobility and fund transportation enhancements in Equity Priority Communities. In sum, CEQA does not require inclusion of the Equity, Environment, and Jobs Alternative, but the goals of that alternative did influence the proposed Plan.

The Environment, Equity, and Jobs Alternative was analyzed in the EIR for Plan Bay Area 2040, and was also referred to as Alternative 4, or the EEJ Alternative. As summarized on Page ES-8 of the Draft EIR for Plan Bay Area 2040:

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. 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.

The strategies analyzed under the EEJ Alternative align with the strategies analyzed in the Draft EIR under the proposed Plan, TRA Focus Alternative, and HRA Focus Alternative as discussed in Section 4.3 of the Draft EIR “Alternatives Selected For Detailed Analysis.” Both the proposed Plan and HRA Focus Alternative include strategies to focus more growth in suburban communities than past iterations of Plan Bay Area. The proposed Plan also includes a suite of housing strategies to reduce the risk of displacement and achieve more equitable outcomes for all residents. The proposed Plan and two alternatives include substantial investments to expand funding for bus operations to serve suburban areas through Strategies T01, T10, and T12, while the TRA Focus Alternative analyzes increases in investments to Strategy T10, and the HRA Focus Alternative analyzes increases in investments to Strategies T10 and T12. The TRA Focus Alternative analyzes the impacts of reduced funding for highway expansion projects through a modification of Strategy T06. As discussed under Section 2.3.4 of the Draft EIR, “Proposed Plan Growth Geographies” the proposed Plan expands growth areas from PDAs to include High-Resource Areas and Transit-Rich Areas. The proposed Plan and the two alternatives include Strategy T04, “Reform Regional Transit Fare Policy” to streamline fare payments and provide discounted fare programs. See “Master Response 4: EIR Alternatives” for a discussion on this comment.

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



Letter
97

Alameda-Contra Costa Transit District

Ramakrishna Pochiraju, P.E.,
Executive Director of Planning &
Engineering

July 20, 2021

Therese McMillan
Executive Director
Association of Bay Area Governments and Metropolitan Transportation Commission
375 Beale St.
San Francisco, Ca.

Re: Plan Bay Area 2050 and Plan Bay Area 2050 Environmental Impact Report (EIR)

Dear Ms. McMillan:

AC Transit appreciates the opportunity to provide comments on the draft **Plan Bay Area 2050** and the **Plan Bay Area 2050 Environmental Impact Report (EIR)**. This Plan replaces **Plan Bay Area 2040**. The new documents will serve as the federally required Regional Transportation Plan and the state mandated Sustainable Community Strategy. We hope that these documents will be important in shaping the future of the Bay Area. We appreciate the major effort of the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) in preparing and developing these ambitious and forward-thinking documents.

Transportation is one of four subject areas in the Plan, along with housing, economy, and the environment. The transportation element of the Plan focuses on three broad strategies. These strategies are designed to make Bay Area transportation more environmentally sustainable with fewer greenhouse gas emissions, make transportation more affordable and equitable to Bay Area residents at all income levels, and improve the regional interconnection and legibility of Bay Area transit. The strategies are:

1. Maintain and optimize the existing transportation system;
2. Create healthy and safe streets;
3. Build a next generation transit network.

To achieve these goals, the Plan proposes a series of transportation programs and projects, listed as strategies. The projects in the AC Transit area are:

- Bus Rapid Transit lines on San Pablo Avenue and 23rd St. in Richmond/San Pablo
- Rapid Bus level improvements on East 14th St./Mission Blvd./Fremont Blvd., as well as six additional corridors (routes 18, 20/21, 40, 57, 97, and NL)

97-1

1600 Franklin Street - Oakland, CA 94612 - TEL (510) 891-5448 - www.actransit.org

The Plan also supports \$3.76 billion of frequency and other improvements over 30 years for 12 AC Transit corridors. AC Transit's Bay Bridge corridor would be newly served by "Rex" (Regional Express service) between Oakland and Redwood City, and between Vallejo and SFO Airport. There is a regionwide program to operate and maintain existing transit, restored to 2019 levels by 2035.

The plan creates a regional set-aside for enhancements in any mode in equity priority (low income) communities. Portions of Richmond, Oakland, and Hayward are the largest equity priority communities in the AC Transit district. Other programs would benefit AC Transit, particularly the implementation and expansion of express lanes on I-80 and I-580. Other Plan elements which would affect AC Transit include Seamless Mobility Enhancements and a Regional Fare Policy. The Plan includes \$81 billion for regional rail projects such as a second transbay rail line, and the Valley Link project from the San Joaquin Valley.

AC Transit supports the Plan's goal of restoring local transit service. However, we believe that 2035, fourteen years from now, is too long a timeframe for restoring transit. Over that period, AC Transit would permanently lose many transit riders. We would also note that, in many parts of the Bay Area, transit service in 2019 was inadequate.

One of the largest allocations in the Plan is for various regional rail projects. We understand that strategic, cost-effective expansion of the Bay Area's regional network could be useful. However, we do not think that the case has been made for all of the rail proposals in the Plan. Some funding could be reallocated to buses and other services which could come into service more quickly.

We are particularly concerned about the proposal for "Group Rapid Transit" across the Dumbarton Bridge corridor. Group Rapid Transit (sometimes called Personal Rapid Transit) is still an untested mode, which has not been implemented despite decades of consideration in the U.S. Group Rapid Transit provides neither the point-to-point flexibility of buses nor the high capacity capability of well targeted rail. The Dumbarton corridor was experiencing severe congestion before the pandemic and it is likely to experience that congestion again. There are many agencies working in the Dumbarton corridor and a well-coordinated, multi-county program of transit improvements is urgently needed there.

Capitol Corridor staff has suggested that the project for an inline bus station on State Route 84 at the Ardenwood park and ride be made a separate project from South Bay Connect. They have also suggested that MTC, Capitol Corridor, and AC Transit be listed as joint sponsors for the new project. We agree with these proposals.

We have been participating in MTC's projects for improved transit connectivity (seamlessness) and fare integration. We certainly support these efforts. Our consistent concern has been that regional seamlessness could come at the expense of lost local service (or connectivity). We believe this is a serious concern, since much of the advocacy around seamless transit has been supporting long regional trips. Local losses of service would be particularly ironic given MTC's

97-1
cont.



Alameda-Contra Costa Transit District

Ramakrishna Pochiraju, P.E.,
Executive Director of Planning &
Engineering

renewed equity efforts; the losers would most likely be the 70% of AC Transit riders who are low income.

Similarly, it is hard to be against fare integration and simplification. The question is: how fare revenue would be reallocated, and which agencies would gain and lose revenue? Will transit agencies be held harmless for their fare revenues? Will agencies that largely carry low income riders lose revenue and be forced to cut service? Again, the potential for unintended consequences looms large.

97-1
cont.

We support the plan’s effort to take the Vision Zero pedestrian and bicycle safety to regional scale. AC Transit’s passengers overwhelmingly walk to their bus. The ability to walk, cross, and wait safely is fundamental for AC Transit’s ridership. Vision Zero planning must be done in coordination with transit planning. We have experienced cities seeking to implement well-meaning bicycle projects that impede and delay bus service. This outcome can be avoided with close coordination.

Regarding the EIR, the inclusion of alternatives reallocating expected development to transit-rich and resource-rich areas was positive. However, the minimal difference between these alternatives and the baseline plan was disappointing. Could the alternatives not be sharpened to create a stronger contrast?

97-2

Plan Bay Area 2050 does not itself create funding, nor implement projects. MTC expects that 80% of needed transportation funding will be available over the life of the Plan. While this is more than in other subject areas, it still means that some projects will not have funding, and others will be unduly delayed. AC Transit hopes that priority can be placed on low-cost, high-benefit projects that can be implement for bus transit.

97-3

Thank you for your efforts. Please feel free to contact Senior Transportation Planner – Nathan Landau at nlandau@actransit.org if you have any questions or comments.

Sincerely,

Ramakrishna Pochiraju, P.E.
Executive Director of Planning and Engineering

1600 Franklin Street - Oakland, CA 94612 - TEL (510) 891-5448 - www.actransit.org

Letter 97
Alameda-Contra Costa Transit District
Ramakirshna Pochiraju, PE, Executive Director of Planning and Engineering
July 20, 2021

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

97-1

The comment summarizes the proposed Plan, and lists AC Transit's projects and other bus frequency and transit improvements included in the proposed Plan. The commenter provides support for Strategy T01, which would restore transit service hours to pre-COVID (2019) levels but noted that transit service in 2019 may have been inadequate in parts of the region. As a regional long-range plan, the proposed Plan presents a high-level vision for funding transit service across the region. Strategy T01 directs transportation revenues toward restoring transit service hours to pre-pandemic levels and sets aside funding to operate and maintain that service through the remainder of the Plan's horizon of 2050. However, the proposed Plan does not allocate funds to any specific transportation project or program, nor does it dictate how or when funds would be available to transit operators. Key implementation actions for proposed Plan Strategy T01 include implementing the recommendations of the Blue Ribbon Transit Recovery Task Force.

The commenter expresses concern that funding for some of the proposed Plan's Strategy T11 projects may be better used for other uses such as bus service. See "Master Response 7: Fiscally Constrained Transportation Project List" for a discussion of the projects selected to be included in the transportation program. In addition, the HRA-Focus Alternative modifies proposed Plan Strategy T11 by removing \$33.8 billion in funding and instead reinvesting in local transit frequency improvements.

Through the Project Performance Assessment process of 2018 and 2019, commuter rail service along the Dumbarton corridor was analyzed. The project was found to have benefit-cost ratio below 1, indicating benefits were outweighed by costs. In response, the project sponsor, SamTrans, explored opportunities to lower project costs, and put forward a Group Rapid Transit concept for consideration for inclusion into the proposed Plan. Dumbarton Group Rapid Transit is expected to open after 2035; in the intervening years, project development activities can continue and a different mode or multimodal package of investments may be considered in future long-range plans. In the near-term, the proposed Plan envisions new, high-frequency express bus service (ReX) connecting downtown Oakland and Redwood City via the Dumbarton Bridge, complemented by express lanes on I-580, I-880, and the East Bay approach to the Dumbarton Bridge.

After discussions with Capitol Corridor staff, the South Bay Connect project, represented as RTP ID# 21-T11-111 in the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports, remains combined with the Ardenwood park-and-ride project. However, each component can be implemented on different timelines.

The commenter expresses support for the proposed Plan's Strategy T09.

The commenter expresses support for the proposed Plan's Strategy T04. Findings from the Horizon initiative suggested that implementation of the fare integration component of Strategy T04 could be revenue-neutral to transit operators, by incentivizing enough new transit ridership to balance out any losses from the simplified fare system. Overall, implementation of Strategy T04 is estimated to cost approximately \$10 billion over the plan period, discussed on page 46 of the Draft Plan Bay Area 2050 Technical Assumptions Report found at <https://www.planbayarea.org/reports>. Key implementation actions for proposed Plan Strategy T04 include implementing the recommendations of the Fare Integration Task Force.

The commenter expresses support for the proposed Plan's Strategy T09.

97-2

Please see "Master Response 4: EIR Alternatives" for a discussion related to this comment. As noted in Draft EIR Chapter 4, "Alternatives to the Proposed Plan," each of the alternatives is constrained by the same planning assumptions as the proposed Plan and housing units maintain the same regional growth forecasts (for population, employment, and households) and maintain the same forecast of reasonably available transportation revenues. In addition, the proposed Plan is obligated to set forth a forecasted development pattern for the region that includes the Regional Housing Control Total. See also Response to Comment 85-70.

97-3

The commenter expresses support for placing funding priority on low-cost high-benefit projects.

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



1111 Broadway, Suite 800, Oakland, CA 94607 | 510.208.7400 | www.AlamedaCTC.org

Letter 98

Commission Chair
Mayor Pauline Russo Cutler
City of San Leandro

Commission Vice Chair
Councilmember John Bauters
City of Emeryville

AC Transit
Board President Elsa Ortiz

Alameda County
Supervisor David Haubert, District 1
Supervisor Richard Valle, District 2
Supervisor Wilma Chan, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

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Mayor Karla Brown

City of Union City
Mayor Carol Duira-Vernaci

Executive Director
Tess Lengyel

July 20, 2021

Ms. Therese McMillan, Executive Director
Metropolitan Transportation Commission (MTC)
375 Beale Street
San Francisco, CA 94105

RE: Draft Plan Bay Area 2050

Dear Ms. McMillan:

The Alameda County Transportation Commission (Alameda CTC) appreciates the opportunity to continue to collaborate with you and your staff on the development of Plan Bay Area 2050 (PBA 2050). This letter includes our comments on Draft Plan Bay Area 2050 and the supplemental reports. Alameda CTC supports approval of the Draft Plan and preferred alternative evaluated in the Draft Environmental Impact Report. PBA 2050 is the culmination of an extensive, multi-year effort working extensively with partners throughout the region.

98-1

We have organized our comments into the following categories:

- Comments on Strategies, Implementation Plan and Actions
- Comments on Draft Plan and Project List

Comments on Strategies, Implementation Plan and Actions

PBA 2050 identifies a wide range of major strategies to help the region meet its ambitious goals. Alameda CTC appreciates the discussions to date with MTC staff to start articulating the next steps for advancing the strategies and we look forward to continued partnerships. Below are comments on specific strategies:

98-2

- *Strategy T2: Support community-led transportation enhancements in Equity Priority Communities.* Alameda CTC recently completed the 2020 update to our Community Based Transportation Plan (CBTP). We encourage MTC to work with the county transportation agencies (CTA) to discuss lessons from past cycles of CBTPs and other recent planning efforts to maximize the effectiveness of future cycles, in particular regarding how efforts at the regional scale can support and leverage local initiatives. Alameda CTC looks forward to working with MTC to also identify new strategies to support the full participation of historically marginalized communities in identifying transportation needs and developing solutions.

Ms. McMillan
 July 20, 2021
 Page 2

- *Strategy T5: Implement per-mile tolling on congested freeways with transit alternatives.* Alameda CTC looks forward to working with MTC to explore opportunities for next-generation freeways, including all-road tolling complemented with strong transit elements. We are already partnering with MTC on the I-80 Design Alternatives Assessment, where many of these strategies could be tested given the high levels of congestion and existing and potential transit service in the corridor. Alameda CTC also completed the I-580 Design Alternatives Assessment with MTC, and we are in the process of working in partnership with MTC/BATA to deliver improvements identified in the I-580 DAA and also advancing a new I-580 Sustainable Corridor Strategy. We encourage MTC to continue to advance more near-term improvements, such as the Bay Bridge Forward program of projects, while advancing the bold pricing studies proposed in PBA 2050. Engaging CTAs, local jurisdictions, and the public in these major policy discussions will be a massive effort, and it is important we continue to advance projects and policies that can improve person throughput and transit efficiency while we study the more transformative policies in parallel. Alameda CTC looks forward to being an active partner in this strategy.
- *Strategy T8: Build a Complete Streets network.* Alameda CTC strongly supports this strategy, and is investing a significant amount of our county discretionary funding to complete streets and active transportation projects. When considering complete streets, transit also needs to be a key consideration, as buses and bikes are often competing for the same space on key arterial corridors. While transit is included in many other strategies, we request that MTC add an acknowledgement of the importance of transit to complete streets as part of this strategy, even if you defer core transit enhancement strategies to later strategies. In regards to the Regional Active Transportation Plan, we respectfully request that MTC coordinate closely with Alameda CTC and other CTAs to ensure alignment of recommendations with local network planning and ensure planning efficiencies.
- *Strategy T9: Advance regional Vision Zero policy through street design and reduced speeds.* Alameda CTC, as well as a number of cities within the county, are advancing Vision Zero or Vision Zero-consistent policies and projects. We support MTC's focus on improving safety for all and focusing on street design and reduced speeds. The Alameda CTC Commission, similar to MTC, has included support for legislation that allows local jurisdictions flexibility to set appropriate speed limits and allow for additional speeding enforcement strategies. Advocacy for changes in legislation to advance these strategies is critical, and we encourage MTC to help support and build coalitions to advance such legislation.
- *Strategy T10: Enhance local transit frequency, capacity and reliability.* Alameda CTC and our transit agency partners are working actively to improve transit reliability on major corridors throughout the county. We appreciate MTC's focus on improving the quality and availability of transit service, particularly with a focus on lower-cost initiatives that improve person-throughput, both on local roads, arterials and the highway system.
- *Strategy T11: Expand and modernize the regional rail network.* Alameda CTC is strongly supportive of this strategy, and agrees that new revenues are needed to support the region's goals for a robust, integrated and effective rail system that better connects communities, which is critical to reaching local, regional and state goals. We look forward to working with MTC and transit and intercity rail operators to advance the projects included in PBA2050. There is also a major need to address safety around the existing rail network, particularly as we seek to encourage more growth near existing transportation infrastructure.
- *Strategy T12: Build an integrated regional express lanes and express bus network.* Alameda CTC strongly supports advocacy for legislation that will facilitate piloting the conversion of general-purpose lanes and part-time travel lanes to priced facilities and/or transit lanes. Reimagining our existing

98-2
 cont.

Ms. McMillan
 July 20, 2021
 Page 3

infrastructure to identify ways to move the most people, most efficiently and sustainably will be critical to the region meeting its transportation, environmental and economic goals. Alameda CTC is committed to exploring general lane conversions for future Express Lanes, and is eager to partner closely with MTC and transit agencies in the region to develop a robust and implementable express bus service element to incorporate. The existing I-80 Design Alternatives Assessment is a first step in evaluating a range of alternatives for one of the region’s most heavily-congested corridors. In addition, work is underway on I-680 to explore express bus options on that multi-county corridor, and Alameda CTC is kicking off a Sustainable Corridor Strategy for I-580. Alameda CTC supports adding reference to transit on I-680 in the PBA Transportation Chapter on Map 4.2 to reflect the multi-county coordination efforts to ensure express bus services in the I-680 corridor where the I-680 express lanes are located. We look forward to partnering with MTC to advance both policies and projects to make these corridors multimodal, sustainable and equitable.

- *Strategy EN7: Expand commute trip reduction programs at major employers, and Strategy EN: Expand transportation demand management initiatives.* Transit agencies are a core partner to include in transportation demand management (TDM) discussions. Transit agency bulk pass programs, such as AC Transit’s Easy Pass, are a critical tool for supporting commute trip reduction programs at major employers, and can be a key tool to support new housing and commercial development. Alameda CTC encourages MTC to include discussion of existing transit agency pass programs as part of the strategy for advancing EN7 and EN9. As noted in EN9, the TDM space is fragmented, and having a more coherent and consistent framework and strategy is critical to advance both regional and county goals and ensure effective programs.
- *Strategy EN8: Expand clean vehicle initiatives.* There is significant interest in Alameda County to advance clean vehicles, including passenger, transit and goods movement vehicles. As noted when MTC presented on PBA 2050 to the Alameda CTC Commission, clean vehicle strategies should include not just electric vehicles and chargers but also hydrogen vehicles and infrastructure. AC Transit has a successful hydrogen fuel cell program, and MTC has been a critical partner in supporting that project, and there is continued interest in exploring hydrogen opportunities as well as electric technologies, particularly for transit and goods movement. While MTC’s focus under Senate Bill 375 is on passenger and light-duty vehicles, the emissions from goods movement have heavily impacted low-income communities and communities of color in the region, and in particular in Alameda County in West Oakland and along the I-880 corridor. Alameda CTC encourages MTC to play a more active role in supporting and advancing programs and projects that invest in reducing the emissions burden to these communities and supports zero and near-zero emissions goods movement.

In addition, given the extensive interest at all levels of government in advancing clean vehicles, it is important that there is a coordinated effort to ensure all parties coordinate to maximize impact and minimize redundancy. Community Choice Aggregators, such as East Bay Community Energy, have investing significant effort and resources in clean vehicle initiatives and should be considered another important partner for advancing clean vehicle strategies.

98-2
 cont.

Specific Comments on Draft Project List

Alameda CTC commends MTC staff for the major effort that went into developing the Draft Project List. MTC staff have been responsive and clear in their communication throughout development of the Draft Project List. In addition to the overall comments on strategies noted above, we have a few specific minor comments on the Draft Project List:

- There are a few interchange projects that we request be categorized under a different RTP ID number. These projects all include major elements for active transportation, but from a TIP/RTP standpoint,

98-3

Ms. McMillan
 July 20, 2021
 Page 4

are more appropriately categorized under their respective corridors. The following projects should be moved from 21-To9-061 “Regional Vision Zero Policy through Street Design and Reduced Speeds | Regional” to:

- 21-To6-021 Corridor & Interchange Improvements | I-680 | Alameda County
 - Sunol Blvd.
 - Total: \$50 million
- 21-To6-019 Corridor & Interchange Improvements | I-580 | Alameda County
 - Greenville Road, Isabel Ave/SR-84, First Street, and Vasco Road
 - Total: \$260 million
- We submitted a Programmatic Category called Climate Program: TDM and Emission Reduction Technology for \$124 million that is currently associated with 21-To7-057 “Technology Improvements | Regional”. The projects in this category would be better classified under the following two regional programs:
 - 21-EN08-131 Clean Vehicle Initiatives | Regional
 - 21-EN09-132 Regional Transportation Demand Management Initiatives | Regional
- Quarry Lakes Parkway is listed as a location under 21-To7-056 “Minor Roadway Improvements | Regional”. This project has historically been called the East-West Connector. We request that MTC adjust the project title listed in the program list of projects to read: “Quarry Lakes Parkway (also known as East-West Connector)” for clarity.

98-3
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Again, congratulations on nearing the major milestone of adopting PBA 2050. Alameda CTC appreciates the ongoing partnership with MTC and we look forward to continuing to work with you to implement this visionary plan. Please contact Carolyn Clevenger, cclevenger@alamedactc.org, if you have any questions.

Sincerely,



Tess Lengyel
 Executive Director, Alameda County Transportation Commission

Letter 98
Alameda County Transportation Commission
Tess Lengyel, Executive Director
July 20, 2021

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

98-1

The comment is an introductory statement that also expresses support for the proposed Plan. The commenter introduces a series of comments that are addressed in the following responses. The comment letter does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during the review of the merits of the proposed Plan. Please see Responses to Comments 98-2 and 98-3.

98-2

The commenter provides support for, offers considerations, and recommends partnerships to ensure the successful implementation of the proposed Plan strategies, including Strategy T02, "Support Community-Led Transportation Enhancements in Equity Priority Communities;" Strategy T05, "Implement Per-Mile Tolling on Congested Freeways with Transit Alternatives;" Strategy T08, "Build a Complete Streets Network;" Strategy T09, "Advance Regional Vision Zero Policy through Street Design and Reduced Speeds;" Strategy T10, "Enhance Local Transit Frequency, Capacity, and Reliability;" Strategy T11, "Expand and Modernize the Regional Rail Network;" Strategy T12, "Build an Integrated Regional Express Lane and Express Bus Network;" Strategy EN07, "Expand Commute Trip Reduction Programs at Major Employers;" Strategy EN08, "Expand Clean Vehicle Initiatives;" and Strategy EN09, "Expand Transportation Demand Management Initiatives."

98-3

The commenter provides comments and suggested revisions to the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. After receipt of the July 20th comment letter, MTC staff have coordinated with Alameda CTC staff to refine the Plan Bay Area 2050 Transportation Project List and address the suggested revisions. These refinements will be incorporated into the final transportation project list. The recommended revisions add clarity and do not change the substance of the proposed Plan as it relates to environmental impacts.

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

Letter 99

MTC Public Information

Attn: Draft Plan/Draft EIR Comments

375 Beale Street, Suite 800

San Francisco, CA 94105

via email to: info@planbayarea.org, eircomments@bayareametro.gov

To whom it may concern:

Thank you for the opportunity to review and comment upon the draft Plan Bay Area 2050 (PBA) and the draft Environmental Impact Report for the PBA.

Plan Bay Area 2050 (PBA) is important to building a future Bay Area. It lays out a vision of an equitable, diverse and potentially thriving Bay Area, including many strategies to achieve that vision. I especially appreciate the focus on transportation, a major element of PBA, as transportation is the biggest source of greenhouse gases in the Bay Area.

However, PBA should do more.

1. Public Transportation benefits as TDM strategy

While PBA discusses strategies for reducing vehicle miles traveled (VMT), I am concerned that PBA still does not include sufficient focus on restoring and enhancing the region's public transportation services.

In particular, the reduction of parking and de-coupling of parking from building requirements is encouraged as a strategy for dis-incentivizing personal vehicle use, which is good, but there should also be emphasis placed on coupling public transit benefits with new housing developments in order to help finance public transportation services. The requirement that new housing developments, especially multiunit and affordable housing developments, offer residents public transit passes or public transit discounts should be strongly encouraged across the region.

As housing is built with less accommodation for personal vehicles, the housing should be required to support public transportation. This is especially important when housing is developed at under-utilized commercial sites not currently well-served by public transportation. The region needs all housing to

99-1

be well served by public transit in order to reduce VMTs, greenhouse gas emissions and repurpose public spaces to other important, non-private vehicle uses. Public transportation benefits should be strongly encouraged as a vitally important transportation demand management strategy.

99-1
cont.

2. Mitigation of urban heat impact risks

While PBA discusses mitigating sea level rise and wildland/urban interface fires, there is insufficient attention on mitigating urban land surface temperatures.

With increasing global heating, we are now experiencing localized heat waves with greater frequency, which poses significant risks to public health.

A good way to mitigate urban heat impacts is to maintain healthy urban tree canopies, and PBA should strongly encourage the maintenance and enhancement of urban tree canopies, especially in historically red-lined areas which typically suffer from higher land surface temperatures.

99-2

A requirement that new housing developments maintain an appropriate minimum tree canopy should be strongly encouraged, especially for multiunit and affordable housing developments.

Additionally, it would be appropriate to encourage attention to tree canopies for “slow streets” which are intended to facilitate active transportation modes, in order to reduce land surface temperatures in those areas.

3. DEIR alternatives

The DEIR should consider an additional “Transit Rich” alternative which is enhanced by greater emphasis on urban tree canopy maintenance, maintains urban growth boundaries, repurposes highway-widening funding to enhance affordable housing and public transit in the corridor; adds funding for slow streets and Complete Streets Networks.

99-3

Thank you very much for your work with PBA, and for considering my comments and concerns.

Sincerely,

Marjorie Alvord

Berkeley, Alameda County, CA

Letter 99
Marjorie Alvord
July 20, 2021

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

99-1

The proposed Plan includes approximately \$400 billion in investments to operate, maintain, and expand public transit service and access, including the restoration of transit operations to 2019 service levels. Please see Response to Comment 92-1 for a discussion of transit use. Regarding the reduction of parking, the proposed Plan envisions reduced parking development as part of Strategy H03 to encourage more dense and diverse housing development in Growth Geographies (see "Spur Housing Production at All Income Levels" strategies in Section 2.2.2 of the Draft EIR, "Proposed Plan Strategies," page 2-5). The proposed Plan also includes Strategy T03, "Enable a Seamless Mobility Experience" and Strategy T04, "Reform Regional Transit Fare Policy" that when combined, would provide discounted fares and a simplified way to pay them. The proposed Plan also looks at businesses to offer transit incentives. The Bay Area Commuter Benefits Program, codified into law in 2016, mandates that all employers in the Bay Area with 50 or more full-time employees offer their employees benefits that encourage alternatives to solo car commuting. Strategy EN07, "Expand Commute Trip Reduction Programs at Major Employers" also intends to reduce solo driving commute trips across the region. Rather than transit passes being subsidized by new residential developments, Strategy EN07 would require that all large Bay Area employers ensure that no more than 40 percent of their workforce commutes by car on an average workday. To accomplish this, employers could provide free or subsidized transit passes to encourage transit use over car commuting, for example, or provide direct cash subsidies for employees who choose to walk, bike or telecommute. Strategy EN09, "Expand Transportation Demand Management Initiatives," also invests in transportation demand management initiatives to support and encourage the use of transit, active transportation, and other shared modes in place of making single-occupancy vehicle trips (see the "Reduce Climate Emissions" section on page 2-10 of the Draft EIR). The comment is noted for consideration during project review.

99-2

As discussed under Impact AQ-1 in Section 3.4 of the Draft EIR, "Air Quality," on page 3.4-33, many of the proposed Plan's 35 integrated housing, economic, transportation, and environmental strategies align and would help implement many of the 85 control measures in the BAAQMD 2017 Clean Air Plan. This includes urban heat island mitigation; BAAQMD's Control Measure BL4 is intended to reduce the "urban heat island" phenomenon by increasing the application of "cool roofing" and "cool paving" technologies, as well as increasing the prevalence of urban forests and vegetation, through voluntary approaches and educational outreach. The proposed Plan includes environmental strategy EN6: Modernize and expand parks, trails, and recreation facilities. As noted in Chapter 5 of the proposed Plan, research has shown that greening efforts like planting street trees and expanding parks provide important long-term public health benefits, including providing shade to reduce extreme heat.

99-3

See "Master Response 4: EIR Alternatives" for a discussion on this comment. The comment suggests a variation of the TRA Focus Alternative should be considered. The TRA Focus Alternative analyzed in the Draft EIR, and discussed under Section 4.3.2 of the Draft EIR, includes proposed Plan Strategy EN04, "Maintain Urban Growth Boundaries," reduces highway funding by modifying Strategy T06, "Improve Interchanges and Address Highway Bottlenecks," increases transit funding by modifying Strategy T10, "Enhance Local Transit Frequency, Capacity and Reliability," and includes the proposed

Plan Strategies T08, “Build and Complete Streets Network” and T09, “Advance Regional Vision Zero Policy.” The comment does not provide detail sufficient to indicate how the proposed alternative would perform differently from the TRA Focus Alternative or substantially reduce any significant and unavoidable environmental impacts of the proposed Plan differently from the TRA Focus Alternative. The comment is noted for consideration during review of the merits of alternatives.

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



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2021

July 20, 2021

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5TH DISTRICT

Elizabeth Ames
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Duffy
9TH DISTRICT

Dear Ms. McMillan,

On behalf of the San Francisco Bay Area Rapid Transit District (BART), I'd like to extend my congratulations to MTC and ABAG for the release of the Draft Plan Bay Area 2050 and the Draft Plan's Draft Environmental Impact Report (State Clearinghouse #2020090519). BART appreciates the opportunity, over the last three years, to have participated closely in collaboration with Bay Area residents, businesses, jurisdictions, and agencies through the Horizon and Plan Bay Area processes to arrive at a plan that seeks to advance the Plan's Vision and Guiding Principles. The Draft Plan Bay Area 2050 (Plan) is in alignment with the BART's adopted Strategic Plan, which includes goals for Equity, Economy, and Environment and prioritizes strategies to manage demand, expand capacity, and fix, maintain, and modernize the system. It is also consistent with BART's TOD Policy in promoting housing near transit and supporting affordable housing development, and BART's Station Access policy in supporting multimodal travel and promoting non-auto trips.

BART supports the general direction of the Plan and its equity-first approach to creating a Bay Area where everyone can live, work, and find success. We especially support the inclusion of significant investments in transit (including giving first priority to state of good repair investments on the existing transit system), policies to encourage development near transit-rich areas, and the efforts undertaken to meet the California Air Resource Board's 19% per-capita reduction in GHG emission target by 2035. BART also appreciates the inclusion of the full set of the District's submitted projects and programmatic improvements, including the explicit inclusion of Link21 as an anchor of the Plan.

Thank you for the opportunity to comment on these documents. The following Attachment A provides BART's comments on the Plan Bay Area 2050 Draft Plan and the Draft Environmental Impact Report. Please contact Hannah Lindelof, Strategic Planning Group Manager, at 510-464-6426 or hlindel@bart.gov if you have any additional questions.

Val Joseph Menotti
Chief Planning and Development Officer

100-1

www.bart.gov

Attachment A:

BART Comments on Plan Bay Area 2050 Draft Plan & Draft Environmental Impact Report

BART appreciates having had the opportunity to participate in the multiphase planning process for Plan Bay Area 2050, starting with the ‘Horizons’ development process, which was an innovative approach to scenario planning and the need to plan for uncertainty. The resulting Draft Plan is a long-range regional plan that outlines 35 integrated strategies across four key issues—housing, the economy, transportation, and the environment—to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board pursuant to the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill (SB) 375, Statutes of 2008). We have reviewed the Draft Plan and the Draft Environmental Impact Report and offer the following comments for your consideration.

Comments on Plan Bay Area 2050 Draft Plan

1. Transportation:

- a. BART supports the range transit-supportive strategies included in the Draft Plan, both for optimizing the existing system and building a next-generation transit network. BART also supports efforts to create healthy and safe streets, particularly for active transportation, which are also important first/last mile improvements.
- b. BART strongly supports State of Good Repair/Fix-It-First focused strategies, in particular strategy T1. We also suggest adding investments in Regional Rail infrastructure, which are listed in the Next Generation Transit Network theme under T11, to T1 as well. As the region grows and becomes more integrated with the Megaregion, this network stands to serve an even more critical role.
- c. Strategy T1 also specifies funding to increase transit service to 2019 levels. Please provide clarity about the proposed length of this funding commitment. Many transit agencies in the Bay Area are facing a multi-year and structural deficits that will require long-term, sustainable strategies.
- d. BART strongly supports strategy T2, focused on implementation of community-led transportation enhancements in Equity Priority Communities. As we have been hearing from our Equity-focused Co-Creation process as part of Link21, it is important when setting up locally based programs to incorporate input from these communities to recognize that the transportation needs of those communities may be regional in nature, not just local, especially for access to jobs.
- e. BART supports strategy T4: Reform Regional Transit Fare Policy with the understanding that adequate funding will be made available to support the program overall and ensure sustainable funding for transit service (i.e., addressing any potential fare revenue losses that individual operators may realize and may not currently be captured in 21-T04-011). Many operators, including BART, have historically relied on fare revenue as a large portion of the operating budget, and reductions in total operating revenue would be at odds with the restoration of service identified in T1.

100-2

- f. BART Supports the creation of a network of streets that serve all users better in T8 and T9, with protected bike lanes and other features to encourage all active transportation modes. This can be most challenging to accomplish in the urban core of the region due to limited street rights-of-way, but the benefits are potentially greatest in the core due to higher densities and higher levels of transit use. The text mentions specific infrastructure in the outer suburban portions of the region, and we encourage commensurate attention to developing such facilities in the older, more urban parts of the region.
 - g. BART appreciates this explicit inclusion of Link21 in strategy T11, and as an anchor of the Plan. BART and CCJPA look forward to continuing to work closely with MTC and other regional partners to move this important program towards implementation while ensuring that the benefits of the project demonstrated in the plan are delivered, with a particular focus towards delivering benefits to Equity Priority Communities.
2. Housing & Land Use
- a. Many strategies have been carried forward from previous versions of Plan Bay Area. Inclusion of an assessment of how well these strategies have worked to date, or what barriers have been found in their implementation, would bolster continued support for these strategies.
 - b. BART supports the four identified growth areas in the Draft Plan. The plan should identify strategies to balance encouraging more affordable housing in high resource areas with utilizing affordable housing production as a key anti-displacement strategy in lower income transit rich areas – often identified as Equity Priority Communities in the Plan. We request that MTC reinforce that transit proximity inherently provides high opportunity for jobs, and support efforts to ensure that transit rich areas should be prioritized equally with high resource areas for affordable housing funds (most notably, California Debt Limit Allocation Committee (CDLAC)).
 - c. Strategy H4 in the Draft Plan should be explicitly coordinated with the Regional Impact Council’s Regional Action Plan to Address Homelessness, and should include additional emphasis on the unique service and funding needs of people experiencing homelessness and regional coordination of services.
 - d. Strategy H5 in the Draft Plan should stress that in-lieu fees are not a sufficient replacement for integration of affordable units. Delivery of units via in-lieu has proved challenging given rapidly escalating costs and separate approvals processes.
3. Economy
- a. Strategy EC4 may be targeted at the wrong barrier. The challenges to commercial growth in many areas are market and economic, rather than zoning limitations – for example, the Warm Springs Innovation District would allow unlimited height. Please provide more details as to how implementation of EC4 will work towards addressing the real economic barriers or commit to exploring strategies that will draw jobs to transit rich locations in areas that have a better jobs-housing balance. High regional commercial linkage fees to build in areas that are currently jobs rich but not transit rich, for example, could be a more effective strategy that could be implemented by the Bay Area Housing Finance Authority (BAHFA).

100-2
cont.

- b. BART strongly supports Strategy EC5 to provide incentives to locate jobs in housing rich areas near regional rail transit. In addition to the benefits to jobs/housing balance, this type of growth may also be focused in areas that allow BART to capture multi-directional commutes and support additional all-day service for all types of trips.
4. Environment
- a. On October 22, 2020, the BART Board of Directors adopted Resolution 5458, which registered opposition to EN7 as it appeared in the Final Blueprint. In the Final Blueprint, EN7 was written to require remote work for 60% of the workforce of major office employers on any given day regardless of commute mode. BART appreciates the revisions to EN7 found in the Draft Plan which refocus the strategy towards explicitly targeting the reduction of auto trips through any number of employer-selected transportation demand management tools. BART supports the inclusion of transit-based tools, such as employer-provided fare subsidies and passes, which will help maximize the utilization of the significant investment in transit that the Draft Plan proposes, while ensuring that the region's transit network remains viable for all types of trips.
 - b. Please correct the Senate Bill 375 author on page 83, the reference should be Steinberg not DeSaulnier.
5. Implementation Plan:
- a. BART appreciates the recognition in the Draft Plan that achieving the goals and targets of the plan requires coordinated implementation of all strategies, and we would also underscore the importance thereof. We look forward to continuing to work at a staff level with MTC and others to identify low cost/high reward investments, including those focused around racial and socioeconomic equity, that can be advanced to implementation in the next one to five years.
 - b. Similarly, we look forward to refining the details of proposed in the implementation plan further, particularly with respect to roles and responsibilities. It is likely that the culmination of the Blue Ribbon Transit Recovery Task Force and next steps of the Business Case development will also help to inform this refinement, particularly with respect to responsibilities around implementation of T1, restoring, operating, and maintaining the existing system.
 - c. We suggest that focus be placed on addressing skyrocketing construction costs in both the Housing & Economy strategies. Construction cost escalation is a major impediment to implementation of most of the strategies identified in the Draft Plan and the region should take a lead role in supporting strategies to lower construction costs. Some potential efforts include adding job training in construction trades specifically to expand workforce (add to EC2) and supporting innovations in the construction industry through technical support for building codes, low-cost financing for high-risk innovative development, business startups in fields with a shortage of firms (electrical/plumbing). This could have the dual benefit of addressing worker shortages in transportation and other fields (e.g. electricians, elevator/escalator technicians) while expanding opportunities for good paying jobs.
 - d. It appears that Strategy H8, which includes use of public lands for creation of housing, is the highest-ranking strategy. BART would like to discuss with MTC what additional incentives could be provided, as all state policy efforts to support public land

100-2
cont.

development have been in the form of additional regulations rather than assistance to public agencies. BART could benefit from regional support for upfront planning, outreach, and investment in transportation infrastructure (to create more buildable space and ensure safe passenger movement at stations) to support TOD on our 250 acres of developable, publicly owned land.

- e. Under strategy EC5, focused on providing incentives to employers to locate jobs in Transit Rich Areas, MTC's role is listed as "support" but we would like to discuss what more could be done using BAHFA authority to create regional housing funding streams that capture value from jobs rich areas to support affordable housing. Measures such as a regional linkage fee could also serve to incentivize employers and developers to locate in other areas that are not charged such a fee, while generating much needed funds to be directed to affordable housing.
- f. Equitable implementation of TDM-based strategies is critical to achieving the goals of the Plan and the region. TDM-based strategies throughout the plan should be cognizant that many TDM programs leave low-income workers behind - they are simply not offered commute incentives. In the Frick/Barajas study of BART usage by residents of TODs, they found that low-income residents are less likely to take BART, in part because they are not offered commuter incentives by their employers. Please call this inequity out and identify ways to address this deficiency in employer based TDM programs, in parallel to how the plan also discusses incentives to allow low-income households to access electric vehicles.

100-2
cont.

Comments on Plan Bay Area 2050 Draft Environmental Impact Report

- 1. BART strongly supports the attributes of the proposed Plan and the TRA Focus Alternative 1, that seek to invest in the maintenance and expansion of regional and local transit, encourage development in transit-rich geographies, and reduce vehicle miles traveled and related greenhouse gas and other emissions.
- 2. BART is concerned that the HRA Focus Alternative 2 would remove investment in regional and interregional rail projects, as increased transit ridership is central to reducing vehicle miles traveled and corresponding greenhouse gas emissions.

100-3

Letter 100
Bay Area Rapid Transit
Val Joseph Menotti, Chief Planning and Development Officer
July 20, 2021

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

100-1

The comment is an introductory statement that also expresses support for the proposed Plan. The commenter introduces a series of comments that are addressed in the following responses. The comment is noted for consideration during the review of the merits of the proposed Plan. Please see Responses to Comments 100-2 and 100-3.

100-2

The comment includes several comments on the proposed Plan, but does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The commenter provides support for proposed Plan transportation strategies T01, T02, T04, T08, T09, and T11, and provides consideration for their successful implementation. The comment also expresses suggestions regarding project categorizations in the Plan Bay Area 2050 Transportation Project List. The recommended revisions would add clarity and do not change the substance of the proposed Plan as it relates to environmental impacts. Strategy T01 directs transportation revenues toward restoring transit service hours to pre-pandemic levels and sets aside funding to operate and maintain that service through the remainder of the Plan period. However, the proposed Plan does not allocate funds to any specific transportation project or program, nor does it dictate how or when funds would be available to transit operators. Key implementation actions for proposed Plan Strategy T01 include implementing the recommendations of the Blue Ribbon Transit Recovery Task Force. Findings from the Horizon initiative suggested that implementation of the fare integration component of Strategy T04 could be revenue-neutral to transit operators, by incentivizing enough new transit ridership to balance out any losses from the simplified fare system. Overall, implementation of Strategy T04 is estimated to cost approximately \$10 billion over the Plan period, discussed in the Plan Bay Area 2050 Technical Assumptions Report found at <https://www.planbayarea.org/reports>. Key implementation actions for proposed Plan Strategy T04 include implementing the recommendations of the Fare Integration Task Force. Strategy T08 is outlined on page 63 of the Draft Plan Bay Area 2050, "Plan Bay Area 2050 envisions a well-connected network with 10,000 new miles of protected bike lanes and off-street paths, with particular emphases on connections to transit and investments in Equity Priority Communities." Key implementation actions for proposed Plan Strategies T08 and T09 include implementing the recommendations of the Active Transportation Plan. Presently, MTC and ABAG are developing an update to the region's Active Transportation Plan. This plan will have a stronger emphasis on implementation, identifying gaps in the active transportation network, exploring funding opportunities to support new projects, and outlining policy approaches to enhance equity and safety.

The integrated Priority Development Area/One Bay Area Grant Assessment, which was presented to the Programming and Allocations Committee at its July 2021 meeting, presented an assessment of its effectiveness. Below is the link to the staff report to which a summary of the assessment is attached: <https://mtc.legistar.com/View.ashx?M=F&ID=9604139&GUID=4ACB4EBC-75AF-4ED1-BBB1-F00A5591463E>. Strategy H05 calls for the production of deed-restricted affordable housing units, as opposed to in-leu fees, as part of market-rate housing developments.

The commenter provides support for proposed Plan Strategy EC05 and offers considerations for Strategy EC04. Please refer to the Plan Bay Area website at www.planbayarea.org/reports for additional information on Strategy EC04, including the Plan Bay Area Technical Assumptions Report and the Plan Bay Area 2050 Forecasting and Modeling Report.

The commenter provides support for proposed Plan Strategy EN07, which was revised between the release of the Notice of Preparation and the release of the Draft EIR. The commenter identifies a typo in the Draft Plan Bay Area 2050. This error has been corrected.

The commenter provides support for the proposed Plan's Implementation Plan and requests continued discussions on implementation of Strategy H08. The final recommendations of the Bay Area Transit Transformation Action Plan have been more deeply woven into the Final Implementation Plan. These recommendations are broadly supportive of a number of proposed Plan strategies. The Final Implementation Plan further identifies strategic partners and proposed implementation timeframes for all plan strategies and actions. The Final Implementation Plan is expected to include a refinements to strategy EC2: Expand Job Training and Incubator Programs related to ensuring there is an adequate workforce to support the plan's ambitious infrastructure goals. The revisions would add clarity and do not change the substance of the proposed Plan as it relates to environmental impacts. One of the key implementation actions identified in the housing element of the Plan is the completion and implementation of the Expanded Regional Housing Portfolio and Bay Area Housing Finance Authority Business Plan. The Final Implementation Plan further calls out that working to ensure more equitable implementation of TDM-based strategies will be a continued focus during the Plan's implementation period. The commenter identifies considerations for TDM-based strategies.

100-3

The commenter's support for the components of the proposed Plan and Alternative 1, and concerns regarding Alternative 2 are noted for the record. See "Master Response 4: EIR Alternatives."

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

Letter 101

From: [Keith Bennett](#)
To: [EIR Comments](#)
Subject: Plan Bay Area 2050 (No)
Date: Tuesday, July 20, 2021 11:06:43 AM

External Email

To Association of Bay Area Governments

I would like to register my clear opposition to the Bay Area Plan 2050 and the RHNA. To put it bluntly, we have too many jobs in the Bay Area and these new jobs lead to population growth, putting pressures on the local communities, including housing, transportation, water, sewage, etc. The employers then expect the local communities to pay for the costs they are imposing. Infrastructure is needed as soon as someone takes a job in the area, and that infrastructure needs to be paid for. It is much faster and easier to build office space than housing.

A office typically allows about 150 - 200 square feet of space per tech worker (this is the amount I allocated as CEO of a start-up). However, assuming the goal is to support families, each tech worker corresponds to 2 - 4 residents. People usually expect at least 250 square feet /person of residential space, and actually aspire to more. A small apartment / condo suitable for a couple aspiring to have a family is therefore 800 square feet. So, for each 150 - 200 square feet of office space, 4 - 5 times as much residential space is required. The cost of such new construction is at least \$500 / square foot, in addition to land. At 8% ROI, the rental cost must be at least \$32K / year (for 800 square feet), which is quite high for many people we need in our communities. In other words, construction of new market-rate housing will continue to push people we need locally out of the area.

In addition to personal residential space, quality of life depends upon urban amenities, whether it's schools, hospitals / clinics, stores or restaurants, not to mention offices for governmental services. In short, a lot of infrastructure is required to support each new worker.

This doesn't address the community infrastructure requirements, such as water, sewage or transportation at all.

The Bay Area's Growth plan needs to:

- 1) Reduce the jobs-housing imbalance in jobs-rich areas by emphasizing conversion of offices (which are perhaps less necessary due to the work-at-home possibilities) into residential housing, either by completely replacing the building or remodeling,
- 2) Requiring new office construction to also build new housing sufficient to house workers as part of the project
- 3) Requiring impact fees for office developments to cover the added costs to communities. As a result of Proposition 13, and the relatively low turnover of office properties, property taxes paid by corporations now do not cover their fair share of expenses.

101-1

4) The large tech companies can easily afford to fund "affordable" housing for the essential workers (including teachers, government employees, tradespersons, etc. displaced by their employees). They have huge (\$100 billion) amounts of cash which is not earning (significant) interest. They easily can invest that money into housing for their employees and the community without requiring the return on investment. It's simply a cost of business (and a better investment than cash) for them. Done properly, these companies would become much better participants in the community. Google once promised "Do No Evil." Inadvertently, these companies are doing evil. Bay Area Plan 2050 should direct them to "Do Good."

101-1
cont.

Please do not approve the plan as written. It is the wrong way and further concentrates jobs where they aren't needed without offsetting the impacts.

Thank you,

Keith & Atsuko Bennett



Palo Alto, CA 94301

Letter 101
Keith Bennett
July 20, 2021

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

101-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see Response to Comment 13-1 and “Master Response 1: Regional Growth Forecast” for a discussion of RHNA methodology. Please see Response to Comment 9-1 for a discussion on jobs-housing balance. Please see Draft EIR section 3.14, “Public Utilities and Facilities” for an analysis of the potential for implementation of the proposed Plan to have an impact on public utilities, facilities, and services within the nine counties of the Bay Area. The public utilities, facilities, and services addressed in the Draft EIR are water supply, wastewater (sanitary sewer), stormwater, solid waste, telecommunications, electric power, and natural gas. Implementation of impact fees for office development is a strategy that was included in Alternative 1, the TRA Focus Alternatives. See Chapter 4 of the Draft EIR, “Alternatives to the Proposed Plan” and “Master Response 4: EIR Alternatives” for a discussion of this alternative. See “Master Response 6: MTC and ABAG Roles and Authority” for discussions of affordable housing and funding for affordable housing.

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

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

GAVIN NEWSOM

Letter
102**CALIFORNIA COASTAL COMMISSION**

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**By Electronic Mail**

July 20, 2021

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105

Subject: Draft EIR for Plan Bay Area 2050

Dear Members of the Metropolitan Transportation Commission and the Association of Bay Area Governments:

Thank you for the opportunity to provide comments on your draft EIR for Plan Bay Area 2050. I write on behalf of staff in the Coastal Transportation Program of the California Coastal Commission. As you likely know, the Coastal Commission is an independent state agency that regulates development along California's coastline to protect natural coastal resources and to maximize coastal access and recreation for all. Our statewide transportation program works generally on sea level rise planning, climate change adaptation, and multi-modal improvements related to our critical coastal transportation infrastructure, as well as other issues related to the California Coastal Act – the protection of marine and coastal biological resources, social equity, and maximizing public access on the California Coast.

I would like to direct these comments to the Bay Area Plan 2050 itself, and hope the feedback can be applied to the EIR. Overall, we want to applaud this document and the important direction it sets on multiple policy issues, including reducing transportation air pollution and GHGs, improving multi-modal transportation, addressing the need for greater equity in the region, and enhancing the resiliency of our infrastructure in the face of sea level rise. Primarily, we want to offer ourselves as a partner in this important work to carry forward the.

Additionally, in this letter, I would like to offer a few broad comments. First, it appears the coastal areas and resources of the Bay Area counties are largely overlooked in this plan. We understand the emphasis for ABAG and the MTC is on the urban core of the Bay Region, centered around the San Francisco Bay. However, the plan does state that it covers the nine counties, and the coastal areas of these counties are among the most valuable resources for the residents of those nine counties. As an example, page 81 of the plan includes a photo of a scenic coastal view, but the plan has no discussions of, and even almost no mentions of, coastal issues. This is particularly evident in the map of SLR vulnerabilities on page 95 of the report, which

102-1

CCC-ABAG/MTC (2021 Plan Bay Area 2050)
July 20, 2021

does not include any coastal areas at all even though numerous resources document the great vulnerability of our coastal areas. The lack of discussion of coastal issues also makes one question if the proposed funding allocated for different strategies only goes to areas along the bay shoreline and in the inner urban core of the Bay Region, given those areas are the only ones discussed and displayed in the various maps and figures. For example, EN1 on page 98 proposes \$19 Billion for SLR adaptation, but does that funding only go to areas of bay shoreline or also to vulnerable coastal areas greatly in need of SLR adaptation efforts?

If the intent of the Bay Area Plan is only to focus on the inner urban core, the plan should specify that up front and include a discussion of why coastal areas are being largely excluded at this time. Otherwise, we offer a few more specific comments on this larger point. The plan’s discussions of SLR vulnerabilities and adaptation should include references to coastal SLR, particularly Highway 1, which serves as critical transportation infrastructure for our coastal communities and visitors. At the very least, the plan could reference recently developed vulnerability assessments prepared by the coastal counties, or the vulnerability assessments of Caltrans District 4. Discussions of equity in the plan should reference the critical role of free or low-cost coastal recreation at our beaches and open spaces, the need to maintain access for all residents of the nine counties to those areas, and the need to maintain free or low-cost access to the coast, including free/affordable parking. (Positively, the plan does note that “improving access to the Bay Area’s open spaces on the periphery of urban areas is key to ensuring equitable access to our region’s natural riches (P.80).” Further such discussion, however, is necessary.) Discussions of transportation in Chapter 4 should reference the need to expand affordable transit to and along the coast, which can bring improvements for a more equitable transportation system and help reduce air pollution and GHG emissions from automobile transportation related to our coastal economies. Chapter 5 Environment does reference the importance of our coastal recreational open spaces, but the plan should more specifically call out the need to preserve and expand these coastal areas, including the California Coastal Trail. Overall, it should also be made clear that EN4, EN5, and EN6 include coastal recreation. Touching on both equity and environment concerns, the plan also lacks any discussion of how to protect our coastal beach and recreational areas from the threat of SLR and ideas to adapt and preserve coastal recreation.

102-1
cont.

A second overall comment is that the plan has a disconnect between transportation and environmental/resiliency chapters. Progress on these two broad topics is critically related and the cross-linkages between the two should be specifically addressed in the document. For example, Chapter 4 Transportation does not include any mention of specific strategies related to the need to address SLR or climate change. The chapter includes a strategy to maintain existing transportation infrastructure but how can those systems be maintained if they are not made resilient? Granted, Chapter 5 Environment does include an important discussion of those topics and laudable planning goals. We think, however, that Chapter 4 Transportation could be strengthened by including cross-references to chapter 5 or its own more substantive discussion of strategies.

102-2

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In this regard, a fuller discussion of the interlinkages between transportation and the environmental goals of the plan could help improve the discussion of SLR adaptation, which needs a more detailed discussion. We do want to express our support for the plan’s discussion and preference for living shorelines and marsh restoration. However, EN1 proposes \$19 billion to “[p]rotect shoreline communities affected by sea level rise, prioritizing low-cost, high-benefit solutions....” How will these “low-cost” solutions be identified and do they consider the long-term costs of maintenance and potential harm to environmental resources? For instance, a sea wall may be a low-cost solution, but the long-term maintenance costs of the seawall, the environmental harms, and, in many cases, the long-term futility of that approach should be considered in any cost/benefit analysis. Numerous studies indicate that investments made now to accommodate future projected climate change impacts are frequently less expensive in the long-run than short-term low-cost solutions that defer critical decisions. Likewise, the map figure 5.1 on page 95, intermixes various adaptation solutions including seawalls, elevation, and ecotones/levees, all depicted in one green line, leaving it to future local planning efforts to sort out those solutions. At the same time, the plan proports to protect 98% of all homes regionwide and our regional transportation infrastructure. The green line seems a vast oversimplification and it is unclear what priorities or general policies can support decision making amongst the different solutions offered, and how the goals can be met without an over-reliance on seawalls. We understand the plan covers through 2050, but the plan would benefit from discussing how in some cases in longer-time frames managed retreat may be the best, or only feasible, alternative, and therefore investments now should support that longer duration viewpoint.

102-2
cont.

A third overall comment goes to the Active Transportation elements. We appreciate that the plan advocates for complete streets and proposes funding to build out such active transportation. However, the plan overall does not sketch out an overall vision for active transportation in the region, and the Bay Area Plan 2050 seems like exactly the place for such a vision, which is necessary to guide more specific complete street and separated bike trail investments. For active transportation such as cycling to replace a significant share of our regional transportation needs, ABAG and the MTC should advance an implementable vision for a regional transportation system that is not dependent on the automobile. The plan includes regional mapping visions for transit (p.76), highway investments (p.60), and urban growth (p.20), but there is no regional vision for a network of bike highways to support non-vehicular transit for work commuting or other daily transit needs. It is particular disappointing to see plans for highway widening not accompanied by a vision for non-automotive transit that could reduce the need for that widening.

102-3

As a related note, the plan’s discussion of highway widening and new highway interchanges should acknowledge that such developments can encourage new commercial strip developments because of the improved traffic access. The plan should discuss how such highway improvements can avoid promoting such land-use developments in favor of housing or open space preservation. We also want to highlight that the draft 2050 plan lacks any discussion of cycling access along Highway 1 or the coast. Multi-modal trails can also provide a critical active

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transportation resource in the more rural areas of the coast that can experience heavy transportation demand due to a high density of visitor destinations, which is often the case along our coast in areas such as Marin, Sonoma, and San Mateo counties. Pedestrian and bicycle routes are a critical component of traffic demand management in these destination-rich rural locations because they provide ways for the public to travel between multiple visitor destinations without having to repeatedly drive and park at each individual site, improving road conditions for residents and visitors alike.

102-3
cont.

As a fourth comment, the plan advocates the laudable goal of reducing climate emissions from vehicles. Again, however, the plan seems to be lacking a specific and implementable vision besides increase the number of chargers. There’s no vision for a regional network of chargers, and the plan lacks proposed answers to fundamental problems for clean transit, such as the problem of charging needs of apartment dwellers; or how does an EV charging network tie into equity concerns and the needs to ensure low-cost charging; how will the bay region support clean trucking with infrastructure improvements, or how does the clean transportation infrastructure tie into larger concerns such as improving our clean energy system and general power system resilience? For instance, solar-powered supported battery storage in support of EV charging can provide clean electrical power more resilient to demand spikes or outages.

102-4

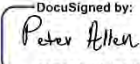
Especially given that the plan discusses highway land widening and other highway improvements, the Bay Area Plan 2050 could include a discussion of mitigation for VMTs from transportation and other infrastructure projects. As reflected in the plan, California’s goal is not to maintain our current GHG emissions, but to reduce them. It is increasingly clear that, along with strategies to reduce our transportation sector GHG emissions, GHG mitigation projects can play an important role to sequester carbon. VMT mitigation mechanisms could support the plan’s strong goals for wetland and marsh habitat that can help reduce GHGs overall.

Conclusion

Once again, overall, we support the plan and vision therein. These are just some general suggested refinements going forward as this plan is finalized and implementation of its recommended policies can begin. We look forward to any opportunities to work with ABAG, MTC, or the county governments in undertaking this important work. Please contact me if you have any questions or comments on any issues raised in this letter. I can best be contacted at peter.allen@coastal.ca.gov. Many thanks again for the opportunity to provide comments.

102-5

Sincerely,

DocuSigned by:

3AE6C24584D3470...

Peter Allen
Northern California Coastal Program Transportation Manager
California Coastal Commission

Letter 102
California Coastal Commission
Peter Allen
July 20, 2021

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

102-1

The comment indicates that the Plan and Draft EIR overlook coastal areas and resources. The proposed Plan includes both coastal and bayshore vulnerabilities. The proposed Plan used sea level rise data from the National Oceanic and Atmospheric Association to identify areas vulnerable to sea level rise along the Pacific coast of the region, including along Sonoma, Marin, San Francisco, and San Mateo Counties. Shoreline areas where homes, jobs, or infrastructure were vulnerable to 2 feet of permanent inundation from sea level rise were flagged for adaptation. The proposed Plan assumes that adaptation measures would address these vulnerabilities as a part of EN1: Adapt to Sea Level Rise. Traditional levees are assumed along low-lying areas in Bolinas Lagoon and Stinson Beach to protect local communities and Highway 1.

Please see Figure 2-3 in the Draft EIR to view the coastal and Bayshore vulnerabilities assumed within the timeline of the plan, including the vulnerabilities on the western coast of Marin County.

Please note that the regional scope of the proposed Plan also includes coastal assets, such as the California Coastal Trail and other coastal recreation areas, which are included in the scope of the strategies “Protect and Manage High-Value Conservation Lands,” and “Modernize and Expand Parks, Trails, and Recreation Facilities.” See “Master Response 5: Sea Level Rise” for discussion related to this comment. Regarding the effects of sea level rise on low-coast recreation, Master Response 5 explains that the effects of the environment on a project are generally outside the scope of CEQA. The Draft EIR undertakes a programmatic analysis of the environmental impacts of the proposed Plan and does not undertake project-level environmental analysis, as is appropriate for the proposed Plan’s level of planning.

102-2

The Draft EIR discusses sea level rise adaptation infrastructure beginning on page 2-17 of the Draft EIR, as well as more generally in Section 3.6, “Climate Change, Greenhouse Gases, and Energy.” Page 2-17 of the Draft EIR provides a description of the various sea level rise adaptation infrastructure archetypes, under the subheading “Sea Level Rise Adaptation Infrastructure.” Figure 2-3 of the Draft EIR depicts the general locations of archetypes assumed in the Plan and in the Draft EIR’s analyses. While Figure 2-3 of the Draft EIR generalizes features, the Plan assumes that natural solutions, such as marsh restoration, would be utilized wherever possible. Table 23 on page 62 of the Draft Plan Bay Area 2050 Technical Assumptions Report describes the cost assumptions for adapting to sea level rise, with over 71 percent of the \$19.2 billion regional sea level rise need attributed to natural (“green”) strategies. It states that 34 percent of the regional sea level rise need is attributed to marsh restoration, 25 percent for elevated roadways that would maintain critical habitat connections, and 13 percent for ecotone levees. Seawalls are assumed for dense areas with space constraints, totaling only 5 percent of the regional need. It is important to note that the narrow set of adaptations used for the proposed Plan analysis are not intended to represent the full universe of adaptation solutions. Advanced local planning should consider other solutions, including additional nature-based strategies. See “Master Response 5: Sea Level Rise” for a discussion related to the comment.

102-3

A discussion of the Plan's strategies to invest in healthy and safe streets begins on page 2-8 of Chapter 2, "Project Description," of the Draft EIR. The Plan directs \$13 billion to Strategy T08 to allow for building 10,000 miles of bike lanes or multi-use paths to support walking or biking. Additionally, Action 2c on page 135 of Chapter 7, "Draft Implementation Plan," of the Draft Plan Bay Area 2050, proposes to "Complete and implement the recommendations of the Regional Active Transportation Plan." This Regional Active Transportation Plan is anticipated to provide an overall vision for active transportation in the region with greater specificity on routes and corridors for these exempt investments than the long-range regional plan. The comment is noted for consideration during project review but does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. No further response is necessary.

102-4

A discussion of the potential effects on VMT from implementing the Plan's 35 integrated strategies begins on page 3.15-22 of the Draft EIR under Impact TRA-2. On page 3.15-28, the Draft EIR concludes that the Plan's "forecasted land use growth pattern, sea level rise adaptation infrastructure, and proposed transportation projects and strategies result in an increase in total regional VMT and a decrease in regional per-capita VMT between the base year and 2050..." The Draft EIR goes on to conclude that Impact TRA-2 is potentially significant and identifies mitigation measures. However, the Draft EIR also concludes that the Plan "would not impede achievement of additional Statewide VMT reductions required to meet the State's statutory GHG emission targets." Mitigation Measure TRA-2a and TRA-2b include transportation demand management measures that overlap with suggestions in this comment letter. In Section 3.6, "Climate Change, Greenhouse Gases, and Energy," the Draft EIR also concludes under Impact GHG-2 that implementation of the Plan would result in the region achieving its assigned GHG emissions reduction target. No changes to the document are necessary.

As noted in Draft EIR section 3.6, "Climate Change, Greenhouse Gases, and Energy," the EN09 strategy includes a car share program, the development of a regional electric vehicle charger network, and other strategies aimed at reducing GHG emissions. In addition, the proposed Plan also includes strategies to increase the energy efficiency of existing development. EN02, "Provide Means-Based Financial Support to Retrofit Existing Residential Buildings" would result in building ordinances and incentivizing building retrofits to meet higher energy standards. Strategy EN03, "Fund Energy Upgrades to Enable Carbon Neutrality in All Existing Commercial and Public Buildings" would support the electrification and resilient power system upgrades leading to lower building emissions. See Response to Comment 102-2 regarding additional suggestions. The MTC Commission and ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

With respect to incorporating carbon sequestration in the mitigation measures, although the proposed mitigation measures do not specifically address carbon sequestration, GHG-3 supports the development of climate action plans (CAP) throughout the Bay Area. These CAPs could include measures that reduce GHG emissions through increased carbon sequestration. For example, CAPs could sequester carbon through measures such as tree planting, soil amendments, and habitat restoration. See Draft EIR pages 3.6-27 to 3.6-30 for further discussion about CAPs.

102-5

The commenter's support for the proposed Plan and statement about future opportunities to work with MTC and ABAG are noted and appreciated. MTC and ABAG will continue to work with agency partners during implementation of the proposed Plan. Thank you for your comments.

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOV

Letter
103

California Department of Transportation

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Governor's Office of Planning & Research

July 21 2021

July 20, 2021

STATE CLEARINGHOUSE

SCH #: 2020090519
GTS #: 04-MULT-2020-00256
GTS ID: 20683

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

Re: Draft Environmental Impact Report (DEIR), Draft Plan Bay Area (PBA) 2050 Plan (Plan) and Draft Transportation Project List (List)

Dear Adam Noelting:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the PBA 2050 DEIR, Plan and List. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, equitable, integrated and efficient transportation system. The following comments are based on our review of the June 2021 DEIR, Plan and List.

DEIR Comments

Caltrans commends MTC/ABAG for integrating the Notice of Preparation (NOP) comments and recommendations into the DEIR and Plan, as well as hosting stakeholder and partner workshops as a venue to facilitate early and ongoing coordination. Caltrans continues to encourage MTC/ABAG to attain consistency with the goals and objectives of State Plans listed in the NOP, including the California Transportation Plan (CTP) 2050 ([link](#)). In an effort to recognize consistency with this State plan, Caltrans recommends that the DEIR integrate and acknowledge the following statement:

"CTP 2050 defines performance-based goals, policies, and strategies to achieve our collective vision and recommendations for California's future, statewide, integrated, multimodal transportation system over the next 25 years. This system must reduce greenhouse gas (GHG) emissions 80 percent below the 1990 levels by 2050 as

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103-1

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July 20, 2021
Page 2

described by Assembly Bill (AB) 32 and Executive Order S-03-05. CTP 2050 demonstrates how major metropolitan areas, rural areas, and state agencies can coordinate planning efforts to achieve critical statewide goals, and should be aligned with when developing regional transportation plan goals, policies, and strategies."

103-1
cont

Travel Demand Analysis/ Vehicle Miles Traveled (VMT)

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements by supporting local partner agencies to develop VMT-reducing opportunities. Additionally, Caltrans is exploring the feasibility of VMT banks, fees and exchanges to mitigate for transportation impacts under CEQA Guidelines Section 15064.3(b) for capacity-increasing projects on the State Transportation Network (STN) and for land use projects in partnership with other agencies and academic institutions.

103-2

Caltrans supports MTC/ABAG's commitment through Mitigation Measure TRA-2a, which states that MTC will collaborate with other agencies to explore the feasibility of programs for reducing VMT such as VMT fees, banks and exchanges. Caltrans welcomes this approach and encourages MTC to continue participation in the regional SB 743 Working Group and other regional partnerships that focus on reducing GHG emissions.

Multimodal Transportation

To reach the Plan's goals, measures focused on increasing multimodal options along the STN, including efforts to convert highway shoulders to devoted bus lanes, should be evaluated on a regional context and with safety as a priority. The cumulative impacts of each of these various efforts should be evaluated to ensure that other priorities, such as highway safety, are not negatively impacted.

103-3

Figure 3.15-3: Bicycle Facilities. This figure does not illustrate all bicycle facilities within the Bay Area. Caltrans recommends that this figure be retitled to Regional Bike Network. Additionally, deficiencies and improvements to the regional bike network should be recognized and referred to through partner agency resources, including the Caltrans D4 Bike Plan ([link](#)).

Passenger Rail Operations

Page 3.15-6, first paragraph. To accurately reflect Amtrak's passenger rail services, please consider replacing the existing paragraph with the following:

"Amtrak provides once-daily long distance passenger rail service to the Bay Area via the Coast Starlight and California Zephyr lines, connecting the region to Southern California, the Pacific Northwest and the Midwest. The two State-supported intercity routes in the region, the Capitol Corridor and the San Joaquins, provide more frequent

103-4

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Adam Noelting, Principal Planner
 July 20, 2021
 Page 3

regional and interregional service, and provide additional connections to the Central Valley."

103-4
 cont.

Freight Operations

As mentioned in Caltrans' NOP response letter, please consider the California Freight Mobility Plan 2020 (*link*) as a resource when discussing the long-term vision for California's freight future. This document serves as a comprehensive plan that governs the immediate and long-range planning activities and capital investments by the State with respect to freight movement.

Additionally, please acknowledge and provide a summary of the Bay Conservation and Development Commission's San Francisco Bay Area Seaport Plan (*link*), which includes long-range forecasts for various cargo types including containerized cargo, roll-on/roll-off cargo (formerly classified as "neo-bulk"), dry bulk cargo, break-bulk cargo (not currently handled), and non-petroleum liquid bulk cargo.

103-5

Page 3.15-8, Goods Movement. Caltrans appreciates the inclusion of a discussion regarding the importance of goods movement to and from the Bay Area. To further illustrate this point, the DEIR should include a map that shows the numerous seaports, airports, Class I railroads, National Highway Freight System routes, and intermodal rail hubs.

Aesthetics and Visual Resources

Page 3.2-14, Impact AES-2. While this section discusses planting along State scenic highways, it does not discuss guidance for highway planting on other State non-scenic routes. If highway screening is a required element of a development, please include a minimization measure in the Plan that requires highway planting and replacement planting on all routes.

While this section discusses planting as a minimization measure along rural officially-designated scenic routes, please consider including urban scenic routes as well. Caltrans requires replacement planting for roadway projects adjacent to the STN, regardless of scenic designation. Please consider clarifying this section to include similar language.

103-6

Page 3.2-18, Mitigation Measure (MM) AES-3. Please include and acknowledge the importance of potential changes to the visual character for urban areas. Scenic vistas in the Plan study area include urban areas with views to San Francisco Bay and other natural and built visual resources. These vistas are equally as important as vistas along rural routes. As well, mitigation measures for urban areas should include highway planting and incorporate aesthetic treatment of structures.

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Page 5-12, Aesthetics and Visual Resources. The statement that the impact to scenic resources occurs “at the interface between development and the scenic resources and tend to be localized” does not consider the cumulative loss in scenic vistas from public spaces. Please note that development over time can lead to degradation of scenic vistas and public views, which are scenic resources.

103-6
cont.

Biological Resources

The STN overlaps numerous protected and sensitive natural resources, as well as threatened and endangered species habitat. Please note in the DEIR that Caltrans continues to seek opportunities to collaborate with partner agencies and jurisdictions to evaluate the effects of transportation projects on wildlife connectivity/sensitive habitats through a more regional context as well as to develop effective mitigation strategies that address any adverse impacts of projects.

Page ES-12, MM AES-4 and page ES-23, BIO-1(a). Please include design solutions that explore alternatives to roadway lighting which also encompass the need for roadway safety. The statement, “Direct luminaries away from habitat and open space areas” as it is currently described is not measurable. Please define measurable impacts. Projects on previously unlit roadways with adjacent sensitive habitat and open space (including sensitive coastal locations) should explore design options that address safety needs without the use of luminaries.

103-7

Page ES-31, MM Bio-3(a). Please provide additional information on the statement, “Limit wildland conversions in identified wildlife corridors”, and clarify how the limit will be measured and/or enforced.

Sea Level Rise

Page 3.6-15, State Regulations. Consider including reference to AB 1482, which requires the Strategic Growth Council to update the State’s climate adaptation strategy every three years and requires all State agencies and departments to prepare for climate change impacts.

Page 3.6-31, County Sea Level Rise Programs. Consider including the San Mateo County Sea Level Rise Vulnerability Assessment (*link*) and the Marin Bay Waterfront Adaptation and Vulnerability Evaluation (*link*) in the list of County Sea Level Rise Programs.

103-8

Page 3.9-20, Airport Land Use Commissions and Airport Land Use Compatibility Plans. In a separate section, consider incorporating county-level Local Coastal Program (LCP) Land Use Plans (LUPs) to help State, regional and local agencies improve coordination

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to reach multi-benefit adaptation solutions in matters related to, but not limited to, sea level rise, coastal erosion, tidal, and storm surge hazards and concerns.

103-8
cont.

Cultural Resources

Page 3.7-13, *Tribal Cultural Resources and Native American Coordination*. Please include comments as to why further outreach was not included after no replies were received. Sending project notification letters and/or holding in-person/virtual Tribal Summits at the National Indian Justice Center may not be sufficient for outreach efforts. Caltrans encourages MTC/ABAG to make multiple attempts through various channels of communication for outreach to Native American Tribes.

103-9

In addition to mitigation measures employed to reduce the impact to historical resources (CUL/TCR-1), unique archaeological resources (CUL/TCR-2), disturbance of any human remains (CUL/TCR-3), and Tribal cultural resources (CUL/TCR-4), Caltrans encourages MTC/ABAG to consider the budgeting and hiring of Native American Tribal representative by region.

Hydrology and Water Quality

Section 3.10, *Hydrology and Water Quality*. Please clearly state the difference between Mitigation Measures and Best Management Practices (BMPs) to ensure that all impacts are fully mitigated. Each hydrological impact states that no mitigation measures are required, while the conclusion of each section mentions that location-specific BMPs will be implemented to ensure impacts are less than significant.

Section 3.10-18: *California Department of Transportation National Pollutant Discharge Elimination System (NPDES) Permit*. Please remove the reference to the 1999 Permit and instead refer to the current Caltrans NPDES Permit, Order No. 2012-0011-DWQ, including its amendment and effective dates. As well, please note that all Caltrans projects will need to meet the requirements in the Caltrans San Francisco Bay Trash Work Plan to meet San Francisco Bay Regional Water Quality Control Board Cease and Desist (CDO) Order No. R2-2019-0007.

103-10

Of special note, any construction projects within Caltrans' Right of Way (ROW) with less than one acre of disturbed soil as defined in Caltrans' Construction General Permit ([link](#)) will need to comply with Caltrans' Project Planning and Design Guide ([PPDG](#), [link](#)) requirement to implement a Water Pollution Control Plan (WPCP). Please see Caltrans' PPDG for more details.

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Adam Noetting, Principal Planner
 July 20, 2021
 Page 6

Draft Plan Bay Area 2050 Comments

Caltrans commends MTC/ABAG for the depth of the Plan, which goes beyond the 20-year horizon requirement, as well as for providing detailed illustrations that show how each area of the region is impacted by demographic, equity, and climate trends. Caltrans also commends the investments in rail and transit projects identified in the Plan, which demonstrate a strong vision for connecting the region to the broader megaregion and plans for tying transformative transit and housing development together. The following comments pertain to the Plan:

Page 57, Autonomous Vehicles (AVs). Caltrans appreciates MTC/ABAG's recognition that AVs could fundamentally change the way transportation networks are designed and operated. For Caltrans' perspective on the impacts of AVs toward our climate, air quality land use and equity, please refer to the California Multi-Agency Workgroup on Autonomous Vehicles ([link](#)) as well as the strategies outlined in the CTP 2050 ([link](#)).

Page 70, second paragraph, and Page 73, Map 4.2. Please clarify if the Dumbarton Rail Service and Group Rapid Transit refer to the same proposed project.

Page 98, EN1 Adapt to Sea Level Rise. Caltrans commends the Plan for noting that an estimated \$19 billion for sea-level rise adaptation projects will be needed. However, additional funding will be required to protect the Bay Area's communities and critical infrastructure from the impacts of two feet of sea-level rise. Please note that the Fiscal Year 2021-22 California State Budget is being finalized which could potentially contain approximately \$1.3 billion to \$3.7 billion that will be divided among California's cities, counties, and tribes for climate change adaptation planning and implementation. Caltrans encourages MTC/ABAG to make the necessary adjustments to the financial assumptions in the Plan, should additional funding become available for adaptation projects accordingly.

103-11

Draft Transportation Project List Comments

T01 21-T01-003 and T01 21-T01-006: Operate & Maintain the Existing System. Please include pedestrian and bicycle striping improvements, such as bicycle lanes, high visibility crossings and sidewalk/curb improvements for resurfacing included in the State Highway Operations and Protection Program (SHOPP).

T02 21-T02-008: Community-Led Transportation Enhancements in Equity Priority Communities. While the project description includes transit and shared mobility, consider including the potential for other pedestrian and bicycle improvements put forth by the underserved communities themselves, including improved sidewalks, safer pedestrian crossings and bike paths.

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Adam Noelling, Principal Planner
 July 20, 2021
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T04 21-T04-010: Regional Transit Fare Policy. Please ensure future compatibility with the Statewide California Integrated Travel Program ([link](#)) efforts to integrate a tap-to-pay payment system across the state that includes guidelines and minimum requirements for eligibility verification and General Transit Feed Specification (GTFS) data as well.

T06 21-T06-035: Corridor Improvements & Interchange Improvements for State Route (SR)-37. Caltrans recommends augmenting this strategy to specifically include express bus service along the High-occupancy vehicle (HOV) lanes. For more information, refer to the SR-37 Travel Behavior and Transit Feasibility Study ([link](#)) by North Bay County Transportation Authorities (CTAs) regarding express service along this route as a long term step.

T05 21-T05-012: Per-Mile Tolling. While the PBA 2050 proposes to implement "per-mile tolling on select congested freeways where parallel transit options exist", Caltrans recommends that MTC/ABAG develop and implement a feasibility study prior to implementation. This study should examine the per-mile tolling strategy for any tolling proposal, including pilot locations/corridors, and specifically assess potential impacts to Native American Tribes. Please note that according to the PBA 2050 Engagement with Native Tribes document, the Native American tribes who participated in the December 2019 Tribal Summit expressed concerns that such a proposal would hinder their ability to improve their economic well-being.

103-11
 cont.

T08 21-T08-060: Complete Streets Network. Please consider including the portions of the California Coastal Trail alongside SR-1. As well, the Napa Vine Trail (SR-29) is another example of a regional car-free project in the process of development.

T09 21-T09-061: Regional Vision Zero Policy through Street Design and Reduced Speeds. Please include pedestrian and bicycle safety improvements as part of the Vision Zero policy strategy. Additionally, this strategy should include considerations for bicycle highways/ superhighways ([link](#)). Regarding highway speed reductions, they may be considered on a case-by-case basis and with the support of studies to understand its impacts on safety, the environment, and other considerations.

T11 21-T11-113: Rail Service Expansion for SMART. This strategy does not include the Sonoma-Marín Area Rail Transit District (SMART) as described in the California State Rail Plan ([link](#)). On the current alignment, the plan and the draft SR-37 Comprehensive Multimodal Corridor Plan (CMCP) recommended to include the SMART Healdsburg and Cloverdale extensions as part of the plan. On the future alignment, it is recommended to include SMART east/west between Novato and Suisun City as well.

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July 20, 2021
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T12 21-T12-116: Express Lanes. In addition to the planned express lanes on I-80 in Solano County, this program should include extending the express lane system to connect to the I-80 Corridor Improvement Project in Yolo County. Map 4.1 in the Draft Plan shows that a gap exists north of I-505.

EN08 21-EN08-131: Clean Vehicle Initiatives. Please consider income-based rebate incentives for e-bikes as well.

In addition to the above existing strategies, Caltrans recommends that the following strategy be considered:

Sea Level Rise Adaptation Infrastructure for SR-1. Sea Level Rise Adaptation Infrastructure should include SR-1 in Marin, Sonoma, and San Mateo Counties.

103-11
cont.

Thank you again for including Caltrans in the review process for PBA 2050. Should you have any questions regarding this letter, please contact Erik Alm of my staff at (510) 715-8654 or erik.alm@dot.ca.gov.

Sincerely,



JEAN C. R. FINNEY
Deputy District Director

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment!"

Letter 103
California Department of Transportation
Jean C.R. Finney, Deputy District Director
July 20, 2021

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

103-1

The comment recommends that the CTP 2050 be discussed in the “State Regulations” section in Section 3.15, “Transportation.” The summary of the CTP 2050 has been added in this final EIR in response to this comment. The addition is presented in Chapter, “Revisions to the Draft EIR.” The change does not alter the conclusions with respect to the significance of any environmental impact, because it provides additional setting information to enhance the existing text in the EIR.

Page 3.15-12 of the Draft EIR is revised as follows (new text is underlined):

California Transportation Plan 2050

The California Transportation Plan (CTP) serves as the state's comprehensive long-range transportation plan and provides a common framework for guiding transportation decisions and investments in the state. CTP 2050 was adopted February 2021 as the state transportation plan, as required by federal and state law. CTP 2050 defines performance-based goals, policies, and strategies to achieve the state's vision for a statewide integrated multimodal transportation system over a 25-year timeframe. The CTP must plan for a system that reduces greenhouse gas emissions 80 percent below the 1990 levels by 2050 as described by Assembly Bill 32 and Executive Order S-03-05. Unlike, regional transportation plans, CTP 2050 is not fiscally constrained. CTP 2050 identifies opportunities for coordinating planning between major metropolitan areas, rural areas, and state agencies to achieve shared goals.

103-2

The commenter expresses support for Mitigation Measure TRA-2a. The comment is noted for consideration during the review of the project.

103-3

The Draft EIR evaluates cumulative transportation impacts on page 5-21. It concludes, “The potential for cumulative impacts related to... increased hazards... would not be cumulatively considerable, and these impacts would be less than significant (LTS).” The impacts of conversion of highway shoulders on safety is localized, and not found to be cumulatively considerable.

Further, the design details of proposed transportation projects are not known because the projects are in the early stages of planning. However, any projects will have to meet all applicable design and safety standards and ensure adequate passage for emergency vehicles. This would ensure no significant impacts, including, to the extent that they are possible, cumulative impacts.

The Plan includes investments in the regional Bay Area Forward Program as Plan ID number RTPID 21-T06-049, which includes numerous actions, including a comprehensive strategy to implement bus lanes on the shoulders of Bay Area highways. Other bus on shoulder projects are proposed in tandem with express bus improvements, including on Interstate-680 in Contra Costa County as part of project 21-T12-122, U.S.-101 in Marin County as part of 21-T12-124, and on State Route-29 in Napa County as part of project 21-T12-118.

Comment 103-3 also requests that Figure 3.15-3 be retitled “Regional Bike Network.” The figure name has been revised in this final EIR. This change is presented in Chapter 3 of this Final EIR, “Revisions to the Draft EIR.” The correction does not alter the conclusions with respect to the significance of any environmental impact. It is a clarification that does not affect the EIR analysis or conclusions. See Response to Comment 102-3 for more information on active transportation.

103-4

In response to this comment, the text in the first paragraph on page 3.15-6 has been modified as follows:

~~Amtrak provides long-distance passenger rail services to the Bay Area via the Capitol Corridor, San Joaquin, Coast Starlight, and California Zephyr lines, connecting the region to the Central Valley, Southern California, the Pacific Northwest, and the Midwest.~~

Amtrak provides once-daily long-distance passenger rail service to the Bay Area via the Coast Starlight and California Zephyr lines, connecting the region to southern California, the Pacific Northwest, and the Midwest. The two State-supported intercity routes in the region, the Capitol Corridor and the San Joaquins, provide more frequent regional and interregional service and provide additional connections to the Central Valley.

The changes presented above do not increase the severity of an environmental impact disclosed in the Draft EIR or result in a new environmental impact. It clarifies language in the environmental setting. No other changes to the document are necessary.

103-5

The commenter recommends that freight operation plans, including the California Freight Mobility Plan 2020 and San Francisco Bay Area Seaport Plan, be discussed in the “State Regulations” and “Regional and Local Settings” sections in Section 3.15, “Transportation” and Section 3.11, “Land Use, Population, and Housing,” respectively, and recommends the inclusion of a goods movement figure. The summary of these plans and the requested figure have been added in this final EIR in response to this comment. The changes are presented in Chapter 3, “Revisions to the Draft EIR.” These additions do not alter the conclusions with respect to the significant of any environmental impact, because the proposed Plan would not conflict with the implementation of these additional plans.

Page 3.15-12 is revised as follows (new text is underlined):

California Freight Mobility Plan 2020

The California Freight Mobility Plan (CFMP) 2020 serves as the state's immediate and long-range freight plan, identifying activities and capital investments that support statewide goals associated with freight movement in California. The CFMP complies with freight provisions included in the Fixing America's Surface Transportation (FAST) Act. The CFMP's vision is to plan for sustainability, in terms of economic vitality, environmental stewardship, and social equity, in the freight sector. The CFMP articulates a vision of having “the world's most innovative, economically-competitive multimodal freight network that is efficient, reliable, modern, integrated, resilient, safe, and sustainable, where social and environmental impacts are considered equally.” The CFMP is guided by goals to improve efficiency, reduce pollution, and increase capacity in its freight facilities, equipment, and operations. The assesses current conditions and performance, identifies trends and challenges, and lays out immediate and long-range strategies to achieve the identified goals.

Page 3.11-15 is revised as follows (new text is underlined):

San Francisco Bay Area Seaport Plan

The San Francisco Bay Conservation and Development Commission (BCDC) developed the San Francisco Bay Area Seaport Plan in 1996, last amended in 2012, to forecast cargo activity, assess port terminal handling capacity, and coordinate port area development. The plan assists in coordinating Bay Area maritime activities with the region's surface transportation system. The plan uses Port Priority Use Areas as a land use designation for port development planning and establishing policies to achieve goals for the port system and surrounding areas. However, the projections and plan horizon was 2020, and BCDC is in the process of updating the plan.

Finally, detailed outreach information is included in the supplemental Plan Bay Area 2050 Public Engagement Report on the Plan Bay Area website at www.planbayarea.org/reports.

103-6

The commenter recommends revision to Impact AES-2 to require landscaping and replacement planting on all routes, including urban scenic routes. In response to this recommendation, the sixth bulleted item under Mitigation Measure AES-1, on page 3.2-14 of the Draft EIR, is revised as follows (new text is underlined):

- ▲ Where highway screening is a required element of a development, design landscaping along all highways, including State-designated scenic highways, locally designated scenic highways, and highway corridors in rural and open space areas to add natural elements and visual interest to soften the hard-edged, linear travel experience that would otherwise occur. Retain or replace trees bordering highways so that clear-cutting is not evident.

This change in the mitigation measure does not increase the severity of an environmental impact or result in a new environmental impact.

The commenter recommends revision to Mitigation Measure AES-3 to acknowledge the “importance of potential changes to the visual character for urban areas.” Potential visual impacts on urban areas are evaluated under Impact AES-3, specifically on Draft EIR pages 3.2-16 to 3.2-17 as follows:

In many cases, the existing visual character within urban built-up lands would not be substantially altered because dense compact development would be similar to existing conditions. Implementation of the proposed Plan's land use growth footprint could cause substantial localized visual impacts by disrupting the local character of the built environment if new development intensity, densities, and heights are substantially higher than existing development. Local standards and design guidelines (discussed below) would ultimately be the primary tools in shaping neighborhood character.

The commenter further states that scenic vistas in the Plan study area include urban areas with views to San Francisco Bay and other natural and built visual resources. This is acknowledged under Impact AES-1, which specifically notes that changes in land use could result in changes to views of important landscape features, such as the Golden Gate Bridge, or landforms, such as mountains, which would be experienced regionally (Draft EIR, p. 3.2-10). The analysis goes on to state that important public views are protected based on locally adopted land use policies and/or regulations (Draft EIR, p. 3.2-11). The commenter recommends revision to Mitigation Measure AES-3 to require highway planting and aesthetic treatment of structures in urban areas. Regarding the aesthetic treatment of structures, Mitigation Measure AES-3 recommends that agencies and/or project sponsors require that the scale, massing, and design of new development provide appropriate transitions in building height, bulk, and architectural style that are sensitive to the physical and visual character of surrounding areas.

The commenter expresses an opinion that the Draft EIR “does not consider the cumulative loss in scenic vistas from public spaces.” As stated on page 3.2-17 of the Draft EIR, all cities and counties have policies (e.g., general plan), regulations (e.g., zoning), and other guidance (e.g., design guidelines) that control the size and scale of new development and serve to maintain its visual compatibility with the natural and built environments. Further, local jurisdictions maintain land use and design control over discretionary development projects and would be responsible for approving development plans. The proposed Plan uses the growth geographies and land use strategies to influence the forecasted development pattern by affecting the location, use, intensity, and density of forecasted development. The proposed Plan does not change local land use policies, and individual jurisdictions would retain all local land use authority. See also Section 5.4.1 in the Draft EIR, which explains that the analysis of the proposed Plan is cumulative by design in that it considers impacts at the regional level. (Draft EIR, p. 5-10.)

103-7

The commenter emphasizes that the California Department of Transportation (Caltrans) is seeking opportunities to collaborate with partner agencies and jurisdictions to evaluate the effects of transportation projects on wildlife connectivity and sensitive habitats. This comment is noted for consideration during project review.

See Response to Comment 41-6 regarding lighting. Mitigation Measure BIO-1(a), on pages 3.5-38 and 3.5-39 of the Draft EIR, has been edited to include recommendations from this comment. This edit does not alter the conclusions with respect to the significance of any environmental impact, because it adds measures recommended by a commenter to an existing mitigation measure. See also Mitigation Measure AES-4, which includes measures in addition to the incorporation of lighting standards, including designing projects to minimize light and glare from lights, buildings, and roadway facilities.

See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR. Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, has been edited for clarification to include recommendations from this comment. This edit does not alter the conclusions with respect to the significance of any environmental impact, because it adds measures recommended by a commenter to an existing mitigation measure. Regarding enforcement of elements of Mitigation Measure BIO-3(a), future projects under the Plan would be required to undergo individual environmental review. As outlined in Mitigation Measure BIO-3(a), future projects would be required to analyze potential impacts on wildlife movement corridors and consult with the California Department of Fish and Wildlife to determine appropriate measure to minimize direct and indirect impacts on wildlife movement corridors if significant impacts cannot be avoided.

103-8

The comment offers suggestions for the Climate Change, Greenhouse Gases and Energy regulatory setting. The comment recommends that Assembly Bill (AB) 1482 be referenced on Draft EIR page 3.6-15. AB 1482 requires the Natural Resources Agency to update the state’s climate adaptation strategy every three years. The following text is added to Draft page 3.6-26 (new text shown in underline):

California Climate Adaptation Strategy

In response to EO S-13-08, the California Natural Resources Agency released the California Climate Adaptation Strategy (CAS) in 2009. Pursuant to the directive under AB 1482, the CAS is updated every three years. The strategy proposes a comprehensive set of recommendations designed to inform and guide State agencies in their decision-making processes as they begin to develop policies to protect the State, its residents, and its resources from a range of climate

change impacts. The CAS presents recommendations for seven sectors, including Ocean and Coastal Resources and Transportation and Energy Infrastructure.

In response to the comment's recommendations regarding county sea level rise programs, the San Mateo County Sea Level Rise Vulnerability Assessment is included in this section on Draft EIR page 3.6-31, which notes that the San Mateo Sea Level Rise Resiliency District coordinates with the county's Flood Resilience Program, created in 2016, which helps address cross-jurisdictional flood risks (San Mateo 2018a). The Draft EIR text goes on to note that the *San Mateo County Sea Level Rise Vulnerability Assessment*, which the agency completed in 2018, found that a midlevel 2100 sea level rise scenario could inundate property assessed at \$34 billion. Regarding the San Mateo County Sea Level Rise Vulnerability Evaluation, the following text is added to Draft page 3.6-33 (new text is underlined):

San Mateo County Sea Level Rise Vulnerability Assessment

Point Blue Conservation Science and the San Francisco Estuary Institute, in partnership with the County of Marin, developed a framework and resources to enable planners and other coastal decision makers to identify, evaluate, and prioritize adaptation strategies to manage risk in a way that transparently considers multiple benefits. The resources in the user guide are intended to help coastal decision-makers (1) efficiently identify a range of natural and nature-based, landscape-scale adaptation strategies that can address coastal climate change vulnerabilities, and (2) evaluate how well these adaptation strategies achieve coastal community and stakeholder objectives, and prioritize their implementation. The framework, case studies, and resources presented in the Sea Level Rise Adaptation Framework are a step toward addressing the challenges in transitioning from community vulnerability assessment to action. The adaptation phase of Marin County's Bay Waterfront Adaptation and Vulnerability Evaluation (BayWAVE) project was used as a test case with the intent that the framework developed be applicable around the entire San Francisco Estuary and beyond.

In response to the comment's recommendations regarding Local Coastal Programs, consistency with Local Coastal Programs is discussed in Draft EIR section 3.11, "Land Use, Population and Housing."

103-9

As described in Public Resources Code (PRC) Section 21080.3 and on page 3.7-27 of the Draft EIR, under AB 52, the lead agency "must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification." PRC Section 21080.3 does not require further outreach if no replies are received from tribes, and MTC and ABAG's outreach and AB 52 notifications comply with requirements. Native American coordination is described in the Draft EIR, beginning on page 3.7-13. As shown in Table 3.7-2, AB 52 notification letters were sent to more than one representative of most tribes. Also shown in Table 3.7-2, for the two tribes that had requested consultation, two follow-up emails were sent to the tribes, with no response. MTC also sent a copy of the Notice of Preparation to tribal representatives. As noted in Chapter 1, "Introduction," of this Final EIR, tribal representatives also received the Notice of Availability of the Draft EIR on June 4, 2021. Additionally, as described under Impact CUL/TCR-4 on page 3.7-38, because this is a programmatic document, subsequent discretionary projects may include additional AB 52 consultation.

The recommendation for MTC and ABAG to budget and hire Native American tribal representatives by region is noted; however, this would not reduce significant and unavoidable tribal cultural resources impacts. As described on page 3.7-39 of the Draft EIR, the mitigation measures included in the Draft EIR would reduce the impact to less than significant by avoiding or preserving in place tribal

cultural resources through project design. However, if the design of a subsequent project could not avoid or preserve a tribal cultural resource, the impact would be significant and unavoidable. The presence of a Native American tribal representative would not make a difference with respect to the decision to redesign a project to avoid a tribal cultural resource. Subsequent discretionary projects subject to additional AB 52 consultation could also include additional project-specific mitigation, as appropriate.

103-10

In accordance with the State CEQA Guidelines Section 15126.4, mitigation measures are feasible actions that would avoid, minimize, rectify, reduce, or compensate for significant or potentially significant impacts. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments; must have an essential nexus to a legitimate governmental interest, and must be roughly proportional to the impacts of the project. BMPs are actions, or a suite of potential actions, that are commonly required to achieve specific permit conditions. As described in Section 3.10, "Hydrology and Water Quality," many existing regulations specify BMPs that are enforced through a permitting process. For example, the Construction General Permit requires project-specific identification of BMPs and a program to implement them.

Existing permitting requirements and typical BMPs are acknowledged throughout the analyses in Section 3.10, "Hydrology and Water Quality." As described in Section 3.1, "Approach to Analysis," (page 3.1-2) where existing regulatory or permitting requirements exist that are law and binding on responsible agencies and project sponsors, it is reasonable to assume they would be implemented, thereby reducing impacts.

The comment also notes that 1999 NPDES Permit cited in Section 3.10, "Hydrology and Water Quality," was superseded by Caltrans NPDES Permit, Order No. 2012-0011-DWQ. The specific permit reference has been corrected in this Final EIR and the additional, applicable plans have been added to the regulatory discussion. These changes are presented in Chapter 3, "Revisions to the Draft EIR." The updated permit information does not alter the conclusions with respect to the significance of any environmental impact because the program-level analysis does not rely on the specific requirements of the permit.

The first paragraph under the heading "California Department of Transportation NPDES Permit" beginning on page 3.10-18 of the Draft EIR is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

The California Department of Transportation's (Caltrans') ~~was originally issued a current~~ Statewide NPDES permit (Order ~~112-0011 99-06~~-DWQ) ~~in 1999~~, which requires Caltrans to regulate nonpoint-source discharge from its properties, facilities, and activities, became effective in July of 2013 and has been subsequently amended. The Caltrans permit requires development of a program for communication with local agencies, and coordination with other MS4 programs where those programs overlap geographically with Caltrans facilities. As part of the permit, Caltrans is required to ~~create and annually update~~ maintain and implement a Stormwater Management Plan (SWMP) that is used to outline the regulation of pollutant discharge caused by current and future construction and maintenance activities. SWMP requirements apply to discharges from Caltrans stormwater conveyances, including catch basins and drain inlets, curbs, gutters, ditches, channels, and storm drains. The SWMP applies to discharges consisting of stormwater and non stormwater resulting from:

- ▲ maintenance and operation of State-owned highways, freeways, and roads;
- ▲ maintenance facilities;

- ▲ other facilities with activities that have the potential for discharging pollutants;
- ▲ permanent discharges from subsurface dewatering;
- ▲ temporary dewatering; and
- ▲ construction activities.

In addition, the fourth paragraph under the heading “California Department of Transportation NPDES Permit” on page 3.10-19 of the Draft EIR is revised as follows to mention the Caltrans plans noted in the comment:

The SWMP must be approved by SWRCB, and as specified in the permit, it is an enforceable document. Compliance with the permit is measured by implementation of the SWMP. Caltrans’ policies, manuals, and other guidance related to stormwater are intended to facilitate implementation of the SWMP. Caltrans also requires all contractors to prepare and implement a program to control water pollution effectively during the construction of all projects. Caltrans projects must also meet the requirements in the Caltrans San Francisco Bay Trash Work Plan to meet San Francisco Bay Regional Water Quality Control Board Cease and Desist Order No. R2-2019-0007. Caltrans continues to modify its policies and procedures to be consistent with the SWRCB’s General Construction Permit, described above.

The text under the heading “California Department of Transportation Project Planning and Design Guide” on page 3.10-19 of the Draft EIR is revised as follows:

The Project Planning and Design Guide provides guidance on the process and procedures for evaluating project scope and site conditions to determine the need for and feasibility of incorporating BMPs into projects within Caltrans right-of-way. It provides design guidance for incorporating those stormwater quality controls into projects during the planning and project development process. The Project Planning and Design Guide was prepared in support of the Statewide Stormwater Management Plan. The document addresses key regulatory, policy, and technical requirements by providing direction on the procedures to incorporate stormwater BMPs into the design of all Caltrans projects. Construction projects within Caltrans’ right-of-way that would disturb less than 1 acre of soil would be subject to Caltrans’ Project Planning and Design Guide requirement to implement a Water Pollution Control Plan.

103-11

The commenter provides recommendations related to the proposed Plan, including suggested revisions to the Plan Bay Area 2050 Transportation Project List, found on the Plan Bay Area website at www.planbayarea.org/reports. The recommended revisions add clarity and highlight relevant State activities. The recommendations generally align with the intent of the proposed Plan’s project and do not change the substance of the proposed Plan as it relates to environmental impacts. Suggested additions for passenger rail service expansion for SMART in Sonoma County and Express Lane on I-80 in Solano County have not been included in the proposed Plan nor were their impacts considered in the Draft EIR. Please see Response to Comment 94-1 for a discussion on SMART extensions. The express lane segment on I-80 east of I-505 was not recommended as part of the Bay Area’s express lane network as disclosed in *Connecting the Bay Area*, Express Lanes Network 2021 Strategic Plan dated April 2, 2021, and subsequently was not recommended for inclusion in the proposed Plan. More information on the process used to develop the Plan Bay Area 2050 Transportation Project List may be found in “Master Response 7: Fiscally Constrained Transportation Project List.”

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

Letter 104

This letter number is not used.



Letter
105

July 20, 2021

Therese W. McMillan
Executive Director
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Via E-mail to: eircomments@bayareametro.gov

RE: Comments on the Draft Environmental Impact Report Plan Bay Area 2050

Dear Ms. McMillan,

This letter is the California High-Speed Rail Authority's (Authority) comments on the Draft Environmental Impact Report (EIR) for Plan Bay Area 2050 (PBA 2050) dated June 2021.

We want to thank the Metropolitan Transportation Commission and staff for your leadership as the first region in the State to consider including in your long range plans discretionary funding towards delivery of high-speed rail. This step will build on the long-term partnership that our agencies have had and will assist the Authority in pursuing and leveraging additional state and federal funds.

The Authority appreciates MTC's foresight to plan for resiliency and equity with the preparation of the PBA 2050 to shape the region's Sustainable Communities Strategy as mandated by SB 375. We are highly supportive of PBA 2050's strategies to advance Bay Area quality of life to be more affordable, connected, diverse, healthy and vibrant for all.

105-1

Comments on the Draft Environmental Impact Report

The Authority supports approval of the Proposed Plan, which includes investment in high-speed rail as part of the PBA 2050 strategy to expand and modernize the regional rail network. The Proposed Plan aligns with the Authority's priorities in several topic areas: climate change, expanding transit, equity, open space preservation, land use and economic development. The core strategy of the Proposed Plan – to focus growth in existing communities along the existing transportation network, which leverages existing infrastructure, builds upon existing community characteristics and reducing effects on areas with less development – is consistent with the Authority's priorities and our work to expand and improve rail on existing corridors in the region.

Regarding the PBA 2050 Alternatives, the Authority supports Alternative 1: Transit-Rich Area (TRA) Focus Alternative, which includes capital investment in support of bringing high-speed rail to the Bay Area. Alternative 1 proposes additional core capacity transit investments in lieu of adding highway lane-mileage and a compact regional growth pattern with the greatest share of housing and job growth within walking distance of high-capacity regional transit stations. This land use/transportation strategy is consistent with Authority priorities.

105-2

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Ms. Therese W. McMillan
 July 20, 2021
 Page 2

Alternative 2: High-Resource Area (HRA) Focus Alternative aligns transportation funding with projects that advance equity and climate goals, shifts investment to reform transit fares, enhance local transit frequency and build an integrated regional express lane and bus network, in lieu of expanding the regional rail network including Caltrain/HSR modernization – Tamien to Pacheco Pass.

This alternative would be strengthened by including high-speed rail in the list of transportation projects that will advance both equity and climate goals. California suffers from regional economic disparities between the coastal and in-land areas. High-speed rail will change the travel geography of the state, connecting regions together with time efficient inter-city travel and, for that reason, is a key part of the state's strategies to address and balance inter-regional equity. Silicon Valley to Central Valley service, also known as Valley-to-Valley service, will link Central Valley communities to the economic opportunities of the Bay Area while attracting investment to the Central Valley. The travel times offered by high-speed rail will expand options for where people can live and work, or where companies can locate jobs, and support the concentration of employment in urban, regional transportation hubs. These changes to the way our State is structured and moves around will be important parts of reducing emissions and ensuring that regions rise together. If this alternative is selected, we encourage MTC to work with the State on ensuring that both statewide and regional climate and equity goals are fully considered.

The economic effects provided by investment in high-speed rail are already being felt today. As construction has advanced, the Authority's investment in the Central Valley has generated close to \$10 billion in economic activity. Additionally, more than half of the 5,000 construction workers who have worked on the program live in disadvantaged communities. The Authority is actively working to ensure that the local workforce is prepared for these kinds of economic opportunities by investing in workforce development. In 2020, the Authority started a construction industry job training facility in Selma, serving Valley veterans, at-risk young adults, minority and low-income communities. For these reasons high-speed rail is a transportation investment that advances equity and climate goals that would be preferable to building highway express lanes.

105-2
 cont.

Comments on the Transportation Project List

The inclusion of high-speed rail in MTC's Transportation Project List will greatly expand statewide accessibility to the Bay Area and further advance the equity and sustainability of the region. The Authority has two comments on the Transportation Project List and associated project descriptions.

- 1) The first is a preference for how dual-purpose investments are characterized. These changes are important for consistency with the Commission's direction in September 2020 to ensure that electrification of the rail corridor is an explicit priority of Plan Bay Area 2050 as it was adopted in the Blueprint. The Authority requests, the following changes from the currently proposed language (shown in red from revised language):

Ms. Therese W. McMillan
 July 20, 2021
 Page 3

<p>21-T11-102</p>	<p>Rail Modernization and Electrification Modernization & Electrification Grade Separations & Modernization Caltrain/High Speed Rail San Jose to Pacheco Pass</p>	<p><i>Existing Scope:</i></p> <p>This program includes funding to implement improvements to the Caltrain/High-Speed Rail Corridor. Improvements include corridor electrification south of Tamien station in San Jose and grade separations from San Jose through the Pacheco Pass.</p> <p><i>Revised Scope:</i></p> <p>This program includes funding to implement improvements to the Caltrain/High-Speed Rail Corridor. Improvements include corridor electrification south of Tamien Station in San Jose, corridor electrification south of Tamien station in San Jose and grade separations from San Jose through the Pacheco Pass grade separations and other modernization improvements that serve the dual purpose of connecting High Speed Rail to the Bay Area and improving the Caltrain system. Improvements could be on the Union Pacific right-of-way between San Jose and Gilroy when High Speed Rail reaches an agreement for purchase or use of that corridor, or potentially on the Pacheco Pass corridor when a full funding plan is developed for the High Speed Rail connection to the Central Valley.</p>	<p>2036 - 2050</p>	<p>\$3,000</p>
<p>21-T11-103</p>	<p>Rail Grade Separations, Electrification & Modernization Caltrain/High Speed Rail</p>	<p><i>Existing Scope:</i></p> <p>This program includes funding to implement improvements to the Caltrain/High-Speed Rail Corridor. Improvements include grade separations funded by Santa Clara County's Measure B and San Mateo County's Measure A, as well as future grade separations to enable High-Speed Rail service within the Bay Area's urban core.</p> <p><i>Revised Scope:</i></p> <p>This program includes funding to implement improvements to the Caltrain/High-Speed Rail Corridor. Improvements include grade separations funded by Santa Clara County's Measure B and San Mateo County's Measure A, as well as electrification, future grade separations, and other modernization improvements within the Bay Area's urban core that serve the dual purpose of connecting High Speed Rail to the Bay Area and improving the Caltrain system to enable High-Speed Rail service within the Bay Area's urban core.</p>	<p>Various</p>	<p>\$5,760</p>

105-2 cont.

Ms. Therese W. McMillan
July 20, 2021
Page 4

2) The second is a request to add, in the plan implementation language, a formal review process for projects to potentially move from a later to an earlier timeframe based on project readiness, availability of matching funds, and other considerations. While funding projections are important drivers of long-range planning, the plan should include enough flexibility to adjust to changing circumstances. The Authority's 2020 Business Plan lays out a strategy for bringing high-speed rail to the Bay Area before the 2036-2050 timeframe shown in the Transportation Project List for projects 21-T11-102 and 21-T11-103. While there is substantial work to do to realize the Authority's Business Plan, we want to ensure that we have opportunities for ongoing engagement and partnership with MTC to bring high-speed rail to the Bay Area at the earliest possible date including a formal process for how those timeframes may be adjusted in the future.

105-3

Future Collaboration

In summary, we want to express the Authority's appreciation to MTC commissioners and staff for your long-term support of the high-speed rail program and vision in putting together this Plan. Over the past decades we have shown that the State and Region working together can make substantial improvements in our transportation network and quality of life and this plan lays out the necessary work to keep doing that in the years to come. We look forward to being a partner with you on that journey.

105-4

Sincerely,

Boris Lipkin
Northern California Regional Director
California High-Speed Rail Authority

cc: Margaret Cederoth, Director of Planning and Sustainability, CHSRA
Kelly Doyle, Supervising Transportation Planner, CHSRA

Letter 105
California High Speed Rail
Boris Lipkin
July 20, 2021

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

105-1

The comment is an introductory statement that also expresses support for the proposed Plan. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR, but it does introduce a series of comments that are addressed in the following responses.

105-2

This is a comment expressing support for the TRA Focus Alternative, recommending inclusion of high-speed rail in Alternative 2, and providing information on the benefits of implementing high-speed rail. Please see “Master Response 4: EIR Alternatives” for a discussion related to this comment. The comment is noted for consideration during the review of the merits of the alternatives.

The comment also recommends changes to incorporate high-speed rail in MTC’s Transportation Project List. See “Master Response 7: Fiscally Constrained Transportation Project List” for a discussion related to this comment. After receipt of the July 20th comment letter, MTC staff made refinements to the Plan Bay Area 2050 Transportation Project List to address the suggested revisions. The refinements add clarity and do not change the substance of the proposed Plan as it relates to environmental impacts.

105-3

The commenter requests a formal review process to move up projects on the 2050 Transportation Project List. See “Master Response 7: Fiscally Constrained Transportation Project List” for a discussion related to this comment.

105-4

The commenter expresses support for MTC. The comment is noted and appreciated.

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

Letter
106



Susan Kirsch, Director
POB 1703, Mill Valley, CA 94942
CatalystsCA.org 415-686-4375

July 19, 2021

MTC Public Information
Attn: Draft EIR Comments
eircomments@bayareametro.gov

Dear MTC Public Information:

Californians face monumental changes as a result of global warming, global pandemics, and global markets. These changes effect key elements of Plan Bay Area 2050, including Housing, the Economy, Transportation, and the Environment. I've participated in many of PBA-2050 public engagement sessions and appreciate this opportunity to pose nine questions related to the Draft Plan EIR.

ACTION: I look forward to receiving your answers to the following questions.

The Draft Plan

1. How do staff justify recommending “the Draft Plan” when the Draft EIR analysis shows that “Alternative #1” is environmentally superior?
2. How do staff justify recommending “the Draft Plan” when the Draft EIR analysis shows that “Alternative #1” provides the most balanced growth pattern?
3. How do staff justify recommending “the Draft Plan” when the Draft EIR analysis shows that “Alternative #1” enables the most low-income residents to remain in place?
4. What substitute criteria did staff use to justify recommending “the Draft Plan” over Alternative #1?
5. Where is the record of the ExCom and the MTB/ABAG Board deliberating and adopting “the Draft Plan” over the superior Alternative #1?

106-1

The Draft Implementation Plan: It appears the Executive Committee will be convened in September/October to deliberate and approve the staff recommendations to adopt “the Draft Plan.” Staff, however, without having a vote of the governing board, seems to have moved

106-2

forward to develop “the Implementation Plan” for the Draft Plan, not Alternative #1, the superior plan according to the EIR.

6. Where is the record of the decision to develop the Draft Implementation Plan for “the Draft Plan,” not Alternative #1?
7. When, where, and who made the decision?
8. What was the process by which staff were authorized to spend time and funds to develop the Draft Implementation Plan, albeit without the ExCom or the Board accepting and passing a motion to adopt “the Draft Plan?”
9. How much staff expense (time and materials) was allocated in the budget and how much money has been spent to develop the Draft Implementation Plan, broken down in categories of individual staff who worked on the project, estimated # of hours, designated rate, and auxiliary costs?

106-2
cont.

In conclusion, how do you explain ignoring the findings of your own EIR to move forward into the next 30 years with a plan that by your own analysis creates greater risk for the environment, less balanced growth patterns, and greater risk of displacement than Alternative #1?

Sincerely,



Susan Kirsch, Director, Catalysts for Local Control

Letter 106
Catalysts for Local Control
Susan Kirsch
July 20, 2021

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

106-1

The comment poses several questions regarding the proposed Plan as compared to Alternative 1. The proposed Plan has been so designated by MTC and ABAG as a result of an extensive process that started with the 18-month Horizon Initiative to explore a suite of strategies to ensure a more resilient and equitable future. This was followed by preparation of the Draft Blueprint, which integrated recommendations from Horizon and preparation of the Final Blueprint, which integrated feedback received during the summer of 2020. See Response to Comment 8-1 for additional information. The Commission has not yet taken an action to adopt a Plan. That is expected to occur on October 21, 2021. Based on the deliberations of the MTC Commission and ABAG Executive Board, certification of the EIR and Plan approval will require the preparation of a detailed set of CEQA findings of fact that explain the reasons for the decision, including rejection of other alternatives.

Please see “Master Response 4: EIR Alternatives” for discussion related to this comment.

106-2

The comment poses several questions regarding the draft Implementation Plan. Pages 117 and 121 of the Draft Implementation Plan describe the process and considerations used to prepare it. Please see section 1.7.5, “Plan Development Process,” in the Draft EIR for a detailed description of the development of the proposed Plan. As explained there, the decision to move forward with analysis of the current proposed Plan was made by MTC and ABAG on September 11, 2020 when they approved the Final Blueprint. Records of this meeting are available on the “Meetings and Events” portion of MTC’s website at: mtc.ca.gov/meetings-events. Also as described in section 1.7.5, the Final Blueprint was advanced by MTC and ABAG in January 2021 as the proposed Plan for analysis in the EIR. See MTC’s webpage, <https://www.planbayarea.org/2050-plan/plan-bay-area-2050-final-blueprint>, for more information. It should be noted that the EIR is not a decision-making document. It is an information document intended to explain the potential environmental effects of a proposed project or plan. Decision-makers retain the authority and responsibility to balance environmental impact information with other relevant decision-making considerations, include economic, social, and legal considerations.

Please see also “Master Response 4: EIR Alternatives,” and Draft EIR section 4.1 for discussion relevant to the comment’s question regarding development of Alternative 1.

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



CENTER for BIOLOGICAL DIVERSITY

Letter
107

July 20, 2021

Sent via email

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, suite 800
San Francisco, CA 94105
eircomments@bayareametro.gov

Re: Draft Program Environmental Impact Report for the Draft Plan Bay Area 2050

To whom it may concern:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Draft Program Environmental Impact Report ("DEIR") for the Draft Plan Bay Area 2050 ("Plan"). The Center has reviewed the DEIR and Plan and provides these comments for consideration by the Metropolitan Transportation Commission ("MTC") and the Association of Bay Area Governments ("ABAG").

The Center is encouraged to see that the Plan includes conservation of high priority areas in the wildland-urban interface (EN05), investments in quality parks, trails and open spaces that provide inclusive recreation opportunities (EN06), building retrofits to make communities more resilient against climate change (EN02), and a greater mix of housing densities and types in defined growth geographies (H03). However, to achieve MTC's and ABAG's aspirations to "chart a course for a Bay Area that is affordable, connected, diverse, healthy and vibrant for all residents through 2050 and beyond" and to make human and natural communities more resilient to climate change, the Center urges for a more comprehensive approach to growth that addresses human transportation and development needs as well as the needs of wildlife and habitats that are removed, fragmented, and degraded by transportation infrastructure and development.

Overall, the Center's comments can be summarized by the following:

- Wildlife connectivity should be prioritized to promote biodiversity conservation and climate resilience, improve driver safety, and reduce costs associated with wildlife vehicle collisions.
- New development should be prohibited in very high and high wildfire hazard severity zones.
- Maximizing on-site greenhouse gas emissions reductions and localized carbon offsets should be included as mitigation measures to combat climate change.
- Open space and parks should be preserved for their public health benefits and excluded from the land use growth footprint.
- Affordable housing should be defined by 50% of the area median income to help low-income families afford these new housing options.

More detailed comments are provided below.

107-1

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BiologicalDiversity.org

I. Background on the Center

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Bay Area and throughout California.

II. The Plan should include specific goals and funding to reduce wildlife vehicle collisions and preserve and enhance wildlife connectivity to promote conservation and improve public safety

The Center is encouraged to see that Environment is one of the four interrelated elements of the Plan, and according to the DEIR, environmental strategies to “promote conservation, adaptation, and climate mitigation” aim to “reduc[e] risks from hazards, expand[] access to parks and open space, and reduc[e] climate emissions” (DEIR at 2-9). However, another goal of the environmental strategies should include to preserve existing intact habitat and enhance wildlife connectivity at existing barriers, like roads.

Roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal’s behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Brehme et al., 2013; Ceia-Hasse et al., 2018; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Trombulak & Frissell, 2000; van der Ree et al., 2011). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al., 2014; Riley et al., 2014; Vickers et al., 2015), increase local extinction risk in amphibians and reptiles (Brehme et al., 2018; Cushman, 2006), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al., 2010; Kantola et al., 2019; Loss et al., 2014), and alter pollinator behavior and degrade habitats (Aguilar et al., 2008; Goverde et al., 2002; Trombulak & Frissell, 2000). Habitat fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al., 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al., 2019). In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009; Krosby et al., 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems.

Edge effects of development in and adjacent to open space will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Crooks, 2002; Delaney et al., 2010; J. S. Lee et al., 2012; Riley et al., 2006; Smith et al., 2015, 2017; Vickers et al., 2015; Wang et al., 2017), as well as smaller species with poor dispersal abilities, such as song birds, small

107-2

mammals, and herpetofauna (Benitez-López et al., 2010; Cushman, 2006; Kociolek et al., 2011; Slabbekoom & Ripmeester, 2008). Limiting movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. Negative edge effects from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, have been found to be biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003)

The Bay Area has the highest densities of reported wildlife vehicle collisions in the state (Shilling et al., 2018, 2019); making roads more permeable for wildlife by prioritizing the construction of effective wildlife crossing infrastructure will help to maintain or improve the health of species and ecosystems unique to the Bay Area while improving driver safety and saving people money. From 2015 to 2018 more than 25,000 wildlife vehicle collisions with large mammals were reported in California, resulting in human deaths, injuries, and property damages estimated to be worth more than \$1 billion (Shilling et al., 2017, 2018, 2019). Alarming, many of these types of collisions go unreported. State Farm estimated more than 92,000 deer collision insurance claims during that same time frame (State Farm Insurance, 2016, 2018). And while car strikes can be immediately fatal for wildlife, many animals that are struck by vehicles may survive the collision but then slowly die from their injuries away from the road (T. S. Lee et al., 2021). Additional deaths from collisions include young that are orphaned and unable to survive after their parent is killed. Such data should not be ignored in planning a regional transportation plan where lack of wildlife connectivity is causing harm to wildlife, ecosystems, and people.

107-2
cont.

If the Plan truly aims to promote conservation and mitigate impacts of climate change, then the strategies under the Environment theme should include funding to go towards preserving and enhancing wildlife connectivity. This should include funding that would go towards identifying roadkill hotspots; implementing wildlife crossing infrastructure (e.g., upgrading existing culverts to make them more wildlife-friendly, installing crossings and directional fencing at roadkill hotspots, etc.) in those hotspots; and protecting, managing, and restoring lands in perpetuity on both sides of the constructed wildlife crossings to facilitate wildlife movement. Wildlife crossing structures have been shown to be a cost-effective means of reducing such collisions and facilitating wildlife movement. States that have invested in wildlife crossing infrastructure, like Utah, Colorado, and Wyoming, have seen 81-98.5% reductions in wildlife vehicle collisions on sections of highways where they have implemented wildlife crossings (Bissonette & Rosa, 2012; Kintsch et al., 2019; Sawyer et al., 2012). The savings over the long-term from the avoided wildlife vehicle collisions more than pay for the upfront costs to build the crossings (Center for Large Landscape Conservation, 2020). The Transportation theme should have a specific goal to make existing and future roads safer for drivers, and the proposed Plan's \$441 billion going towards maintaining and optimizing the existing system should specifically allocate funding towards implementing wildlife crossing infrastructure.

107-3

IV. The DEIR fails to adequately describe, assess, and mitigate impacts to wildlife movement and habitat connectivity.

The DEIR points to mapped Essential Connectivity Areas provided in the California Essential Habitat Connectivity Project, commissioned by the California Department of Transportation (Caltrans) and the California Department of Fish and Wildlife (CDFW). Although this is an important resource to identify areas important for wildlife movement, there are additional resources that are additive and therefore should also be included when describing the wildlife connectivity in the area. For example, SC Wildlands' 2013 Report entitled "Critical Linkages: Bay Area & Beyond" identifies key bottlenecks or choke-points between open space as priority areas important for maintaining and improving connectivity in the region using least-cost pathway analyses for identified focal species (Penrod et al., 2013). Their analyses include key riparian corridors with associated buffer zones and important baylands that should be considered in any land-use planning throughout the Bay Area (Penrod et al., 2013). Other important studies at a more local level are also useful in describing existing conditions, including a report by Gray et al. (2018) titled, "Building Landscape Connectivity for Climate Adaptation: Mayacamas to Berryessa Connectivity Network (M2B) Final Report," which highlights important habitat linkages that are critical for biodiversity and watershed health as well as climate resilience (Gray et al., 2018). There is also a Diamond and Snyder (2016) report titled "Coyote Valley Linkage Assessment Study Final Report," a 2017 report by the Santa Clara Valley Open Space Authority and Conservation Biology Institute titled "Coyote Valley Landscape Linkage: A Vision for a Resilient, Multi-benefit Landscape," a 2020 Santa Clara Valley Open Space Authority report titled "Coyote Valley Reptile and Amphibian Linkage Study Findings and Recommendations," a Pathways for Wildlife (2020) report titled "Wildlife Permeability and Hazards across Highway 152 Pacheco Pass: Establishing a Baseline to Inform Infrastructure and Restoration," and another Pathways for Wildlife 2020 report titled "SR-152 Pacheco Pass Permeability and Pacheco Creek Wildlife Connectivity Study: Mountain lion Report 2018-2020," all of which provide more detailed data and information regarding wildlife movement and habitat connectivity at a local level (Diamond & Snyder, 2016; Pathways for Wildlife, 2020a, 2020b; Santa Clara Valley Open Space Authority & Conservation Biology Institute, 2017). In addition, the UC Davis Road Ecology Center's reports on wildlife vehicle collisions and roadkill hotspots also provide information regarding where wildlife are moving and being hit on roads (Shilling et al., 2017, 2018, 2019). And there are likely other studies that provide more information regarding important wildlife connectivity throughout the bay Area. The Plan and DEIR should provide the best available science when describing existing conditions and assessing potential impacts of the Plan. The DEIR fails to do this by only providing a fraction of the available information regarding wildlife movement and habitat connectivity.

107-4

The DEIR fails to adequately disclose information regarding the importance of the Bay Area's heterogeneous habitats that include wetlands, streams, grasslands, scrublands, woodlands, and pine forests to wildlife connectivity and migration at the local, regional, and global scale. Local connectivity that links aquatic and terrestrial habitats allows various sensitive and special-status species to persist, including California tiger salamander, California red-legged frog, and western pond turtles. At a regional scale, medium- and large-sized mammals, such as mountain lions, bobcats, ring-tailed cats, and mule deer, require large patches of heterogeneous habitat to

107-5

forage, seek shelter/refuge, and find mates. And at a global scale, numerous areas throughout the region have been identified by Audubon as Important Bird Areas for resident and migratory birds within the Pacific Flyway, a north-south migratory corridor that extends from Alaska to Patagonia. And anadromous and semi-anadromous fish, including coho salmon, steelhead, and delta smelt rely on healthy streams connected to upland areas for migration between freshwater spawning and rearing sites and the ocean (Lohse et al., 2008; Moyle et al., 2011; Opperman et al., 2005). The region is a hub for local and global biodiversity; wildlife movement and habitat connectivity must be maintained to preserve the area’s rich animal and plant diversity.

107-5
cont.

The DEIR provides tables that show that the growth footprint, sea level rise adaptation footprint, and transportation footprint would remove and/or degrade approximately 1700 acres, 380 acres, and 1900 acres of mapped essential connectivity areas, respectively. This adds up to at least 3980 acres of removed habitat within CDFW-identified connectivity areas. However, not enough information is provided for the public to understand where these development footprints overlap with connectivity or if the footprints are designed in a way to avoid and/or minimize impacts to wildlife connectivity. Other important wildlife connectivity maps and models are not utilized in the assessment, which makes it difficult to determine if the priority connectivity areas identified by Penrod et al. (2013), Diamond & Snyder (2016), or Pathways for Wildlife (2020a, 2020b) are avoided to the maximum extent feasible. In fact, impacts to acreage within important wildlife connectivity areas and numerous sensitive and special-status animals and plants is likely much greater than what is provided in the DEIR.

107-6

The DEIR makes unfounded assumptions not based on any evidence or scientific understanding that areas within the proposed Plan’s land use growth footprint “is concentrated primarily in or adjacent to already urban and built-up areas and along existing transit corridors where migratory corridors for wildlife have already been fragmented and degraded to the point that their function as linkages is either limited or lost entirely” (DEIR at 3.5-51). Such claims are unsubstantiated and dismiss how species move through landscapes. Even if some connectivity areas have been fragmented and degraded, given the limited remaining connectivity, even degraded connections should be prioritized for preservation, restoration, and enhancement of connectivity instead of written off as having no wildlife connectivity value. For example, connectivity between the Santa Cruz Mountains, the Gabilan Range, and the Diablo Range via Coyote Valley and the Aromas corridor is incredibly important because, although constrained by development and agriculture, they provide the last remaining chances for species like mountain lions and California red-legged frogs to have gene flow throughout these regions (Diamond & Snyder, 2016; Rottenborn et al., 2020). Some populations are already becoming dangerously isolated, as is evidenced by low genetic diversity and high human-caused mortalities in the Santa Cruz Mountains puma population (Gustafson et al., 2018; Saremi et al., 2019). The primary threat to the long-term survival of these mountain lions is genetic isolation due to lack of connectivity caused by continuous development in mountain lion habitat with little regard of their movement needs. Therefore, land use planning needs to consider the context of these landscapes. The DEIR fails to adequately describe, assess, and mitigate impacts to wildlife connectivity, for mountain lions and the many other species that inhabit the Bay Area.

107-7

The MTC and ABAG must also analyze and fully mitigate impacts of the Plan on the Santa Cruz mountain lions because this population is provisionally listed under the California

107-8

Endangered Species Act (“CESA”). Under CESA, ABAG may not approve projects (including the Plan) that could jeopardize the continued existence of this population or other protected populations or result in destruction of essential habitat (Cal. Fish & Game Code § 2053(a) and ABAG must require that appropriate mitigation measures be implemented for projects that could destroy mountain lion habitat or impair connectivity (Cal. Fish & Game Code § 2054).

107-8
cont.

The DEIR similarly downplays and dismisses the impacts of the transportation projects on wildlife connectivity, stating that enhancements or expansions of existing highways or other transportation routes that have already fragmented and degraded connectivity areas “to the point that their function as linkages is either limited or has been lost entirely” (DEIR at 3.5-52). However, the DEIR does acknowledge that some new transportation projects “could be located in areas that have not been subject to previous disturbance and fragmentation” (DEIR at 3.5-52), but it does not provide where these projects might be located, what habitats and species they might impact, and how any impacts to connectivity would be avoided, minimized, or adequately mitigated.

107-9

In addition, the acreage tallies of impacts to essential connectivity areas does not fully represent the negative impacts of developments and transportation infrastructure (expanded or new). The DEIR’s assessment of impacts to wildlife movement and habitat connectivity fails to consider edge effects of human infrastructure. As mentioned previously, negative edge effects from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, have been found to be biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003). Yet there is no mention of edge effects at all in the DEIR. The DEIR fails to adequately describe, assess, and mitigate impacts to wildlife connectivity.

107-10

The DEIR’s proposed mitigation measures are vague and insufficient to mitigate impacts to special-status species and sensitive habitats, designated critical habitat, and wildlife movement and habitat connectivity. For example, Mitigation Measure BIO-1(a) states that, where feasible and necessary based on project- and site-specific considerations, a species and habitat compensation plan “shall be prepared...” and a monitoring program “shall be designed...” (DEIR at 3.5-38), but the DEIR does not state the compensation plan or monitoring program shall be implemented. Both Mitigation Measures BIO-1(a) and BIO-1(b) state that compensatory mitigation may be achieved through mitigation credits or through Regional Advance Mitigation Planning (RAMP), but it is unclear how the appropriate compensatory mitigation would be decided upon or implemented. In addition, Mitigation Measure BIO-2 only calls for a minimum 1:1 mitigation ratio for restoration, preservation, or creation of designated critical habitat, which is grossly insufficient. Avoidance of impacts to sensitive habitats and designated critical habitat should be prioritized, after which in-kind mitigation should be a minimum of 3:1 given that critical habitat is designated for threatened and endangered species that are on a trajectory towards extinction without protective action and are already struggling to survive in the long-term, and 5:1 for off-site restoration or habitat creation with continued monitoring, adaptive management strategies, and well-defined success criteria, to be funded in perpetuity (not just for five years).

107-11

The DEIR lacks sufficient mitigation for wildlife connectivity as well. It should require project proponents to implement wildlife connectivity into the design and budget of the projects when planning starts, being sure to consider the local, regional, and global context of landscape connectivity for a given project in a given area. Opportunities to upgrade existing culverts or implement directional fencing to guide animals to existing culverts or underpasses should be actively sought when conducting expansion or enhancement projects on existing roads. Acquiring habitat on both sides of wildlife crossings should also be prioritized. And the different needs of the diverse species should be taken into account when designing crossings for wildlife passage. For example, mountain lions have been documented using culverts that are about 4 meters (~13 feet) in diameter (Clevenger & Waltho, 2005; Kintsch & Cramer, 2011; Riley et al., 2018), while smaller animals, including small mammals, reptiles, and amphibians, might require much smaller passageways to actually use them. In addition, smaller species with poor dispersal abilities would require more frequent intervals of crossings to increase their chances of finding a crossing compared to more mobile animals, like mountain lions or deer. And for some amphibian and reptile species, such as California red-legged frogs and western pond turtles, undercrossings could include elevated roads or tunnels with grated tops so that the light and moisture inside the crossings are similar to that of the ambient environment (Brehme & Fisher, 2020).

107-12

Here the Center aims to provide just a few examples of how the mitigation measures provided in the DEIR could be more robust and effective at minimizing impacts to sensitive and special-status species, designated critical habitat, and wildlife connectivity. But these recommendations are not comprehensive, and further assessments and analyses should be conducted by ABAG to improve the Plan and the DEIR to adequately disclose, assess, and mitigate of the proposed Plan.

V. The DEIR fails to adequately assess and mitigate impacts to wildfire risk due to the proposed Plan.

New development should be prohibited in high fire-prone areas. As outlined in the Center for Biological Diversity’s report, “Built to Burn: California’s Wildlands Developments Are Playing with Fire” (Yap et al., 2021), development in high fire-prone wildlands is leading to more human-caused ignitions where people live (Radeloff et al., 2018). Nearly all contemporary wildfires in California are caused by human sources such as power lines, car sparks, cigarettes, and electrical equipment (Balch et al., 2017; Syphard et al., 2007). Building new developments in high fire-risk areas increases unintentional ignitions and places more people in danger. Since 2015, almost 200 people in the state have been killed in wildfires, more than 50,000 structures have burned down, hundreds of thousands have had to evacuate their homes and endure power outages, and millions have been exposed to unhealthy levels of smoke and air pollution. With climate change only exacerbating the problem, this plan should align itself with the science and prohibit all new development in very high and high wildfire hazard severity zones.

107-13

The Proposed Plan would increase wildfire risk in the urban wildland interface. Allowing 33% of the land use growth footprint to be located in very high and high wildfire hazard severity areas would undoubtedly result in a significant impact to wildfire risk. High and very high fire hazard severity zones and state responsibility areas have been identified by Cal Fire as areas that

are likely to burn within 30 to 50 years. And hotter, drier and windier conditions due to climate change make the landscape more conducive to wildfire ignitions and spread.

Rampant sprawl development in fire-prone wildlands has contributed to fatalities, damaged property, and hundreds of thousands of people having to evacuate their homes and endure power outages, with millions more being exposed to unhealthy levels of smoke and air pollution. Furthermore, there has been a dramatic increase in costs due to fire-suppression and damages. Costs in areas managed by Cal Fire were \$23 billion during the 2015-2018 fire seasons, which is more than double the wildfire cost for the previous 26 years combined after adjusting for inflation (Yap et al., 2021). Fifteen of the 20 most destructive California wildfires have occurred in the past five years (Cal Fire, 2020).

In fact, the DEIR outlines the numerous reasons why increased development in high fire-prone areas directly correlates to increased risk of ignition and the associated pollutant release of particulate matter (PM) that is 4-10 times more harmful to the human respiratory system than other known PM pollutants (Aguilera et al., 2021).

“Extension of development along the WUI can result in loss of property and structures, as has been observed in several fires within the Plan area including the 2017 Tubbs fire and 1991 Tunnel fire. In 2020, large fires burned over 700,000 acres within and adjacent to the Plan area during the SNU Lightning Complex fires and LNU Lightning Complex fires.” (DEIR at 3.9-42)

In addition to the economic damage, public health impacts and human loss of life, altered wildfire regimes caused by increased human ignitions in shrubland habitats that have evolved with relatively infrequent (every 30 to 130 years or more) are degrading native habitats that many endangered and threatened plants and animals rely on. In California, increasing fire frequency due to development is converting chaparral and sage scrub ecosystems into non-native grasses that burn more easily, leading to a dangerous “feedback loop” of increasing fire and degraded habitats (Keeley, 2005; Syphard et al., 2018).

While community education and home hardening are important components of reducing a community’s risk to wildfire, it does not make a community fireproof. This fact is acknowledged in the mitigation conclusion that states:

“because development could occur in and near SRAs and lands classified as very high hazard severity zones, and because the potential for people or structure to be exposed to significant risk of loss, injury, or death involving wildfire cannot be avoided, this impact would be significant and unavoidable (SU).” (DEIR at 3.9-42)

Stating that implementing agencies and project sponsors should restrict development of areas mapped by CAL FIRE as high and very high fire hazard zones wherever possible as a mitigation measure to developing in these vary areas is inconsistent logic. This plan should help said agencies by providing the framework to restrict these new developments, as supported by the science. The best way to reduce wildfire risk is to avoid new development in high fire-prone areas because such reckless development increases risk of ignitions. Almost all contemporary

107-13
cont.

wildfires in California (95-97%) are caused by humans in the wildland urban interface (Balch et al., 2017; Radeloff et al., 2018; Syphard et al., 2007; Syphard & Keeley, 2020). And mitigation measures that reduce wildfire risk, like ember-resistant roofing and vents, irrigated defensible space immediately adjacent to structures, external sprinklers with an independent water source, and solar microgrids should be prioritized for existing at-risk communities. Yet the DEIR does not include such mitigation measures. The DEIR fails to adequately assess and mitigate impacts to wildfire risk due to the proposed Plan.

107-13
cont.

VI. The Plan should do more to minimize greenhouse gas emissions and mitigate impacts to climate change.

Recent science has made it clear that human-caused climate change is causing widespread harms to human society and natural systems, and climate change threats are becoming increasingly dangerous. In its 2018 *Special Report on Global Warming of 1.5°C*, the Intergovernmental Panel on Climate Change (“IPCC”)—the leading international scientific body for the assessment of climate change—describes the devastating harms that would occur at 2°C warming. The report highlights the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth (IPCC 2018). The report also provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoid the most devastating climate change harms.

The impacts of climate change are already being felt by humans and wildlife. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor (USGCRP, 2017). In California, climate change will result in impacts including, but not limited to, increased temperatures and wildfires and a reduction in snowpack and precipitation levels and water availability.

107-14

It is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” (Pub. Res. Code § 21002.) Adoption of additional feasible on-site and off-site mitigation measures during construction and operation of the Plan would lower the Plan’s overall greenhouse gas (GHG) emissions and contribution to climate change. Failure to mandate adoption of all feasible mitigation measures allows the projects that would be covered under the Plan off the hook and only worsens California’s climate crisis.

The emphasis on improving the public transit system with respect to infrastructure, streamlining fares and prioritizing underserved communities is a great framework. The one strategy the Center disagrees with is strategy T06, widening highways at bottlenecks. Highway widening does not solve traffic bottlenecks in the long-term, but rather just increases demand and therefore should *not* be considered a strategy for congestion relief (Angarita-Zapata et al., 2016). Facilitating more vehicles on freeways also leads to increased vehicle miles traveled and increased GHG emissions. In addition, freeway widenings make it even tougher for animals to

cross these dangerous movement barriers, especially if wildlife connectivity and crossing infrastructure are not implemented as part of the project. This leads to increased vehicle strikes, decimating already threatened species and endangering human lives (Shilling et al., 2017).

107-14
cont.

Avoiding the destruction of diverse, intact, native habitats should be a prioritized goal to store carbon and combat climate change. In addition to the carbon storage potential of trees and forests, other habitats in arid and semi-arid regions, such as shrublands, grasslands, and wetlands have been found to store significant amounts of carbon while being more resilient to drought and increased atmospheric carbon (Aranjuelo et al., 2011; Bohlman et al., 2018; Dass et al., 2018; Evans et al., 2014; Kravchenko et al., 2019; Luo et al., 2007; Mitsch et al., 2013; Soudzilovskaia et al., 2019; Vicente-Serrano et al., 2013). Notably, these habitats support high levels of biodiversity and endemism, and collectively, they could play a significant role in the carbon cycle and aid in combatting climate change while bringing the state closer to its commitment to conserve more than 30 percent of its lands and coastal waters by 2030 under executive order N-82-20.

107-15

If avoiding removal of these carbon-storing habitats is unfeasible and on-site GHG reduction measures are already maximized, localized carbon offsets should be included as a potential mitigation measure to address the potentially significant impacts of construction and operation emissions. While exported carbon offsets pose a barrier to reaching regional climate goals, localized offsets, such as regional renewable energy projects and preservation and restoration of ecological carbon sinks, can help to address emissions that cannot be avoided through efficiency standards. Local offsets ensure that the communities impacted by a project's GHG emissions also receives the benefits from mitigation of those emissions. Protecting and restoring the state's native shrublands, wetlands, and grasslands with funded monitoring, adaptive management, and measurable success criteria in perpetuity would help mitigate impacts of the proposed Plan to climate change.

In addition, the EN1 analysis states that "construction and operation of the proposed Plan's land use development pattern, sea-level rise adaptation infrastructure, and transportation projects would not result in the wasteful, unnecessary, or inefficient use of energy because the energy associated with these projects would be serving necessary regional needs, would be subject to Plan strategies that result in increased efficiency, and would comply with applicable regulations and standards (e.g., RPS, California Energy Code), making energy impacts less-than-significant." This assumption excludes the analysis between different project types. Building materials, equipment and design all determine the amount of energy used in the construction of a project; specifics should be addressed and recommendations on the most efficient models should be included.

107-16

The Center would also like to emphasize the importance of equity as a central component to all strategies. Strategy EN02 sets the model for a means-based financial support system for retrofits to reduce risk from climate-related hazards. This same model should be applied to strategy EN08, which will expand clean vehicle investments. A 2017 study found that rebate policy designs that are progressive with respect to income reduce the number of consumers who receive rebates, but who would have purchased the electric vehicles (EV) anyway (DeShazo et al., 2017). These policies also target lower-income consumers who have a higher marginal value

107-17

for the rebate and who are less likely to purchase an EV except in the presence of higher rebate levels. These policies increase the number of additional EVs sold per rebate dollar spent (i.e., the cost-effectiveness of the policy) relative to a policy without such income restrictions (DeShazo et al., 2017). Therefore, the Center recommends including a means-based standard to all new clean vehicle subsidies.

107-17
cont.

VII. *Open space and parks should be preserved to promote biodiversity conservation and climate resilience and to provide public health benefits.*

Open space and parks should be preserved to benefit biodiversity and public health. Such spaces should be excluded from the land use growth footprint. These native landscapes help us regulate our climate, purify our air and water, pollinate our crops and create healthy soil (Lawler et al., 2014). In addition to these environmental benefits, access to these spaces is critical to our long-term health and wellbeing (Martin et al., 2020).

Approximately 740 acres of the proposed Plan’s land use growth footprint could overlap with open space and parklands, including 150 acres in transit priority areas (TPAs). While the DEIR states that these proposed developments *could* include preservation of open space and parklands, there is no guarantee. As acknowledged, this could be in direct conflict with some local general plans, the Bay Plan and LCPS (LU-2). In addition, providing only the acreage of overlap neglects the negative edge effects from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, which have been found to be biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003). The mitigation measure associated with this inconsistency is additional technical support to county and city agencies to help align their plans; however, this does not adequately address or mitigate the environmental impact of the loss of open space.

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The COVID-19 pandemic has taught us many things, and a critical lesson that should not be overlooked is the link between environmental health and the health of people. Ensuring the protection of open space is a critical part of environmental health. Open space has been vital to many communities during the pandemic and provided essential community spaces for safe socially distanced gatherings. This reaffirms the need for continued preservation and increased access to ensure all community members experience the physical and mental health benefits of nature.

The Bay Area is unique in its diversity of habitats from the coastal wetlands and dunes to the rugged mountains. These ecoregions are tied together by the vast San Francisco Bay watershed that covers 4600 square miles, of which the Bay encompasses 1600 square miles. It is the largest Pacific estuary in the Americas.

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The Center urges the MTC and ABAG to prioritize human health and safety by protecting the remaining open space and park areas against further degradation by excluding them from the land use growth footprint. We should be building up, not out, and while this Plan emphasizes densification, it needs to do more to protect our remaining natural areas and protect communities against the hazards of unsustainable sprawl.

VIII. The proposed Plan should make affordable housing more inclusionary for low-income families.

The Center is pleased to see a 10-20% affordable housing standard for all new developments (H5). However, this will only be truly inclusionary if affordability is defined to include low-income households. According to the federal government, housing is “affordable” if it costs no more than 30% of the monthly household income for rent and utilities. Most affordable housing developments are built for families and individuals with incomes of 60% or less than the area median income (AMI).¹ However, we recommend using 50% or less of the AMI as the set standard to better support low-income families. This is particularly relevant to the Bay Area, as San Francisco has the highest average rent of any U.S. city. Without adequate protections for low-income workers, these “affordable” units will continue to exclude those that are most in need.

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IX. Conclusion

Thank you for the opportunity to submit comments on the DEIR and the Plan Bay Area 2050. We look forward to working with MTC and ABAG to foster land use policy and growth patterns that promote the preservation and enhancement of wildlife movement and habitat connectivity, facilitate public health and safety, and move towards the State’s biodiversity conservation and climate change goals. Please add the Center to your notice list for all future updates to the Plan and do not hesitate to contact the Center with any questions at the emails listed below.

Sincerely,



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¹ California Housing Consortium. “What is affordable housing?” Accessed, July 20, 2021. <https://calhsng.org/resources/affordable-housing-101/what-is-affordable-housing/>

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(Provided via OneDrive)

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Letter 107
Center for Biological Diversity
Tiffany Yap and Elizabeth Reid-Wainscoat
July 20, 2021

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

107-1

The comment is an introductory statement. In addition to generally introducing the contents of the letter, it introduces several issues that are addressed specifically in the following responses.

107-2

The commenter requests that the proposed Plan include specific goals and funding to reduce wildlife vehicle collisions and preserve and enhance wildlife connectivity, citing the negative impacts of development in and adjacent to open space. The proposed Plan's housing and environmental strategies encourage infill development as opposed to greenfield development, reducing the likelihood of interference with natural habitat for wildlife. This is evident on page 2-16 of the Draft EIR, which discloses that 69 percent of the plan's land use growth footprint would be located on land designated as "urban built-up." The Draft EIR discloses the plan's potential impacts to parks and open space in Section 3.11, "Land Use, Population, and Housing." Table 3.11-4 discloses the potential overlap of for land use growth footprints within parks open space, identifying potentially 740 acres of the region's 1.4 million acres of parks and open space could be affected by future land use development. Similarly, Table 3.11-8 discloses where the plan's proposed transportation infrastructure improvements overlap with parks and open space. The Draft EIR states that Plan implementation could result in inconsistencies with regional conservation plans. Mitigation Measure LU-2 includes a measure for MTC to provide technical assistance and regional leadership to encourage implementation of the Plan goals and strategies that integrate growth and land use planning with the existing and planned transportation network. See Response to Comment 107-10 for a discussion of edge effects associated with the proposed Plan. As noted in Response to Comment 107-6, the text of Impact BIO-3 has been expanded to reflect potential impacts from vehicle-related wildlife mortalities and injuries of common and special-status wildlife species.

107-3

The comment provides information related to wildlife connectivity areas. Migratory corridors and linkages are discussed on page 3.5-22 of the Draft EIR and includes discussion on Essential Connectivity Areas (ECAs). The Plan's potential effects on ECAs are disclosed under Impact BIO-3 beginning on page 3.5-50, and concludes that land use development, sea level rise adaptation infrastructure, and transportation projects consistent with the Plan would have a potentially significant impact on wildlife corridors or nursery sites. As a result, Mitigation Measure BIO-3(a) requires a detailed analyses for specific projects affecting essential connectivity areas to determine the wildlife species that may use these areas and the habitats those species require. Potential measures to address impacts includes construction of "wildlife-friendly overpasses and culverts." See response to comments 107-10 for further discussion of edge effects associated with the proposed Plan. The recommendation for revisions to the proposed Plan is noted for consideration during the Plan review and approval process.

107-4

The commenter recommends additional studies to inform areas the proposed Plan designates as ECAs. The Draft EIR explains that the ECAs identify lands likely important to wildlife movement.

Though primarily based on the California Essential Habitat Connectivity Project, the ESAs also reflect the degree of conservation protection and areas known to support high biological values, such as mapped critical habitat and hotspots of species endemism (page 3.5-22 of the Draft EIR). Thus, the designation of ECAs and analysis of impacts are based upon scientific evidence, and they considered and incorporated scientific evidence from multiple sources (e.g., Davis et al. 2003). Because the analysis in the Draft EIR is programmatic, evaluation of connectivity impacts on a programmatic level is appropriate. CEQA does not require an EIR to survey all available scientific data on a given topic but be based to the extent possible on scientific and factual data. As explained, the ECA designations and impact analysis are based on scientific data from multiple sources. Further, the Draft EIR specifically acknowledges the coarse-scale of the ECA designations and cautions that while they can inform planning efforts, they need to be “replaced by more detailed linkage designs, developed at finer resolution at the regional and ultimately local scale based on the needs of particular species and ecological processes” (Draft EIR, page 3.5-22; see also, Draft EIR, page 3.5-51). MTC and ABAG agree more information and detailed data are appropriate at the local and project specific level. Accordingly, Mitigation Measure BIO-3(a) has been revised to include some of the listed studies as examples to inform project-level development and mitigation. However, future projects would not be limited by these examples, and would be encouraged to consult more recent or locally-applicable studies regarding habitat connectivity or wildlife corridors. See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR.

107-5

This comment states that the importance of the Bay Area's habitats to wildlife connectivity and migration is not adequately disclosed in the Draft EIR. Pages 3.5-9 through 3.5-21 describe the terrestrial and aquatic natural communities in the Bay Area and emphasize the importance of each natural community to common and special-status wildlife in the region including the importance of these natural communities for migration and wildlife movement. For example, the description of San Francisco Bay Aquatic Resources on page 3.5-17 states that “...the San Francisco Bay also supports millions of birds that depend on the bay for rest and refueling on migratory routes” and that “Anadromous fish also use San Francisco Bay seasonally during their migrations to and from spawning grounds...” Each natural community of the Bay Area is fully described in the Draft EIR. These descriptions include the flora, fauna, and other features that generally compose each habitat. The Draft EIR further describes all special status plants and wildlife expected to occur in each habitat. Table C-1 in Appendix C of the Draft EIR additionally provides a comprehensive list of special-status species with the potential to occur in the Plan area. The comment does not suggest that any species have been erroneously omitted from these descriptions.

107-6

This comment states that there is not enough information in the Draft EIR to understand where the growth footprints and footprint of the sea level rise adaptation projects and transportation projects overlap with Essential Connectivity Areas or whether these projects are designed to avoid or minimize impacts on wildlife connectivity. The programmatic analysis in the Draft EIR does not allow for a precise description of project details related to wildlife habitat connectivity because details related to the location, size, design, or setting of specific projects are unknown and, therefore, a meaningful evaluation could not occur at this time. As noted on Draft EIR page 3.5-22 and in the discussion of Impact BIO-3 (pp. 3.5-50 to 3.5-53), ECAs are mapped on a statewide level and should be considered coarse-scale polygons that can inform land planning efforts but that should eventually be replaced by more detailed linkage designs, developed at a finer resolution at the regional and ultimately local scale based on the needs of particular species and ecological processes. As noted in Draft EIR section 3.1.3, “General Methodology and Assumptions,” the precise footprints and other design details of most

transportation projects are unknown because the projects are in the early stages of planning; therefore areas of effect were estimated. Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, requires projects be designed to minimize impacts on wildlife movement and habitat connectivity and that design phase include consultation of relevant guidance documents regarding wildlife movement and habitat connectivity. Consistent with CEQA Guidelines Section 15126.4 the Draft EIR includes feasible mitigation measures that would reduce the potentially significant impacts of the proposed Plan as appropriate for a programmatic analysis under CEQA. The programmatic analysis provided in the Draft EIR is considered adequate and appropriate under CEQA.

The comment also states that additional maps and models were not used in this assessment. Implementation of Mitigation Measure BIO-3(a) would ensure analysis of site-specific conditions based on existing conditions.

107-7

The comment states that the Draft EIR makes unfounded assumptions that areas within or adjacent to built-up areas and along existing transit corridors “have already been fragmented and degraded to the point that their function as linkages is either limited or lost entirely” (Draft EIR at 3.5-51) and states that such areas may have wildlife connectivity value that should be prioritized. Regional studies and large-scale review studies have demonstrated that urbanization, including roadways and buildings, have a detrimental effect on wildlife movement, often resulting in injury or mortality of wildlife species (Loss et al. 2014, Shilling et al. 2018). However, it is incorrect to assert the Draft EIR dismisses the value of fragmented or degraded linkages. As stated on page 3.5-51: “On a local level, waterways, riparian corridors, and contiguous or **semicontiguous expanses of habitat** are likely to facilitate wildlife movement, **even through urbanized areas in the region**” (emphasis added). Thus, the Draft EIR does recognize that degraded (semicontiguous), urban habitat can facilitate wildlife movement. While some measures in Mitigation Measure BIO-3(a) prioritize wider or better functioning corridors, most measures do not distinguish between fragmented/degraded corridors and pristine corridors. Further, it requires projects be designed to minimize impacts on wildlife movement and habitat connectivity, regardless of the quality of the corridor, and that the potential to preserve or improve habitat linkages be analyzed.

However, while Mitigation Measure BIO-3(a) does include measures that would specifically apply to wildlife corridors in urban areas (e.g., wildlife-friendly overpasses and culverts, wildlife-friendly fencing), it does not explicitly include potential urban wildlife movement corridors. Accordingly, Mitigation Measure BIO-3(a) has been revised to include these movement corridors. See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR.

The comment further states that the Draft EIR fails to adequately describe, assess, and mitigate impacts to wildlife connectivity for mountain lions and other species. Because the analysis in the Draft EIR is programmatic, evaluation of connectivity impacts on a programmatic level is appropriate. ECAs are mapped on a Statewide level and should be considered areas identified at a coarse scale that can inform land-planning efforts, but which do not include more detailed linkage designs developed at a finer resolution based on the needs of particular species. This level of analysis is appropriate when project level review is undertaken.

107-8

This comment states that impacts on Santa Cruz mountain lions must be analyzed and that impacts on this species must be mitigated. Page C-20 of Appendix C of the Draft EIR identifies the Central Coast and Southern California Evolutionarily Significant Units of mountain lion as a candidate for listing as threatened under the California Endangered Species Act and thus a special-status species. The Draft EIR also states that mountain lions are special status species associated with both

woodlands and forest, and riparian habitats (Draft EIR, pp. 3.5-13, 3.5-15). As described in Mitigation Measure BIO-1(a), on pages 3.5-38 and 3.5-39 of the Draft EIR, a biological resource assessment will be required at the project level to determine whether a project may result in adverse effects on special-status species and whether mitigation measures would be required to avoid impacts. Please also see Master Response 6; as described, MTC and ABAG do not have land use approval authority; that authority lies with local lead agencies. If, at the project level, it is determined that a project may result in adverse effects on mountain lions, mitigation and coordination with the California Department of Fish and Wildlife would be required. See also Response to Comment 107-7 regarding discussion of connectivity impacts to mountain lions.

107-9

This comment states that information is not provided in the Draft EIR regarding where transportation projects would be located, what species and habitats may be adversely affected, how these projects would affect connectivity, and how these impacts would be mitigated. Specific detail regarding the exact location of many of the specific transportation projects and potential impacts on wildlife habitat connectivity and specific species are not known at this time and therefore the Draft EIR provides a programmatic analysis. To the extent project-specific information is known or is available, the Draft EIR evaluates the impacts of transportation projects on wildlife connectivity. As noted in Draft EIR section 3.1.3, “General Methodology and Assumptions,” the precise footprints and other design details of most transportation projects are unknown because the projects are in the early stages of planning; therefore areas of effect were estimated around the center line of proposed roadway and transit projects. On pages 3.5-52 to 3.5-53, Table 3.5-12 displays the total acreage of transportation project footprints within Essential Connectivity Areas, by County, resulting from the proposed Plan. The analysis concludes on page 3.5-53:

[P]roposed transportation projects may directly encroach on wildlife corridors, particularly when direct habitat removal occurs or when sites are located adjacent to open space or streams. Additionally, as described above, transportation projects may result in loss or abandonment of wildlife nursery sites. Substantial encroachment on local wildlife corridors or loss of wildlife nursery sites would be a potentially significant (PS) impact.

Mitigation Measures BIO-3(a) and BIO-3(b) are proposed to address impacts to connectivity. See Draft EIR pages 3.5-53 through 3.5-54 as well as Response to Comment 41-6 for revisions to MM Bio-3(a). Implementation of these measures by local agencies would render impacts (including impacts of transportation projects) less than significant. However, because MTC and ABAG lack authority to require this (see “Master Response 6: MTC and ABAG Roles and Authority”), the Draft EIR concludes that the impacts would be significant and unavoidable.

107-10

This comment states that impacts on essential connectivity areas related to edge effects (e.g., traffic, lighting, noise, domestic pets, pollutants, invasive weeds, increased fire frequency) were not mentioned in the Draft EIR. These impacts were referenced in Impact BIO-1a (page 3.5-37: “vehicle-related wildlife mortalities and injuries of common and special-status wildlife species”) and in Impact BIO-1b (page 3.5-41: “introduction of night lighting, increases in ambient noise levels, and the introduction of invasive species and predators”). While these discussions are included in Impact BIO-1a and BIO-1b (as described above), they are not included in the impact discussion regarding essential connectivity areas in Impact BIO-3, on pages 3.5-50 through 3.5-55 of the Draft EIR. The Impact BIO-3 “Land Use Impacts” discussion on pages 3.5-50 and 3.5-51 of the Draft EIR has been updated to include these discussions. This revision does not alter the conclusions with respect to the significance of any environmental impact because it involves adding detail to an impact already disclosed in the Draft

EIR. This clarifies the existing discussion and not constitute new information. It does not result in a new significant impact, nor does it substantially increase the severity of that impact. Mitigation Measure BIO-3(a) as edited (See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR) addressed impacts related to edge effects as described above.

The Land Use Impacts discussion in Impact BIO-3 on page 3.5-51 is revised as follows (new text is underlined):

Land Use Impacts

Construction and Operation

As discussed in Section 3.5.1, “Environmental Setting,” the Bay Area encompasses large areas of wildlands that provide habitat for both common and rare plants and wildlife, and some of these areas were mapped as Essential Connectivity Areas (ECAs). The ECAs are not regulatory delineations but have been identified by the California Essential Habitat Connectivity Project as lands likely important to wildlife movement between large, mostly natural areas at the Statewide level. ECAs were mapped on a Statewide level and should be considered areas identified at a coarse scale that can inform land-planning efforts; however, ECAs do not include more detailed linkage designs developed at a finer resolution based on the needs of particular species and ecological processes. As shown in Figure 3.5-5, a total of 15 ECAs occur within the nine Bay Area counties and are typically centered along the region’s mountain ranges. These areas are composed primarily of wildlands but may also include some agricultural and developed areas (mostly rural residential) and many are bisected by major roadways.

The proposed Plan’s land use growth footprint overlaps with approximately 1,700 acres of mapped ECAs, primarily in Contra Costa (700 acres), Solano (330 acres), Santa Clara (210 acres), San Mateo (170 acres), Alameda (150 acres), and Napa Counties (150 acres) (**Table 3.5-10**). However, the land use growth footprint is concentrated primarily in or adjacent to already urban and built-up areas and along existing transit corridors where migratory corridors for wildlife have already been fragmented and degraded to the point that their function as linkages is either limited or lost entirely. On a local level, waterways, riparian corridors, and contiguous or semicontiguous expanses of habitat are likely to facilitate wildlife movement, even through urbanized areas in the region. In some cases, land use development projects may directly encroach on wildlife corridors, particularly when direct habitat removal occurs or when sites are located adjacent to open space or streams.

Long-term increases in the volume of vehicular traffic and major expansions of existing roads or development of new roads in rural areas are expected to result in increased vehicle-related wildlife mortalities and injuries of common and special-status wildlife species. Degradation of areas that have high value as wildlife movement corridors could also occur in association with proposed Plan development, where such development occurs adjacent to these corridors, through increases in ambient noise levels and fire frequency, as well as the introduction of lighting, domestic pets, pollution, and invasive species.

107-11

Mitigation Measure BIO-1(a) has been clarified as suggested by the commenter. This revision does not alter the conclusions with respect to the significance of any environmental impact. It involves clarifying a mitigation measure already included in the Draft EIR.

The third bullet of Mitigation Measure BIO-1(a) on page 3.5-38 of the Draft EIR is revised as follows (new text is underlined):

- ▲ A species and habitat compensation plan shall be prepared and implemented for unavoidable direct impacts on special-status plant species and shall be reviewed and approved by the resource agencies and lead agency prior to project approval. The plan shall identify effective methods for reestablishing the affected species and habitat, including but not limited to seed collection, salvage of root masses, and planting seeds and/or root masses in an area with suitable conditions. The plan shall also specify a monitoring program designed to evaluate success in reestablishing the affected species and habitat, and remedial measures that shall be followed if the project is not meeting specified performance criteria. The monitoring program shall be designed and implemented to evaluate the current and probable future health of the resources, and their ability to sustain populations in keeping with natural populations following the completion of the program. Remedial measures are highly dependent upon the species and habitats in question, but generally shall include but not be limited to invasive species management, predator control, access control, replanting and reseedling of appropriate habitat elements, regarding, and propagation and seed bulking programs.

The comment states that it is unclear how compensatory mitigation through RAMP would be implemented. Conservation and mitigation banking, natural community conservation planning, and RCISs are examples of RAMP. Therefore, advance mitigation was included in the Draft EIR as an option for addressing potential impacts on biological resources. For clarification, Mitigation Measure BIO-1(a) has been edited to include the specific RAMP methods provided in the comment as examples of advance mitigation. The nature of compensatory mitigation, including the location (e.g., in-kind, offsite) and the mitigation ratio, will be determined at the project level in consultation with the appropriate resource agency. Please see Response to Comment 41-4 for relevant discussion and for the text of the revisions. This clarification does not alter the conclusions with respect to the significance of any environmental impact, because it provides examples of a mitigation method already included in the Draft EIR.

Finally, the comment states that avoidance should be prioritized over in-kind mitigation, and that the minimum mitigation ratio for restoration, preservation, or creation of habitat of 1:1 is insufficient. Mitigation Measure BIO-2, on pages 3.5-48 and 3.5-50, prioritizes avoidance:

In keeping with the “no net loss” policy for jurisdictional waters (i.e., wetlands and other waters of the United States or State), project designs shall be configured, whenever possible, to avoid wetlands and other waters and avoid disturbances to wetlands and riparian corridors to preserve both the habitat and the overall ecological functions of these areas.

Similarly, Mitigation Measures Bio-1(a), Bio-1(b), and Bio-3(a) require projects to be designed or reconfigured to avoid and minimize impacts to special status species, critical habitats, and migratory corridors.

Mitigation Measure BIO-2 also states specifically that the 1:1 ratio is a minimum but that this ratio “shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs) or in project-specific permitting documentation.” Setting a minimum requirement in the Draft EIR ensures that mitigation ratios will never be less than 1:1, and in some cases, project-specific permitting or locally applicable plans will require ratios greater than 1:1. Where required by applicable plans or permits, project will comply with “no net loss” requirements.

107-12

This comment states that the Draft EIR does not include mitigation sufficient for wildlife connectivity and outlines some recommended mitigation measures. Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, requires projects be designed to minimize impacts on wildlife movement and habitat connectivity and that the design phase include consultation of relevant guidance documents regarding wildlife movement and habitat connectivity. Project design inherently includes funding considerations. Further, numerous measures in Mitigation Measure BIO-3(a) address the construction and maintenance of crossing structures including culverts. As noted in the Draft EIR on p. 3.5-55, to the extent that a local agency requires an individual project to implement all feasible mitigation measures described therein, the impact would be less than significant with mitigation. Accordingly, additional mitigation measures, such as those provided by the commenter are not needed to reduce impacts to less than significant. However, Mitigation Measure BIO-3(a) has been clarified as recommended by the commenter. See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR. This clarification does not alter the conclusions with respect to the significance of any environmental impact because the additions to this existing mitigation measure were not required to reduce impacts to less than significant.

107-13

The comment expresses an opinion that new development should be prohibited in “high fire-prone areas” and states that the Draft EIR fails to adequately address and mitigate impacts to wildfire risk due to the proposed Plan.

The proposed Plan does not change local land use policies and individual jurisdictions retain all local land use authority; MTC cannot prohibit, or require local jurisdictions to prohibit, development. The proposed Plan’s 14 housing and economic strategies, along with specific geographic areas (referred to as “growth geographies”), work in tandem to focus housing and job growth into existing communities well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. The proposed Plan prioritizes these designated growth geographies to accommodate the regional growth forecast by applying a series of land use strategies (a subset of the housing, economic, and environmental strategies discussed in Section 2.2.2, “Proposed Plan Strategies,” of the Draft EIR) to these select geographies to make individual parcels of land more attractive for both development and redevelopment. The proposed Plan uses the growth geographies and land use strategies to influence the forecasted development pattern by affecting the location, use, intensity, and density of forecasted development.

The proposed Plan addresses wildfire with many land use (i.e., housing and economic) and environmental strategies, relying on core adaptation principles: land use, land management, and structural hardening. The proposed Plan would accommodate forecasted population growth in a manner that reduces potential contributions to climate change, encourages concentrated growth in urbanized areas and land management in open space, and includes structural hardening efforts where existing structures are vulnerable to fire.

The Plan does not propose 33 percent of the land use growth footprint within high and very high fire hazard severity areas, as stated in the comment. The growth footprint includes 1,800 acres of land classified as having a moderate, high, or very high fire hazard (approximately 5 percent). On page 3.9-52, the Draft EIR explains that the growth geographies identified in the Plan area all outside of areas designated as High and Very High Fire Hazard; however, some development in areas with elevated fire hazard may occur because the designated growth geographies are comprised of both the growth geographies designated in the Plan (67%) and areas outside designated growth geographies but consistent with existing local land use plans (33%). Mitigation measures are included because of the

potential extension of development along the WUI and the potential to exacerbate the risks of wildfire.

Mitigation Measure HAZ-7 would require that implementing agencies restrict development of areas mapped by the California Department of Forestry and Fire Protection as high and very high fire hazard zones where feasible and necessary. This is appropriate mitigation because restricting development in these areas would address the increased wildfire hazard. As described above, the portion of the growth geographies identified in existing local land use plans that are in fire hazard zones is relatively small (i.e., less than 5 percent) and MTC cannot prohibit, or require local jurisdictions to prohibit, development. However, the measure provides a framework to restrict these new developments, as suggested in the comment.

With respect to the mitigation for existing at-risk communities (“like ember-resistant roofing and vents, irrigated defensible space immediately adjacent to structures, external sprinklers with an independent water source, and solar microgrids”) proposed in the comment, these actions are largely included in the Plan. As described on page 3.9-54, “[s]trategy EN02, Retrofit Existing Residential Buildings is designed to reduce risk in all existing residential buildings (roughly 75,000 units) in the very-high fire hazard zone built before the 2009 WUI building code. The strategy would require proven structural hardening strategies, such as roofing and vent replacements, and support homeowners with difficult defensible space work.” In addition, Mitigation Measure HAZ-7 in the draft EIR includes enforcing defensible space and strategic fuel breaks. It is noted that irrigated defensible space and external sprinklers with an independent water source could aid firefighters with extinguishing fires. These types of features would bolster installation of defensible space and other wildfire risk reduction strategies discussed in Mitigation Measure HAZ-7; however, given drought conditions throughout the Bay Area and California, it is unlikely that adding additional water demand would be feasible. Mandates for solar microgrid installation could improve energy reliability; however, this would require upgrades to electrical panels and replacement of gas-powered appliances, both of which cannot be reasonable assumed to occur within existing development. Furthermore, areas of high fire risk are generally located within forested areas where solar-generated electricity may not be feasible. For these reasons, the draft EIR has not been revised in response to this comment.

107-14

The comment expresses concerns related to the potential for freeway widenings to increase VMT and GHG emissions. Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” and Section 3.15, “Transportation,” anticipate and analyze the changes in GHG emissions and VMT that would result from freeway widenings. As discussed in greater detail below, the Draft EIR finds that the proposed Plan, including freeway widenings, would achieve its SB 375 targets and discloses that it falls short of reductions needed for the State to meet SB 32 and EO-S-3-05 targets. Further, the Draft EIR provides feasible mitigation measures. This is all that is required.

Impact GHG-1 concludes that the proposed Plan would result in a net reduction in GHG emissions (page 3.6-42 of the Draft EIR). Additionally, as discussed in Impact GHG-2, the proposed Plan would reduce per capita passenger vehicle and light duty truck CO₂ emissions by at least 19 percent by 2035 as compared to 2005 baseline, per the regional targets set by CARB pursuant to SB 375 (page 3.6-44 of the Draft EIR) Impact TRA-2 discusses that the proposed Plan would result in an increase in total regional VMT, but a 17 percent decrease in regional per-capita VMT between the 2015 and 2050 (page 3.15-28 of the Draft EIR). The Draft EIR further explains that while the proposed Plan’s VMT would not impede the ability to meet its SB 375 GHG reduction targets, it cannot meet the target reductions necessary to meet the State’s GHG reduction targets under SB 32 and EO-S-3-05 (pages 3.6-46 and 3.15-29 of the Draft EIR). While mitigation measures are provided, the State has indicated that additional State policy actions and funding would be required to close the gap between what the

MPOs can achieve through implementation of their SCSs, and reductions needed to meet State goals. For these reasons, the Draft EIR explains that Impact GHG-3 and Impact TRA-2 would be significant and unavoidable.

Regarding the commenter's suggestion that VMT could be reduced through removal of Strategy T06, widening highways at bottlenecks, Strategy T06 includes a mix of capacity- and non-capacity-increasing (e.g., interchange safety improvements) projects on the region's highways and local roads. Furthermore, as discussed in Chapter 4, "Alternatives to the Proposed Plan" of the Draft EIR, the alternatives are composed of a modified set of proposed Plan strategies. As discussed on Draft EIR page 4-12, the TRA Focus Alternative modifies Strategy T06 by reducing funding. The Draft EIR concluded that despite the removal of Strategy T06 projects, the TRA Focus Alternative would have similar VMT impacts to the proposed Plan. See Responses to Comments 107-6 and 107-7 for discussions related to wildlife connectivity.

107-15

This comment emphasizes that avoiding the destruction of native habitats should be a priority. The proposed Plan does prioritize avoiding the destruction of native habitats. As explained in Impact Bio-1a the proposed Plan concentrates growth primarily in or adjacent to already urban and built-up areas and along existing transit corridors and incorporates environmental strategies that would limit new construction outside of the existing development or areas otherwise suitable for growth and would protect high-priority natural lands. (Draft EIR, p. 3.5-36.) Impact PSR-2, on p. 3-13.16, further discusses strategies that would avoid destruction of native habitats:

The proposed Plan also includes strategies to protect open space lands and concentrate development within already developed areas. Specifically, Strategy EN4 directs new growth to be located within the region's existing urban footprint or growth boundaries. This strategy would confine new development within areas of existing development and areas that are suitable for growth, as established by local jurisdictions. Strategy EN5 would provide funds to help conserve and manage high-priority agricultural and open space lands that support recreation opportunities, biodiversity, natural resources, and priority conservation areas.

Additionally, as noted on Draft EIR page 3.5-55, most counties and cities in the region have local ordinances and policies in place that protect native and nonnative trees in urban landscapes, as well as in unincorporated county lands. Compliance with these ordinances could further reduce impacts to native habitats. Also, Mitigation Measures Bio-1(a), Bio-1(b), 2, and Bio-3(a) require projects to be designed or reconfigured to avoid and minimize impacts to various habitats. See Response to Comment 85-48 regarding the infeasibility of using carbon offsets as additional mitigation.

107-16

The commenter suggests that the energy analysis for Impact EN-1 include more detailed analysis.

The Draft EIR does not address impacts at a project-specific level, nor does it address impacts of specific programs or projects included within the proposed Plan. Instead, the Draft EIR appropriately focuses on the wise and efficient use of energy at a programmatic level.

The Draft EIR explains that land use development will inherently be more efficient as 88 percent of forecasted new housing units would be built as multi-family units. The construction as well as operation of multi-family units is typically more energy efficient than single-family homes. (Draft EIR, p. 3.6-48.) The proposed Plan also includes strategies to increase the energy efficiency of existing development. EN02, "Provide Means-Based Financial Support to Retrofit Existing Residential Buildings" would result in building ordinances and incentivizing building retrofits to meet higher

energy standards. Strategy EN03, “Fund Energy Upgrades to Enable Carbon Neutrality in All Existing Commercial and Public Buildings” would support the electrification and resilient power system upgrades leading to lower building emissions. (*Ibid.*)

Further, Mitigation Measure AQ-2, which would be required to address construction-related emissions, contains numerous measures that will also increase construction efficiency:

- ▲ Equipment shall be zero emissions or have engines that meet or exceed either EPA or CARB Tier 4 off-road emission standards, and it shall have engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.
- ▲ Idling time of diesel-powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage of this idling restriction shall be provided for construction workers at all access points.
- ▲ All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.
- ▲ Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible. (Draft EIR, p. 3.4-39.)

107-17

The commenter recommends a means-based component to the electric vehicle rebate programs. Proposed Plan Strategy EN08 prioritizes electric vehicle incentives based on income, with increasing incentive amounts for lower-income buyers and no incentives for purchasers above a high-income threshold. This strategy is similar in structure to the state and regional Clean Cars for All programs. The EN08 charging infrastructure programs prioritize projects supporting low-income households and Equity Priority Communities. Furthermore, the supplemental Plan Bay Area 2050 Technical Assumptions Report located on the Plan Bay Area website states that, “The Vehicle Buyback & Electric Vehicle Incentive Program would be expanded to subsidize at least 350,000 new electric vehicles, with a priority for income-qualifying buyers.” The scaling of vehicle buyback program and electric vehicle incentives in EN08 are based on household income level can be found in the following supplemental reports, Plan Bay Area 2050 Equity Analysis Report as well as the Plan Bay Area 2050 Forecasting and Modeling Report, found on the Plan Bay Area website at www.planbayarea.org/reports.

107-18

As stated on page 3.11-22 of the Draft EIR, the proposed Plan contains environmental strategies to maintain urban growth boundaries (EN04), to protect and manage high-value conservation lands (EN05), and to modernize and expand parks, trails, and recreation facilities (EN06). Nonetheless, portions of the proposed Plan's land use growth footprint (approximately 740, or 1.8% of the growth footprint) would overlap with open space/parklands. This does not necessarily mean that the 740 acres of open space/parklands would be developed. Within the growth footprint it is expected that there would be a diversity of land uses, particularly in TPAs. Nonetheless, as relevant to impact LU-2, the Draft EIR acknowledges that the growth footprint could potentially conflict with local land use plans. While Mitigation Measure LU-2 would not reduce the potential loss of open space, future development will be required comply with standards set by local jurisdictions regarding the acceptable amounts of parkland and open space. To the extent that additional parklands or open space are needed, any related construction impacts would be addressed by Mitigation Measure

PSR-2. (Draft EIR, p. 3.13-18.) Edge effects and other issues related to impacts on biological resources are addressed in Section 3.5 of the Draft EIR, “Biological Resources.” Please see Response to Comment 107-10 for a discussion relevant to edge effects. See “Master Response 6: MTC and ABAG Roles and Authority” for discussion related to this comment.

107-19

The proposed Plan shares goals of protecting natural resources, including open space. (See Draft EIR, p. 4-93.) Strategies EN04, EN05, and EN06 are designed to protect natural areas and reduce expansion of the urban growth footprint, consistent with the comment, see Section 2.2.2 of the Draft EIR, “Proposed Plan Strategies.” In addition to including strategies to restrict development beyond urban growth boundaries and protect high-value conservation lands, the proposed Plan also importantly includes a range of housing strategies (H03, H06) that increase available development capacity to support a sufficient supply of infill housing to support affordability goals.

107-20

The commenter suggests using a lower income threshold for affordable housing. As noted in the Draft EIR, the requirements of SB 375 dictate that the proposed Plan must accommodate future regional growth and provide housing for all income levels. As such, the proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. Strategies H02, H04, and H05 would yield sufficient affordable housing to meet that threshold, helping to bring down housing costs for low-income Bay Area households to a greater degree than the region at large.

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

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Citizens Committee to Complete the Refuge

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20 July 2021

Re: Comments Regarding the Draft Environmental Impact Report (DEIR) (SCH# 2020090519) for Plan Bay Area 2050 (proposed Plan)

Dear Metropolitan Transit Commission Commissioners and Staff,

The Citizens Committee to Complete the Refuge appreciates the opportunity to provide comments regarding the Draft Environmental Impact Report (DEIR) for Plan Bay Area 2050 (PBA 2050). CCCR applauds elements of the Draft Plan Bay Area that recognize societal inequities and supports strategies that focus on resolving economic, transportation and quality of life challenges that face large segments of Bay Area residents. However, based upon our review of the DEIR and that of our California Environmental Quality Act (CEQA) consultant, Richard Grassetti, we have identified substantive concerns that should be resolved before an EIR for PBA 2050 is approved.

The Citizens Committee to Complete the Refuge (CCCR) has a long-standing interest in the protection, restoration, and acquisition of San Francisco Bay wetlands; as such the focus of our comments is on biological resources and in particular on the interface of Plan Bay Area 2050 with lands along the edges of San Francisco Bay.

CCCR was originally formed in 1965 by a group of citizens who became alarmed at the degradation of the Bay and its wetlands. We joined together, and with the support of Congressman Don Edwards, requested that Congress establish a national wildlife refuge. The process took seven long years and in 1972 legislation was passed to form the San Francisco Bay National Wildlife Refuge, the first national wildlife refuge in an urban area. Recognizing that crucial habitats of the Bay were still at risk we turned to Mr. Edwards again, and in 1988 (the first year he submitted it) his legislation to double the size of the Refuge was signed into law. Our membership is approximately 2,000 people and we have the support of 40 local and national organizations--including open space advocates, hunters and environmental groups.

108-1

Plan Bay Area 2050

CCCR takes an active interest in the protection of the baylands of San Francisco Bay, the health and biodiversity of its ecosystems, protection of the Bay's watersheds, and public education regarding the value of these resources. The focus of our comments center on the Bay's biological resource issues. Despite the ecological and societal benefits they impart, these habitats and ecosystems were only hinted at in the preceding Horizon and Blueprint documents.

We appreciate that the 2050 Plan Bay Area incorporates an "Environment Element", but we are disappointed to see that rather than actively incorporating protection of the ecological environment into PBA 2050, most of the strategies encompassed under the heading "environment" pertain to human health and risk reduction. Those goals are certainly important, however, San Francisco Bay lies at the heart of our region and maintaining its ecological health and vitality are crucial concerns that should be duly considered and interwoven into any regional vision and plan.

Plan Bay Area 2050 emphasizes that the four core areas – housing, transportation, economy and environment – are inextricably linked. Looking at an issue such as sea level rise, one can see how sea level rise can have a cascade effect that not only impacts mobility throughout the Bay Area, the communities where we live and the Bay Area's economy, it also has significant and adverse environmental ramifications for natural resources such as tidal marshes and the Bay's diverse ecosystems – adverse ramifications that will be seriously exacerbated if siting of housing, work places, transit, recreational facilities, etc. do not take into consideration the need for tidal marshes to be able to migrate upslope as sea level rises. Protection of baylands is crucial to the health and vitality of San Francisco Bay, yet the significance of losing these vital habitats is barely discussed PBA 2050. PBA 2050 fails to adequately consider how existing and planned transportation and development projects will exacerbate the impacts of sea level rise impacts on biological resources, particularly where development or infrastructure restricts the ability of baylands to migrate upslope.

Plan Bay Area 2050 must recognize that the San Francisco Bay Estuary is not just of State importance, but is of hemispheric importance and that this vitally important ecosystem is at risk from the combined effects of shoreline encroachment into former baylands and sea level rise.

The San Francisco Bay Conservation and Development Commission (BCDC) provides the following description of the San Francisco Bay Estuary on their website¹:

The mixture of salt and fresh water is the foundation of the Bay's biological diversity and richness. The San Francisco Bay is the largest estuary on the west coast. It includes unparalleled marshes and mudflats along the shoreline that provide food and shelter to fish and wildlife and account for 77% of California's remaining perennial estuarine wetlands. It is home to over 1,000 species of animals, including endemic, threatened, and endangered species. It is a critical stopover for hundreds of thousands of birds on the Pacific Flyway and hosts more wintering shorebirds than any other estuary on the west coast outside of Alaska. The Bay supports over 130 species of fish, including salmon and other anadromous fish, which spend most of their lives in the ocean but return to fresh water to reproduce. Harbor seals, gulls, sea bass, geese, thousands of other species of fish, plants, mammals,

¹ San Francisco Bay Conservation and Development Commission. "San Francisco Bay and Estuary." https://bcdc.ca.gov/bay_estuary.html

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cont.

reptiles, and birds thrive in the San Francisco Bay estuary. Indeed, its diversity of key habitats and production of environmental benefits such as flood protection, water quality maintenance, nutrient filtration and cycling, and carbon sequestration compelled the international community to designate San Francisco Bay in late 2012 as a “Wetland of International Importance...”

...With unparalleled recreational opportunities and beautiful scenery, San Francisco Bay is one of the world’s greatest tourist destinations. Its stunning beauty and its contributions to such a high quality of life help make the Bay Area one of the country’s most desirable places in which to live. The consistent temperature of the Bay water cools the surrounding region in the summer and warms it in the winter, making the Bay area climate among the world’s most enjoyable. The Bay is inextricably woven into each resident’s sense of place, culture, and community; it is a dynamic and interconnected system whose value is crucial to the region’s environmental, economic, and social prosperity. While most of the people who live in the Bay Area may not see the Bay on a daily basis, their knowledge that it continues to thrive is evident by the support that BCDC enjoys.

And the 2015 Baylands Ecosystem Habitat Goals Update² (BEHGU) summarizes the grim future the Bay Area faces if we do not prioritize protection of these essential habitats:

“Projections show that if we don’t act, rising seas and greater erosion will cause the baylands to shrink. We would lose the protection these wetlands provide to our shoreline by buffering storm waves, and the cost-effectiveness of a natural infrastructure that adjusts as sea levels rise. The bay would fundamentally change, with hardened edges and little vegetation.

Eventually, this damage would be irreversible. The region would be obliged to construct and maintain more sea walls and levees, and larger ones. (In places where wetlands are not naturally sustainable, other forms of sea level rise adaptation will be required in any case.) The baylands would eventually retract to narrow strips at the base of these structures or disappear altogether. Water quality could degrade as the baylands would no longer absorb excess nutrients from wastewater or filter contaminants. The diversity and abundance of native animals and plants would be drastically reduced. Several endangered species found only in San Francisco Bay could go extinct, and millions of migratory waterbirds would lose critical feeding and wintering grounds.”

With the loss of tidal wetlands, we lose their tremendous ability to sequester carbon – to draw carbon down from the atmosphere and store it. Protection of ecosystems capable of drawing down and storing large quantities of carbon is an outcome that should be in complete alignment with the Greenhouse Gas Emission goals of PBA 2050.

Rising sea levels, in conjunction with how we develop next to the edges of the Bay and the resilience measures we choose to employ, will have a profound impact on the future of the Bay’s tidal wetlands ecosystems, therefore, we urge MTC/ABAG to make the following changes to Environmental Strategy 1 and 5:

Strategy EN-1: Adapt to sea level rise. Protect shoreline communities affected by sea level rise, prioritizing low-cost, high-benefit solutions and providing additional support to vulnerable populations. *Protect vulnerable habitats and ecosystems that are threatened by sea level rise. The use of nature-based solutions (NBS) should be prioritized over that of grey infrastructure. Require a county approved plan for sea-level rise adaptation that is detailed, coordinated with other locales, and funded,*

² Goals Project. 2015. *The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015* prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. California State Coastal Conservancy, Oakland, CA .
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108-1
cont.

before building within the FEMA 100-year flood zone.

Strategy EN5. *Preserve the Bay Area natural environment, biodiversity and ecosystem function. Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to Priority Conservation Areas and wildland-urban interface areas. Provide adequate buffers between developed areas and wildlands and implement climate smart techniques for working landscapes. Provide adequate space for migration of tidal wetlands utilizing tools such as the San Francisco Bay Shoreline Adaptation Atlas³, the San Francisco Bay Ecosystem Habitat Goals Update, U.S. Fish and Wildlife Service Tidal Marsh Ecosystem Recovery Plan and other available studies to identify appropriate sites for such migration. Support habitat conservation planning, track habitat losses and gains, and monitor habitat quality and ecosystem health. Scientific data and input should be the basis for identifying Priority Conservation Areas rather than relying on a consensus-based process.*

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cont.

Plan Bay Area 2050 and its DEIR do not adequately consider potential sea level rise scenarios.

One of the most catastrophic threats to existing communities, infrastructure and ecosystems of the Bay Area is climate change. Unlike earthquakes, the threat of climate change related issues such as sea level rise, can be anticipated and to some degree, avoided or mitigated.

The PBA 2050 and particularly the DEIR appear to rely upon an estimate of 2’ of sea level rise by 2100 to determine the extent of impacts to housing, development and infrastructure which are intended to be long-lived assets. The planning assumption of sea level rise (SLR) is arbitrary and seems inconsistent with state policies that ought to guide the development of Plan Bay Area 2050. Furthermore, the DEIR uses the one SLR assumption and does not portray the magnitude of effects if there is a larger rate of SLR.

In September 2020 (revised October 2020), MTC and ABAG released a document entitled, “*Plan Bay Area 2050 and Sea Level Rise Adaptation: How is MTC/ABAG integrating this critical issue into the next-generation regional plan?*” The document identifies “Adapt to Sea Level Rise” as one of the key environmental strategies that will be integrated to “ensure the region recognizes and addresses future shoreline flooding challenges.” There are sea level rise exposures proposed for 2’ of sea level rise by 2050 and 3’ of sea level rise to account for annual storm and king tide events. The 3’ of sea level rise is assumed to “determine where proactive adaptation actions were most needed to inform the financial need for future adaptation.” Why isn’t this document referenced in the PBA 2050 DEIR? Please clarify the sea level rise exposure that has been utilized in identifying potential impacts in the DEIR, is it 2’ or 3’ by 2100? Does the calculation of inundation risk also include storm surge or king tide elevations?

108-2

In early 2020, a document developed by State and regional agencies was released by the California Ocean Protection Council (OPC), “*Making California’s Coast Resilient to Sea-Level Rise: Principles for Aligned State Action.*” One of the guiding principles identified is “Ensure California’s coast is resilient to at least 3.5 feet of sea-level-rise by 2050...” The background section of this document states, “California’s coast faces a significant risk of experiencing SLR up to 1.0 feet by 2030 and 7.6 feet by 2100.” Based upon the guidance for the thirty-year planning window proposed for Plan Bay Area 2050, we recommend 3.5’ of sea level rise be utilized to

³ SFEI and SPUR. 2019. *San Francisco Bay Shoreline Adaptation Atlas: Working with Nature to Plan for Sea Level Rise Using Operational Landscape Units*. Publication #915, San Francisco Estuary Institute, Richmond, CA.

108-1
cont.

assess financial need for future adaptation for existing development and infrastructure, and for development that can be constructed in a manner that can be resilient to greater sea level rise or can be relocated.

For proposed new or retrofitted transportation projects, we urge MTC/ABAG to evaluate and plan for resilience to 7.6' by 2100 as recommended by the OPC guidance document. Additional factors such as, ground subsidence, low elevations of roadways and infrastructure, and paving of watershed lands, mean that flooding will come from upland areas as well as from the Bay, resulting in increased flood risk. It should be expected that for major roadway projects, rail projects, BART, etc. due to the costs in time and money of implementing these projects, and the disruption and financial burdens that would result should transit projects require relocation, that major infrastructure and transportation projects would have an expected service life of greater than 30 years.

Sea level rise perturbations indicate that one should plan for high tide flood risk appearing sooner than expected. The OPC guidelines based on scientific projections of low, medium and high sea level rise are generally regarded as somewhat smooth increases. On top of those possible trend lines there are perturbations that may exacerbate and accelerate the occurrence of extreme flooding. Recently⁴, scientists reported on projected increases in US high-tide flooding (HTF) including the impact of the 18.6-year lunar nodal cycle on tidal amplitude. The authors conclude; "The mid-2030s, in particular, may see the onset of rapid increases in the frequency of HTF in multiple US coastal regions. We also show how annual cycles and sea-level anomalies lead to extreme seasons or months during which many days of HTF cluster together. Clustering can lead to critical frequencies of HTF occurring during monthly or seasonal periods one to two decades prior to being expected on an annual basis."

108-2
cont.

The DEIR should not just evaluate the impacts of sea level rise on Priority Development Areas (PDAs), Priority Production Areas (PPAs), transit and recreational facilities, but also of the impacts of the proposed PBA 2050 on the Bay's aquatic resources themselves, such as the ability of tidal marshes to move upslope. The DEIR has failed to assess whether elements of the Plan such as PDAs, PPAs, etc. restrict the ability of tidal marshes to migrate upslope, thus exacerbating the reasonably foreseeable impacts of rising sea levels.

Growth Inducing Elements of Plan Bay Area 2050

Plan Bay Area 2050 contains at least two projects and classifications that are alarming for those concerned about adverse impacts to tidal wetland habitat and adverse impacts to the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

108-3

⁴ Thompson, Philip R., Matthew J. Widlansky, Benjamin D. Hamlington, Mark A. Merrifield, John J. Marra, Gary T. Mitchum, and William Sweet. "Rapid increases and extreme months in projections of United States high-tide flooding." Nature Climate Change (2021): 1-7.

108-2
cont.

Transit Rich Area and Transit Priority Area Designations Associated with a Potential Ferry in Redwood City

The first area of concern is the designation of a location across Redwood Creek from the Bair Island Unit of Refuge as a “Transit Rich Area” and also a Transit Priority Area. What are the implications for such designations? If for example, Transit Oriented Development would be a foreseeable outcome of a TRA or TPA designation, this would be extremely concerning. The general area indicated on Figure 2-5: Growth Geography Designations by Type is in an area that is vulnerable to inundation as sea levels rise.



Figure 2-5: Growth Geography Designations by Type from the Plan Bay Area 2050 DEIR cropped and zoomed in to Redwood City

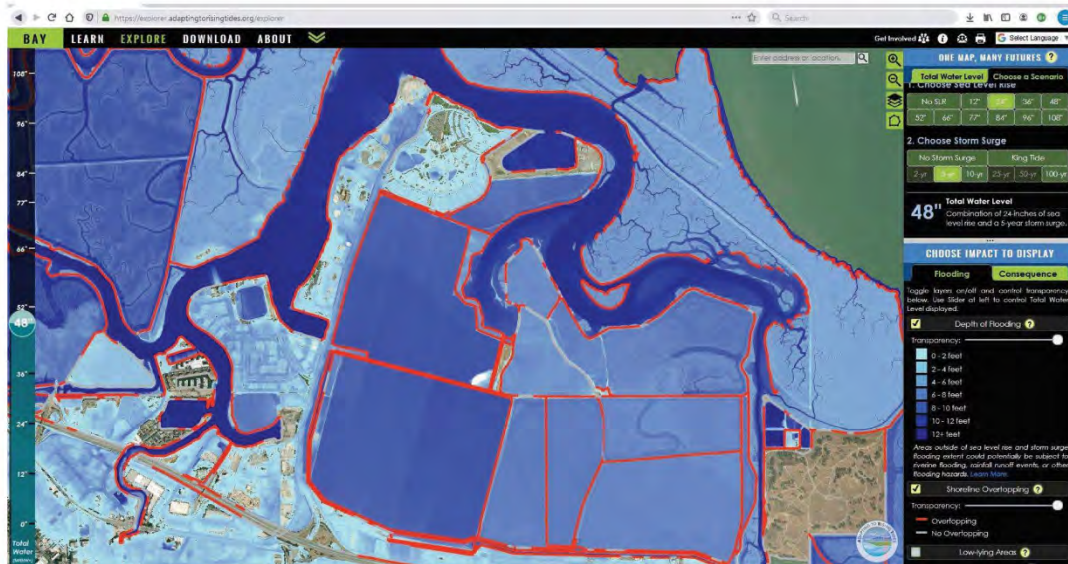
108-3
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The following figures that have been downloaded from BCDC's *Adapting to Rising Tides Flood Explorer Map* demonstrate how vulnerable this area is to sea level rise inundation.



The figure above depicts the area under 12" of sea level rise and a 5-year storm surge for a total water level of 36". You can see the majority of the area would be inundated and major access roads flooded.

The figure below depicts the area under 24" of sea level rise, the level utilized in the DEIR, but with a 5-year storm surge for a total water level of 48". Almost the entire area, and areas east of Highway 101 are inundated under these conditions.



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In addition to vulnerability to sea level rise, the location is adjacent to the Port of Redwood City. The Port of Redwood Commissioners have stated⁵ that “incompatible residential developments were not appropriate” and that “the Port would not support incompatible land uses.” Lastly, the area is directly across from the Don Edwards San Francisco Bay National Wildlife tidal marsh habitat of Greco Island and near the Refuge’s Bair Island, both of which support the endangered Ridgway’s Rail and numerous other rare species as well as harbor seal haul-outs.

While it is possible ferry service and/or a ferry terminal may ultimately be approved in this area, despite its vulnerability to sea level rise, PBA 2050, should not promote or encourage housing or development to be associated with potential ferry service at this location. Promoting TOD in the immediate area of the ferry terminal would be extremely growth-inducing and would increase pressure for sprawl onto nearby City-designated Open Space lands at the Cargill salt ponds. In response to inquiries from CCCR members, we were told it was “too late to remove the location from the maps.” Clearly this is something that is not difficult to do and must be done before the Plan and the DEIR are finalized. This site also appears on Figure 2-6: *Growth Geography Designations and TPAs* and must be removed from that figure as well.

Furthermore, the DEIR must discuss how it addresses the potential environmental impacts of identifying TRAs and TPAs. Clearly, a site that seems appropriate for a TRA might also result in unavoidable impacts to significant environmentally rich habitats. The DEIR must recognize that not all sites that may qualify as TRA or TPA are appropriate for that designation due to overarching environmental impacts. The PBA 2050 should provide guidelines that enable decision-makers to consider these factors.

Dumbarton Rail

We recognize that proposed re-establishment of rail service along the Dumbarton Rail Corridor has been in and out of the regional rail plan for several decades and that an Environmental Impact Report/Environmental Impact Statement will be required to study the impacts of the rail project on the environment. However, we would like to emphasize that the alignment of the defunct rail line runs through an intact historic tidal wetlands complex that is of



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⁵ Board of Port Commissioners. Port of Redwood City Minutes, December 9, 2020. [521530_05329d944ee446b7badf700036e9f4e6.pdf \(filesusr.com\)](https://filesusr.com/521530_05329d944ee446b7badf700036e9f4e6.pdf)

regional importance and through the Refuge. These tidal wetlands support the endangered salt marsh harvest mouse and Ridgway's Rail and other rare species.



Google Earth Image of Newark Slough and wetlands surrounding the derelict Dumbarton Rail line.

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The direct and indirect impacts of construction, operational and maintenance (including human disturbance factors) on this vitally important tidal wetland complex will need to be thoroughly identified, minimized and mitigated if the Dumbarton Rail plan ever comes to fruition. In addition, any planning process and ultimate project design should seize the opportunity to improve, not adversely impact, the function of this wetland complex and its resilience to future sea level rise. One example would be elevating the tracks through the tidal wetlands habitat to improve hydrological and biological connectivity.

DEIR Comments:

High-priority natural lands and Priority Conservation Areas:

p. 2-3 - Project Object #6 states:

“Conserve the region’s natural resources, open space, clean water, and clean air with the intent of improving health of Bay Area residents and workers and improving the health of the environment locally and globally.”

108-4

And the Project Description: p. 2-9 of the DEIR states:

“The proposed Plan’s 9 environmental strategies promote conservation, adaptation, and climate mitigation. Strategies that fall under the three themes of reducing risks from hazards, expanding access

to parks and open space, and reducing climate emissions are crucial to ensuring that the Bay Area is environmentally—and equitably—thriving in 2050.”

However, as noted earlier, the focus of the “Environment Element” of PBA 2050 is almost entirely a focus on risk and hazard reduction for residents of the Bay Area. Neither the Plan itself or the DEIR describe how the “region’s natural resources” would actually be conserved.

The Final Blueprint document includes a tentative cost of \$15 billion dollars to “Protect and Manage High-Value Conservation Lands. Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to Priority Conservation Areas and wildland-urban interface (WUI) lands.” Yet, as far as we can determine, no information has been provided that describes the criteria that would be utilized to identify “high-priority” natural lands, how these lands would be managed, or how PBA 2050 would measure the success of this objective. The DEIR should discuss how “high-priority natural lands” will be identified. What criteria would be used to determine if sites are “high-priority” natural lands? Without access to this information, it is not possible to determine whether this objective can or would be met. Undeveloped sites along the edges of the Bay that could support tidal marsh migration should be considered “high-priority natural lands.”

On a positive note, we do appreciate that “conservation” as described, is not limited to Priority Conservation Areas. The March 2020 final report for *Adapting to Rising Tides Bay Regional Sea Level Rise Vulnerability and Adaptation Study*, recognized the limitations of PCAs in the following Key Takeaway:

“PCAs only contribute to a portion of the recreation, ecosystem services, and agricultural uses in the Bay Area. Lands within the Bay Area Protected Areas Database and natural lands outside of PCAs that do not have any protected status offer more recreation than PCAs, more groundwater recharge and peak flow retention than PCAs, and more brown pelican, depressional wetlands, heron & egret habitat, lagoon, native oyster, pinniped, playa, Ridgway’s rail, rocky intertidal, sandy gravel beaches, southern sea otter, transition zone, tidal flat, tidal marsh, and vernal pool habitat than PCAs.”[emphasis added]

The report further states under a discussion of “Limitations” of PCAs that:

“...because PCAs are locally nominated by jurisdictions, they also represent places that local jurisdictions are willing to forego development. This may not always overlap with the areas within these cities or counties that are most important for conservation, restoration, or preservation.” [emphasis added]

It is crucial if we are to ensure the long-term sustainability of the Bay’s ecosystems and biodiversity that Plan Bay Area 2050 and other regional plans look beyond the political constructs of PCAs when determining lands that are worthy of protection. As we have stated previously, identification of PCAs and “high priority natural and agricultural lands” must be science based and not driven by political consensus.

Sea level rise adaptation infrastructure archetypes:

The section of the DEIR that describes “adaptation infrastructure” should be revised to include missing information. As an example, the DEIR includes Figure 2-3: *Sea Level Rise Adaptation Infrastructure Archetypes* depicting different locations where archetypes such as seawalls, levees, tidal gates, elevated roadways and marsh restoration might be utilized. While we totally encourage and support the use of marsh restoration and elevated roadways as adaptation infrastructure archetypes, seawalls and traditional levees have significant

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108-5

adverse environmental impacts and should only be employed when nature-based alternatives are not possible. What is the origin of the information depicted on the figure? Were the mapped adaptation infrastructure archetypes obtained from other documents, agencies, or planning efforts?

According to *“Plan Bay Area 2050 and Sea Level Rise Adaptation: How is MTC/ABAG integrating this critical issue into the next-generation regional plan?”*:

“When choosing an archetype adaptation for a segment of impacted shoreline staff used various methods. If staff was aware of a current, well-defined strategy, then it was associated with that archetype category – for example, the SFO airport seawall is represented as a type of seawall. Where no current strategy existed, staff consulted a series of resources, including the Adaptation Atlas, EcoAtlas, the CHARG Sea Level Rise Resiliency Map, and subject matter expert guidance. In some cases, high level regional assumptions were made, particularly when the suggestion did not fit an archetype, or if there was no suggestion from consulted resources. In the case where there was no suggestion, natural solutions, such as marsh restoration and ecotone levees, were assumed wherever possible.”

Is this the basis for the information presented in Figure 2-3? If so, this should be clarified in the DEIR.

We recommend that PBA 2050 and the DEIR should provide the following guidance:

- The use of nature-based solutions should be prioritized over the use of traditional grey infrastructure, excepting those situations where there is no nature serving alternative.
- Sea level rise strategies are site specific, that one type of sea level rise infrastructure or response is not appropriate in all situations, and that this has been discussed in detail in the Adaptation Atlas.
- There are additional nature-based solutions that have not been identified in the DEIR, but are described in the Adaptation Atlas.

The 2020 sea level rise document stated:

“The specifics of adaptation measures are strictly intended to be model and estimated financial inputs for the regional plan, and are not suggestions for local planning in either their specific location nor depiction. These potential adaptation measures are not placed on a list for funding.”

If this is still true, then this should be clearly stated in the DEIR.

Page 2.17-18 Use of elevated roads and rails to allow marsh migration and water circulation

Our next comment circles back to the need to clarify the development of Figure 2.3 which seems to suggest that MTC has decided not to elevate Highway 37 in an area where a causeway will be of great benefit. [It could also represent a lack of clarity in Map 5.1 from the Draft Plan that combined together widely different archetypes into a single designation on the map - elevated roadway, levees, seawalls, tidal gates.] In terms of currently active projects, perhaps the most important place for a causeway is Highway 37, where there is space available for natural upslope migration and water circulation to occur. The DEIR needs to address this topic in detail.

It is important to note where causeways or raised rail lines will offer greatest benefit for marsh upslope migration, this ties back to the failure of the DEIR to consider important indirect impacts of its proposed strategies. PBA 2050 and the DEIR should, within the Environment Element and Strategies, encourage the use adaptation infrastructure archetypes that prioritize preservation or restoration of ecosystem connectivity and

habitat migration pathways, such as the use of elevated transportation corridors (causeway) as opposed to raising berms. Ecosystem and societal benefits should factor into consideration of project costs.

5.1 of the Draft Plan depicts Elevated Roads/Rail, Ecotone and Traditional Levees, Seawalls and Tidal Gates. As suggested above, use of these archetypes are very different and should be depicted separately as in Figure 2-3 of the DEIR and it is difficult to distinguish road and rail lines. Also, it would be better if the Plan included an appendix with OLU level maps and more specific coding in the legend and map. Map 5.1 gives a bare taste of what is ahead because of its limited time frame and SLR assumption as noted on the map:

Plan Bay Area 2050 considers an assumed 2 feet of sea level rise by the year 2050. Adaptation measures and areas protected or not protected are shown as modeling assumptions only. Potential areas for managed retreat and additional marsh restoration not shown. Specific adaptation interventions will be planned and implemented at the local level by the appropriate authorities in accordance with state and federal environmental review guidelines, and may include additional adaptation solutions. Areas of protection will vary based on the adaptation measure used and future site conditions.

If the DEIR uses OPC guidance towards a higher SLR by 2100, the DEIR will have a more sober and likely scenario during the life of these structures.

3.5 Biological Resources:

Generalized locations of tidal wetlands should be provided in the DEIR and references to regional science-based guidance documents should be provided as well:

We appreciate the mapping of critical habitat that is provided in the DEIR (Figures 3.5.1-3.5.4). We request that mapping of tidal wetlands habitat be included in the DEIR as well. As was discussed earlier in this letter, preservation and the long-term sustainability of tidal wetlands is crucial to maintaining the health of the Bay and for providing functions that benefit the residents of the Bay Area. Mapping of this habitat already exists in numerous documents including the Tidal Marsh Ecosystem Recovery Plan⁶, the 2015 Bay Ecosystem Habitat Goals Update⁷ and the Adaptation Atlas. Direct and indirect impacts of proposed growth geographies, infrastructure, transportation, and shoreline protection projects on tidal wetlands should be assessed, avoided and minimized. This can only be accomplished if the general locations of tidal wetlands with respect to the various growth geographies, PDAs, PPAs, PTAs, etc. are provided.

Indirect impacts have not been assessed:

One of the substantive concerns that has been expressed by our consultant Richard Grasseti, is the failure of the DEIR to assess the indirect impacts of PBA 2050 on the environment. This is certainly true for the section on Biological Resources. We have previously mentioned the adverse impacts development, transportation, recreation and sea level rise adaptation projects can have on the ability of tidal wetlands to migrate inland as sea level rises, exacerbating and resulting in the drowning of wetlands. Seawalls and traditional levees can result in erosion of adjacent habitats. Development and recreational areas adjacent to wildlife habitats can

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108-6

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⁶ U.S. Fish and Wildlife Service. 2013. Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California. xviii + 605 pp.

⁷ Goals Project. 2015. *The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015* prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. California State Coastal Conservancy, Oakland, CA .

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cont.

introduce human disturbance and attract or introduce non-native species that compete with or predate native species.

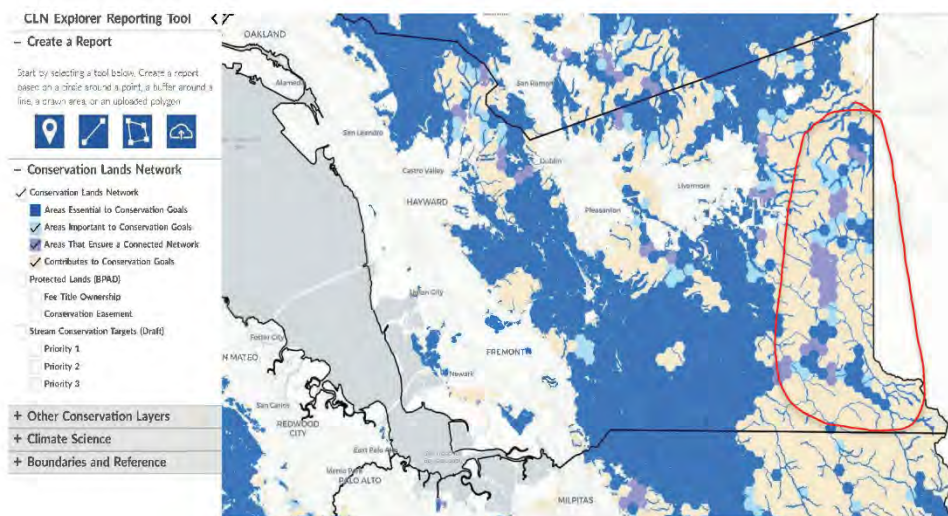
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cont.

Failure to consider indirect impacts on biological resources (and hydrological and other resources) will result in significant adverse impacts to the environment. The failure of the DEIR to assess indirect impacts of PBA 2050 on biological resources is a fatal flaw and should be rectified prior to certification of the EIR.

Figure 3.5-5: Essential Connectivity Areas:

There appear to be fewer connectivity areas in Eastern Alameda County depicted on this figure than on the Conservation Lands Network⁸ map below. Please add the areas that are missing from the DEIR map.

108-8



4.2.7 Moratorium on Flood Zone Development Alternative:

We strenuously disagree with the rationale used to reject consideration of an alternative that places a moratorium on flood zone development. In particular we object to the conclusion that:

“Developments proposed within the 100-year flood zone would be required to meet local, State, and federal flood control design requirements, including avoiding the 100-year flood zones or providing building pads elevated above the flood zone. As discussed in Section 3.10, “Hydrology and Water Quality,” impacts related to development in the flood zones would not result in significant impacts. Because this alternative would not reduce significant environmental effects compared to the proposed Plan, it is not considered in further detail in this EIR.”

108-9

First, this conclusion assumes that adequate regional, State and federal regulations exist to regulate development within flood zones to ensure that the development would not result in significant adverse

⁸ Conservation Lands Network Explorer Reporting Tool. <https://www.bayarealands.org/explorer-v2/?z=11&y=37.58295&x=-121.79066&l=counties%2Ccln2018essential%2Ccln2018important%2Ccln2018connector%2Ccln2018contributing&b=map&localdev=>

108-8
cont.

impacts. BCDC’s jurisdiction is restricted to the 100’ shoreline band, managed wetlands and saltponds. Section 404 of the Clean Water Act only confers regulatory authority over waters of the U.S. and the Porter-Cologne Act only regulates waters of the State. Areas that are not within the 100’ shoreline band and are not waters of the State or U.S. are predominantly regulated at the local level (unless there are State or federal listed species). This is concerning with respect to the edges of the Bay. Wang et al⁹ have noted “...measures to prevent flooding along an embayment shoreline in one location or subregion may increase inundation elsewhere in the system.” We are one Bay. Water displaced by raised fill pads, seawalls or levees at one location must flow elsewhere. Wang et al go on to state:

“The network of interactions occurs not only within subbasins of the Bay but also across the greater geographic extent from one end of the Bay to the other, and local jurisdiction may have either reciprocal relationships with or asymmetric impacts on one other. Importantly, the nature of the interaction network is seen to evolve with SLR: interactions are purely subregional at current sea level but with higher sea level (e.g., 1 m of SLR), not only do the subregional interdependencies strengthen but also regional interdependences emerge.”

A governance gap exists due to our lack of regional control over how adaptation to sea level rise differs from one shoreline community to the next. This could have consequences throughout the region as sea level inundation rates increase. Water deflected Engineered fill pads, levees or seawalls designed to protect new development from the 100-year flood or sea level rise, has consequences for adjacent communities. As mentioned previously, these types of projects can also have significant and adverse impacts to tidal wetlands resulting in the drowning of wetlands or degradation through erosion, etc.

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cont.

The San Francisco Bay Regional Coastal Hazards Adaptation Resiliency Group (CHARG), which is “an organization of flood managers and scientists responsible for reducing flood risk in the San Francisco Bay area.” CHARG has created a series of maps for the Bay Area counties that depict “Sea Level Rise Connectivity Between Bay Area Jurisdictions” that can be viewed on their website: <https://sfbaycharg.org/our-work/jurisdiction-connectivity/> We believe this is an admirable effort, but it only addresses impacts related to identified flood control projects, not those associated with development, transportation or recreational trails. The strategies utilized to address sea level rise inundation for these types of projects can also contribute to localized or regional exacerbation of sea level rise impacts. Thus, a moratorium to restrict construction of new development within the 100-year flood zone could in fact result in reductions of significant and adverse impacts to biological resources and residents of the Bay Area.

The DEIR must be revised to include an analysis of the potential impacts of development within the 100-year flood zone.

Proposed minimum 1:1 mitigation ratio for impacts to wetlands sets the bar too low:

Mitigation ratios should be high enough to offset the temporal losses of wetland or riparian functions and values and to ensure “no net loss of wetlands” as required by the State’s Wetlands Conservation Policy (Executive Order W-59-93). A one-to-one ratio is setting the bar too low. The National Research Council in 1992 recommended ratios of at least three, five, or ten acres of mitigation wetlands or streams for every acre of wetland or stream destroyed depending on its functional value. Studies have shown that wetland and

108-10

⁹ Wang, R.-Q., Stacey, M. T., Herdman, L. M. M., Barnard, P. L., & Erikson, L. (2018). The influence of sea level rise on the regional interdependence of coastal infrastructure. *Earth’s Future*, 6, 677– 688. <https://doi.org/10.1002/2017EF000742>

108-9
cont.

stream mitigation usually fail to recreate all the functions provided by the destroyed wetlands and streams. Even when mitigation wetlands provide functions that do approach those of natural wetlands (and there are very few that have been shown to do so) studies have shown that it takes anywhere from 10 to 30 years for those functions to fully develop. For that reason, PBA 2050 should require high mitigation ratios, for example, at the minimum rate of at least three, five or ten acres of mitigation wetlands or streams for every acre of wetland or stream destroyed depending on functional value lost.

Numerous studies, beginning with the National Research Council's 1992 "Restoration of Aquatic Ecosystems,"¹⁰ the 2001 "Compensating for Wetland Losses Under the Clean Water Act"¹¹ and the State Water Resources Control Board's study by Ambrose et. al. 2006¹², recognize the failure of compensatory mitigation wetlands in fully replicating the functions of natural wetlands.

Kihlslinger¹³, reviewed recent literature regarding wetlands compensatory mitigation compliance and success and concluded:

Although wetland mitigation accounts for a significant annual investment in habitat restoration and protection, *it has not, to date, proven to be a reliable conservation tool.* Despite the nationwide "no net loss" goal, *the federal compensatory mitigation program may currently lead to a net loss in wetlands acres and function.* On the high end, Turner and colleagues (2001) estimated that the \$404 program may lead to an 80% loss in acres and functions. [emphasis added]

Her review of the existing literature revealed:

"Studies of the ecological performance of compensatory mitigation have shown that compensatory wetland projects fail to replace lost wetland acres and functions even more often than they fail in their administrative performance. In fact, permit compliance has been shown to be a poor indicator of whether or not mitigation projects are adequately replacing the appropriate habitat types and ecological functions of wetlands.

...In addition to not meeting acreage requirements, mitigation wetlands often do not replace the functions and types of wetlands destroyed due to permitted impacts. *Turner and colleagues (2001) found that an average of only 21% of mitigation sites met various tests of ecological equivalency to lost wetlands.* Two recent studies compared mitigation sites to *impact sites*. One found that only 17% of the sites evaluated successfully replaced lost functions (Mink and Ladd 2003). The other study determined that 29% of the sites were successful in this regard (Ambrose and Lee 2004). The former study also found that 50% of the mitigation sites evaluated were actually non-jurisdictional riparian and upland habitat. Four studies comparing mitigation sites to *reference wetlands* found that fewer than 50% of the sites evaluated were considered ecologically successful (Ambrose et al. 2006 - 19%;

108-10
cont.

¹⁰ National Research Council. 1992. *Restoration of Aquatic Ecosystems: Science, Technology, and Public Policy*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/1807>.

¹¹ National Research Council. 2001. *Compensating for Wetland Losses Under the Clean Water Act*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/10134>.

¹² Ambrose, R. F., J. C. Callaway, and S. F. Lee. 2006. An evaluation of compensatory mitigation projects permitted under Clean Water Act Section 401 by the California State Water Quality Control Board, 1991–2002. Report to the State Water Resources Control Board. University of California, Los Angeles, CA, USA.

¹³ Kihlslinger, Rebecca. 2008. Success of Wetland Mitigation Projects. National Wetlands Newsletter Vol. 30, No. 2: 14-16

Johnson et al. 2002 - 46%; MDEQ 2001 - 22%; Sudol and Ambrose 2002 - 16%). Ambrose and colleagues' statewide study of 143 permit files in California found that 27% of the constructed mitigation did not even meet the jurisdictional definition of a wetland (Ambrose et al. 2006). [emphasis added]"

As mentioned above, a critical concern with compensatory mitigation of all types (including the use of mitigation banks), is the loss of local wetland functions and values and a reduction in the biodiversity of wetland types. Clare et al.¹⁴ observed:

The idea that a constructed wetland that visually resembles a natural wetland is adequate compensation ignores that wetlands grow and develop according to a myriad of highly variable inputs over time, including stochastic weather, random arrival events of species, competition, surface and groundwater interactions, and many others. The fluctuations and interactions of wetland ecosystems are more akin to human metabolism than they are to an automotive engine, with dynamic interacting components such as wetland soils, hydrologic regimes, riparian zones, and water chemistry that are linked to their surroundings. Constructed wetlands must grow, mature, and evolve, often requiring decades to centuries to stabilize and broadly resemble naturally occurring wetlands. Such time frames are rarely considered in the price of compensation.

Despite the complexity of wetland ecosystems, optimistic and naive land developers, economists, engineers, and policy makers often argue for compensation over avoidance, confident in the notion that constructed wetlands can adequately replace the values and functions of a natural wetland. *The lack of focus on wetland avoidance allows for engineered compensatory wetlands to receive more political and economic value than their natural counterparts, as they provide decision-makers the options, flexibility, and negotiation room beyond a hard and fast requirement to relocate the proposed development to a nonwetland site.* The premise of compensatory offset wetland policies is that habitat loss can be mitigated through the creation or restoration of habitat that is equivalent to that which was lost. The challenges associated with measuring, let alone reproducing, the full suite of ecological, social, and economic values and functions of a natural wetland makes the reliance on this policy approach untenable in all cases, *and highlights the need to give greater consideration to avoidance in the mitigation sequence.* [emphasis added]

In addition, fragmentation of habitat patches tends to occur with individual shoreline projects and bay crossings. Fragmentation increases edge effects and diminishes connectivity links between patches. For this reason, a compensatory mitigation does not always provide equivalent potential for habitat protection. We recommend the minimum mitigation ratio for compensation of lost wetlands and waters should be a 3:1 mitigation ratio.

Conclusion:

We are deeply disappointed that the 45-day public comment and review period for this DEIR and Draft Plan was not extended. There are numerous technical documents that support the assumptions utilized in the DEIR that have not been referenced in that document. A list of all documents that provide support for the conclusions reached in the DEIR and Draft Plan should be provided.

¹⁴ Clare, Shari, Naomi Krogman, Lee Fotte, Nathan Lemphers. 2011. Where is the avoidance in the implementation of wetland law and policy? *Wetlands Ecological Manage* 19: 165-182

108-10
cont.

108-11

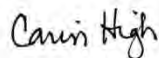
108-10
cont.

There are numerous flaws that have been identified by our consultant Richard Grassetto and in our comments above that must be resolved prior to certification of the FEIR.

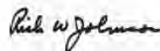
We ask that we be kept informed of future opportunities for review and comment on Plan Bay Area 2050 and the EIR.

108-11
cont.

Respectfully submitted,



Carin High
CCCR Co-Chair



Rick Johnson
CCCR Member

Letter 108
Citizens Committee to Complete the Refuge
Carin High
July 20, 2021

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

108-1

The commenter provides recommendations regarding protection of baylands to maintain ecological health. As noted in the first paragraph of Section 2.2, Proposed Plan of the Draft EIR, “The proposed Plan expands in scope, relative to prior plans, by examining the themes of economic development and environmental resilience.” The new environmental element prioritizes the protection and maintenance of land, air and water in Bay Area communities through strategies that conserve and better use current resources, mitigate climate change effects, and adapt to hazardous climate or seismic events. The Plan Bay Area 2050 Implementation Plan will guide how the Bay Area can take near-term actions to implement the strategies adopted in the proposed Plan over the next five years. See Response to Comment 85-4 for a discussion on proposed changes to Strategies EN01 and EN05.

Regarding the Draft EIR, Section 3.5, “Biological Resources” discloses potential impacts of implementing the proposed Plan, including a discussion on riparian habitat and wetlands under Impact BIO-2. See Response to Comment 102-2 for a discussion on green sea level rise adaptation infrastructure.

108-2

See “Master Response 5: Sea Level Rise” for a discussion related to the comment. Regarding the evaluation of effects on aquatic resources, the environmental impact analysis in Chapter 3 of the Draft EIR includes an evaluation of the environmental impacts related to the proposed sea level rise adaptation infrastructure. Sea level rise adaptation archetypes were analyzed according to the assumed footprint of the project. However, as discussed above, the specific location or depiction of infrastructure is not known at this time, and specific effects therefore cannot be evaluated in detail. Detailed analysis of sea level rise adaptation infrastructure will be conducted when specific projects are proposed by relevant local agencies. See also Response to Comment 85-8.

108-3

The comment expresses preferences regarding the proposed Plan. The comment states that the EIR “must discuss how it addresses the potential environmental impacts of identifying [Transit Rich Areas] TRAs and [Transit Priority Area] TPAs.” The EIR evaluates the impacts of forecasted land use development in TRAs and TPAs, as is appropriate under CEQA. TRAs and TPAs have specific definitions. Please see Draft EIR page 2-35 for a brief description of terms related to growth geographies. As discussed in the Draft EIR, TRAs and TPAs are defined as follows:

Transit-Rich Areas (TRAs)—Areas near rail, ferry, or frequent bus service that were not already identified as a PDA. Specifically, these are areas where at least 50 percent of the area is within ½ mile of either an existing rail station or ferry terminal (with bus or rail service), a bus stop with peak service frequency of 15 minutes or less, or a planned rail station or planner ferry terminal (with bus rail service) (p. 2-35 of the Draft EIR)

As described on page 2-38 of the Draft EIR,

TRANSIT PRIORITY AREAS

Approval of an adopted SCS by CARB allows for CEQA streamlining benefits for transit priority projects (TPPs). Please see Section 1.9, “CEQA Streamlining Opportunities,” for more information regarding CEQA streamlining opportunities. A TPP is defined by statute, based on consistency with the following requirements:

- ▲ consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS;
- ▲ located within a half-mile of a major transit stop or high-quality transit corridor;
- ▲ made up of at least 50-percent residential use based on total building square footage or as little as 26-percent residential use if the project has a floor area ratio of not less than 0.75; and
- ▲ built out with a minimum of 20 dwelling units per acre (PRC Section 21155).

For the purposes of this EIR, geographic areas eligible to meet the TPP requirements are referred to as TPAs.

See “Master Response 5: Sea Level Rise” for a discussion related to assumptions used to address sea level rise and the need to consider the effects of the environment on the project. As noted by the comment, specific future projects, such as re-establishment of the Dumbarton Rail Corridor will undergo project level environmental analysis to analyze and mitigate direct and indirect impacts on the environment, including impacts to wetlands. The comment regarding potential future projects along the Dumbarton Rail Corridor are noted, and the commenter is correct that future projects would be subject to additional environmental review.

108-4

The commenter provides information related to high-priority natural lands and Priority Conservation Areas. Please refer to page 74 of the supplemental Plan Bay Area 2050 Technical Assumptions Report found on the Plan Bay Area website at www.planbayarea.org/reports for a discussion on Strategy EN05, “Protect and Manage High-Value Conservation Lands.” To identify regional priority areas for conservation, MTC staff relied on the Conservation Lands Network (CLN) 2.0 Report and data framework. As discussed in the Technical Assumptions Report, the CLN framework categories are divided into four classes based on an analysis that, “compares existing conserved lands against an inventory of natural habitats ranked for rarity and ecosystem importance and also considers priority stream corridors, habitat connectivity, and groundwater recharge areas.” Additionally, Action 10c on page 145 of Chapter 7, “Draft Implementation Plan” of the *Draft Plan Bay Area 2050* includes a proposed action to “revamp the Priority Conservation Area Program using a data-driven approach to better prioritize the most critical areas for conservation, while addressing a broader range of policy concerns.” The comment is noted for consideration during project review but does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

108-5

The commenter provides recommendations for clarifying sea level rise assumptions, and adding language about sea level rise adaptation. The Draft EIR discusses sea level rise assumptions on page 2-18 of Chapter 2, “Project Description,” “The actual footprint and other design details of sea level rise infrastructure are not known because it is in the early stages of planning.” Regarding the details of a future project to elevate Highway 37, the programmatic analysis in the Draft EIR does not allow for a precise description of the details of project-specific details, because details related to the location, size,

design, or setting of specific projects are unknown and therefore, a meaningful evaluation could not occur at this time. The future design and construction of the State Route 37 elevation would be subject to project-level CEQA compliance and review. The comments, including a preference for green (nature based) sea level rise infrastructure, is noted for consideration during project review.

For further discussion on strategy assumptions in the Draft EIR, please see Response to Comment 102-2. A discussion of the impacts of SR-37 and other infrastructure on biological resources can be found beginning on page 3.5-35. For further discussion on extending the analysis timeline to 2100, please see “Master Response 5: Sea Level Rise.”

Impacts related to sea level rise adaptation infrastructure are included in the Draft EIR, as described throughout Chapter 3 of the Draft EIR. Please see “Master Response 5: Sea Level Rise” for a discussion related to the development of the sea level rise adaptation projects included in the proposed Plan and assumptions related to an assumed 2 feet of sea level rise by 2050.

108-6

This comment requests mapping of tidal wetlands and reference to regional science-based guidance documents for tidal habitat mapping. Impacts on tidal wetlands were analyzed in Impact BIO-2, on pages 3.5-44 through 3.5-50 of the Draft EIR. The U.S. Fish and Wildlife Service National Wetlands Inventory identifies tidal wetlands as “Estuarine and Marine Wetlands.” A qualitative analysis of estimated impacts on estuarine and marine wetlands is included in Impact BIO-2. The programmatic analysis in the Draft EIR does not allow for a precise description and mapping of State- and federally-protected wetlands, because details related to the location, size, design, or setting of specific projects are unknown and therefore a meaningful evaluation could not occur at this time.

See Response to Comment 130-16. As described in Mitigation Measure BIO-2, on pages 3.5-44 through 3.5-50 of the Draft EIR, a biological resource assessment would be prepared at the project level, which would include identification of tidal wetlands. To reference the specific regional science-based guidance documents mentioned in this comment, Mitigation Measure BIO-2 has been edited. This clarification does not alter the conclusions with respect to the significance of any environmental impact, because it includes an addition to a mitigation measure already included in the Draft EIR.

The first bulleted item of Mitigation Measure BIO-2, on page 3.5-48 of the Draft EIR, is revised as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

- ▲ Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, jurisdictional waters or other sensitive or special-status communities. These assessments shall be conducted by qualified professionals in accordance with agency guidelines and standards. Qualified professionals shall reference applicable regional data sources for wetland mapping, which may include, but not be limited to, the Adaptation Atlas (San Francisco Estuary Institute 2021), Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (USFWS 2013), and the 2015 Bay Ecosystem Habitat Goals Update (Goals Project 2015). Where the biological resource assessments establish that mitigation is required to avoid and minimize direct and indirect adverse effects on State- or federally protected wetlands, or compensate for unavoidable effects, mitigation shall be developed consistent with the requirements or standards of USACE, EPA, RWQCB, and CDFW, and local regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect these resources. In keeping with the “no net loss” policy for jurisdictional waters (i.e., wetlands and other waters of the United States or State), project designs shall be configured, whenever possible, to avoid wetlands and other waters and avoid disturbances to wetlands and riparian corridors to preserve both

the habitat and the overall ecological functions of these areas. Projects shall minimize ground disturbances and transportation project footprints near such areas to the extent practicable.

108-7

Regarding concerns that indirect impacts on biological resources were not assessed in the Draft EIR. See Responses to Comments 85-35, 85-36, 85-39, and 130-12 for discussions relevant to indirect impacts analyzed in the Biological Resources section of the Draft EIR.

See also Response to Comment 107-10 for a discussion of the edge effects of human activities on biological resources. See Responses to Comments 85-8 and 85-11, regarding the impacts of sea level rise on wetlands. Please see also “Master Response 5: Sea Level Rise” for a relevant discussion regarding the impacts of sea level rise on the Bay Area.

108-8

This comment states that there are connectivity areas included in the Conservation Lands Network in addition to those depicted in Figure 3.5-5, on page 3.5-23 of the Draft EIR. Page 3.5-22 of the Draft EIR states: “The Conservation Land Network (CLN) has also been established as a scientifically based analysis that focuses on biodiversity and local migratory conditions previously unavailable in the Bay Area and identifies the most essential lands needed to sustain biological diversity. The CLN analysis presents data at a somewhat finer resolution than the ECAs, which are shown in Figure 3.5-5.” While the text of the Draft EIR references the CLN, Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, does not include the CLN as a recommended source for project-level habitat connectivity analysis. Mitigation Measure BIO-3(a) has been edited to specifically reference the CLN.

See Response to Comment 41-5 for revisions to Mitigation Measure BIO-3(a). The Draft EIR already discloses a potentially significant impact related to interference with movement of species or established wildlife corridors (Draft EIR, pp. 3.5-50 to 3.5-53) and the clarification to Mitigation Measure BIO-3(a) does not result in a new or substantially more severe impact or alter the conclusions with respect to the significance of an identified impact.

108-9

An evaluation of the potential for the proposed Plan to substantially alter existing drainage patterns in a manner which would result in on- or off-site flooding or impede or redirect flood flows is provided in Draft EIR Section 3.10, “Hydrology and Water Quality.” This analysis includes an assessment of impacts related to 100-year and 500-year flood risk. (See e.g., Draft EIR, page 3.10-42.) As explained therein, most growth under the proposed Plan would take place outside of the federally designated 100-year and 500-year flood hazard zones, which are established by FEMA to assist local governments with land use and floodplain management decisions to avoid flood-related hazards. Under established regulations, development in the floodplain must “not increase the water surface elevation of the 100-year flood by more than 1 foot in floodplains and 0.1 foot in floodways” (Draft EIR, p. 3.10-43).

The comment notes the limited jurisdiction of BCDC and the applicability of Section 404 of the Clean Water Act and the Porter-Cologne Act to Water of the US and Waters of the State, respectively. As explained in the Draft EIR, BCDC regulates development along the Bay shoreline pursuant to the McAteer-Petris Act, which authorizes BCDC to incorporate the policies of the Bay Plan into State law. Although BCDC’s jurisdiction is limited, the Draft EIR notes that the sea level rise adaptation infrastructure, in particular, may be subject to BCDC oversight.

The Clean Water Act and Porter Cologne Act concern preservation of the beneficial uses of water, and do not regulate development in flood hazard zones. For this reason, these regulations are not cited in

Section 3.10, “Hydrology and Water Quality,” as regulations that would effectively reduce the potential for the proposed Plan to result in flooding or redirection of flood flows (refer to Impacts HYDRO-4 and HYDRO-5). Rather, the analysis cites applicable federal and state regulations and notes that all development within a floodplain requires a local floodplain development permit. The analysis explains that development must comply with federal, State, and local laws and regulations. These laws and regulations ensure that development in floodplains protects health, safety, welfare, and property. For instance, the Cobey-Alquist Flood Plain Management Act prohibits construction in floodways that “may endanger life or significantly restrict the carrying capacity of the designated floodway” (Water Code, Section 8410(a)).

Although the specific requirements for a project depend on the flood zone and the type of development, the basic standards that must be met by any floodplain development are that the proposed development must be reasonably safe from flood damage (which for most buildings means elevated above the height of floodwaters) and must not result in physical damage to any other property (Draft EIR page 3.10-43). As noted in Section 3.1.2, “Approach to the Environmental Analysis,” where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill a regulatory requirement of the project, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered in determining impact significance. In other words, where existing regulatory requirements or permitting requirements are binding on responsible agencies and project sponsors, it is reasonable to assume they would be implemented, thereby reducing impacts.

The evaluation in the Draft EIR does, therefore, reasonably assume that existing regulations are adequate to address the potential flooding impacts from development in flood zones that may occur with implementation of the proposed Plan. Regarding a potential “moratorium to restrict construction of new development within the 100-year flood zone could result in reductions of significant and adverse impacts to biological resources,” see “Master Response 4: EIR Alternatives.”

The Draft EIR adequately evaluates the potential impacts of development within the 100-year floodplain under the proposed Plan. The Moratorium on Flood Zone Development Alternative recommended in the Citizens Committee to Complete the Refuge’s scoping comment letter was dismissed from detailed analysis in the Draft EIR because this alternative would not reduce significant environmental effects associated with the proposed Plan. “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Pub. Resources Code, Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location **which are capable of avoiding or substantially lessening any significant effects of the project.**” (CEQA Guidelines, Section 15126.6(b) [emphasis added].) As stated in Section 4.2.7 of the Draft EIR, this alternative is not evaluated further because it would not reduce or avoid significant effects of the Project (Draft EIR, p. 4-8). Additionally, the new environmental element in the proposed Plan prioritizes the protection and maintenance of land, air, and water in Bay Area communities through strategies that conserve and better use current resources, mitigate climate change effects, and adapt to hazardous climate or seismic events.

Please also see “Master Response 4: EIR Alternatives.” No revisions to the have been made to the Draft EIR in response to this comment.

108-10

This comment states that mitigation ratios of 1:1 for wetlands, as referenced in the Draft EIR, are too low and that ratios should be high enough to ensure “no net loss of wetlands.” Mitigation Measure BIO-2, on pages 3.5-48 and 3.5-50, prioritizes avoidance:

In keeping with the “no net loss” policy for jurisdictional waters (i.e., wetlands and other waters of the United States or State), project designs shall be configured, whenever possible, to avoid wetlands and other waters and avoid disturbances to wetlands and riparian corridors to preserve both the habitat and the overall ecological functions of these areas.

Mitigation Measure BIO-2 also states specifically that the 1:1 ratio is a minimum but that this ratio “shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs) or in project-specific permitting documentation.” Setting a minimum requirement in the Draft EIR ensures that mitigation ratios will never be less than 1:1, and in some cases, project-specific permitting or locally applicable plans will require ratios greater than 1:1. Where required by applicable plans or permits, project will comply with “no net loss” requirements.

See also Response to Comment 107-11 for an analogous discussion relevant to this comment. This comment also provides excerpts of studies regarding the success of compensatory mitigation for wetlands. This portion of the comment is noted for consideration during project review.

108-11

Circulation of the Draft EIR met the requirements under CEQA Section 21091(a), which states that the public review period for a Draft EIR shall be at least 45 days. See the discussion at the beginning of this chapter regarding responses to comments received on the Draft EIR.

Chapter 7 of the Draft EIR, “References,” provides a list of the documents used to support the environmental analysis. The supporting documentation included in the EIR appendices are available on the MTC website at: www.planbayarea.org/draftEIR. The references cited are also available upon request. Please see responses to Comment Letter 85, which was submitted by the commenter’s consultant, Richard Grasseti.

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

Letter
109



CITY OF CAMPBELL
City Manager

July 20, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA 94105
Sent via email: eircomments@bayareametro.gov

Re: City of Campbell Comment on Draft Plan Bay Area 2050 & Environmental Impact Report

Dear MTC Public Information Officer:

Thank you for the opportunity to review and comment on the Draft Plan Bay Area 2050 (PBA 2050) & the accompanying Draft Environmental Impact Report (EIR).

Our comments concern the description of the Valley Transportation Authority (VTA) Vasona Light Rail Extension within PBA 2050 and accompanying EIR. The Draft Transportation Project List accompanying PBA 2050 describes the Vasona Light Rail Expansion project (Page 9, RTPID 21-T10-089). This project would extend existing service from the Winchester Station in the City of Campbell, to Vasona Junctions which will include two new stations, one infill station and three-car trains.

109-1

As described in previous letters sent by City of Campbell Mayor Susan Landry in August and November 2020, the VTA Board of Directors voted to approve placing the Vasona Light Rail Expansion and Corridor Improvements program on hold on September 5, 2019, discontinuing further project development activities. In subsequent conversations I have had with VTA representatives, they have reiterated that the Vasona Light Rail Expansion Project remains on hold with no expectations that it will be built anytime in the near future.

All references to the Vasona Light Rail Expansion Project within PBA 2050 and the accompanying EIR and corresponding documents should reference this action and the status of this project.

109-1
cont.

The City of Campbell appreciates the opportunity to provide these comments. Please do not hesitate to contact me with any questions at (408) 866-2125.

Sincerely,



Brian Loventhal
City Manager
City of Campbell

Enclosures:

1. November 25, 2020 letter to the ABAG/MTC Public Information Office
2. August 5, 2020 letter to the ABAG/MTC Executive Director

cc: Campbell City Council

November 25, 2020

ABAG/MTC Public Information Office
375 Beale Street, Suite 800
San Francisco, CA 94105
RHNA@bayareametro.gov

RE: Proposed RHNA Methodology and Subregional Shares

The City of Campbell would like to recognize the Housing Methodology Committee (HMC), Regional Planning Committee and ABAG Executive Board for their efforts to adopt a fair and accurate Regional Housing Needs Allocation (RHNA) Methodology to assign an identified housing need of 441,176 units for the Bay Area.

Understanding the impact that housing allocations will have on the Bay Area, the Campbell City Council received a presentation on the proposed RHNA Methodology and regional shares at their November 17, 2020 meeting. Having had the opportunity to review the proposed RHNA Methodology, the City Council seeks to highlight an ongoing issue with the accuracy of 2050 Household data reflecting forecasted growth from the Plan Bay Area 2050 (PBA 2050) Blueprint expanding on points raised in an August 5, 2020 letter to the ABAG/MTC Executive Director (see **Enclosure 3**) and identify concerns with the criteria used to establish Transit-Rich and High-Resource areas.

To summarize points raised in the August 5th letter, growth geographies used to derive the 2050 Household growth forecasts included areas that are unlikely or unable to be developed in the next 40 years. Since growth geographies assume increased housing production for qualifying Priority Development Areas (PDAs), Priority Production Areas (PPAs), Transit-Rich-High-Resource Areas (Outside PDAs), Transit-Rich Areas (Outside PDAs) and High Resource Areas (16-30 minute bus; Outside PDA) it is critical to ensure that the areas included are feasible before assigning a growth factor (i.e. for every 'x' acres of qualifying area, regardless of development potential, a population growth factor of 'y' shall be assumed). To ground the importance of this exercise, adopted Housing Elements are placed under a great deal of scrutiny by HCD to ensure that areas designated for housing development can in fact support the units assigned by a jurisdiction. Similarly, and recognizing that the Draft RHNA Methodology will be sent to

109-2

HCD for review, it is of paramount importance to ensure that areas assigned an increased growth factor are reviewed by a similar standard to ensure the 2050 Household data growth forecast, and the RHNA methodology, which uses its data as a baseline, are consistently sound in their application.

Recognizing that not all areas can be developed and transitioning that logic to the City of Campbell geography, the following should be considered as 'exclusions' from the eligible area calculations of the PBA2050 growth projections (only some of these, such as roadways, have been excluded):

- Open Space/Los Gatos Creek Trail
- Valley Water Percolation Ponds
- Existing Special Needs and Affordable Housing (per AB-1397 which severely restricts the use of housing opportunity sites identified in the previous RHNA 5 Cycle)
- Campbell Community Center
- Campbell Civic Center
- Public and County Parks
- Schools
- Churches
- Senior Housing (i.e. Merrill Gardens, Rincon Gardens, Wesley Manor)
- Underground Aquifers
- Natural Waterways
- Job Centers (that will not be removed due to its high improvement costs; e.g., 8x8 Inc., Hamilton Plaza)
- Highways, Expressways, Roads
- PG&E Substations
- Properties redeveloped in the last 20 to 30 years

109-2
cont.

The maps attached to this letter illustrate some of the itemized areas for exclusion. A summary of each map and its general purpose is as follows:

1. Exclusion Areas Map: This map provides an overview of areas within growth geographies planned around light rail which should be excluded based on some of the items provided in the list above (see **Enclosure 1**). Areas shown with a red crosshatch reflect areas that are inaccessible to existing light rail stations. Areas shown with a green crosshatch reflect areas which should be omitted since they rely on the construction of a light rail station that is no longer proposed by VTA (see **Enclosure 4**). Based on this analysis, while 2,209 acres may be planned for higher growth, less than 55% (1,228 acres) of that area may be able to accommodate redevelopment.

2. Recently Developed Properties Map: This map highlights properties within the growth geographies planned around light rail which should be excluded on the basis they are unlikely to be developed having been built in the last twenty years (2000 to 2020 ~ 72.5 acres) to thirty years (1990 to 1999 ~ 54 acres) (reference **Enclosure 2**).

In addition to the above geography characteristics which should be excluded from future growth forecasts, the City of Campbell is comprised of relatively small parcels which will make it virtually impossible, outside a mandated eminent domain program, to assemble multiple properties to achieve the anticipated growth projections.

Further, the Campbell City Council believes that other jurisdictions have unique geographies as well and, therefore, had requested that the 2050 Households data be modified to reflect individual jurisdictions' land constraints. The City believes these changes could easily be made by requesting each jurisdiction to prepare a formal list of excluded properties to be considered in the underlying data without undermining the HMC methodology. Recognizing local constraints, the City of Campbell prepared its own map illustrating properties within the growth geographies which should have been excluded as previously noted (see **Enclosure 1 & 2**). For Campbell the 2050 Household data also assumed the construction of the Hacienda and Vasona light rail stations. As you may be aware, the Santa Clara Valley Transportation Authority (VTA) Board voted to place the Vasona Light Rail Extension and Corridor Improvement Program on an indefinite hold at its September 5, 2019 meeting (see **Enclosure 4** – Santa Clara VTA Board of Directors September 5, 2019 Meeting Minutes). Considering the fact that the Vasona light rail extension had been contemplated for over two decades and has been found to be infeasible by the VTA in 2019, population projections which rely on its construction should be removed from the 2050 Household baseline since there are no longer plans to extend the light rail.

109-2
cont.

Separately, the City understands the HMC methodology relies on the underlying use of Plan Bay Area 2050 and, by extension, the criteria used to establish Transit-Rich and High-Resource Areas. The City has identified concerns with the criteria used to establish both categories as follows:

- Transit-Rich Areas: Recognizing that buses do not travel on fixed rails and change headway schedules, routes, and rates frequently based on ridership (changing several times over the last few years, and more recently in response to COVID-19) it is not appropriate for the City, or growth forecasts to plan for development reliant on such routes without assurance that the schedules, routes and rates used in the studied areas would remain for the plan period.
- High-Resource Areas: These areas are generally encumbered by high costs of living and dense populations. The City understands that high living costs are

detrimental to low-income households and can limit a family's the upward economic mobility in an area that limits such opportunities. However, most of Campbell's neighborhoods are not densely developed or populated with properties averaging in size of approximately 6,000 square feet. In order to achieve a site capable of accommodating sufficient land necessary to realize greater density, multiple parcels would have to merge. Relying on willing property owners to sell will result in a realistic obstruction to this goal. Unless the City adopts an eminent domain program to take private property for housing production, the growth projection will be found unrealistic.

By accounting for these considerations, the City believes a fairer and more accurate outcome will be established, which in turn will result in a more appropriate projected assignment of housing unit production, and an outcome that is ultimately more in line with the objectives of ABAG/MTC. Moving forward, the City would also like to express an interest in participating in the Plan 2050 Implementation Phase discussions with ABAG/MTC to understand expectations for cities to incorporate best practices into policy documents.

109-2
cont.

Sincerely,

Susan M. Landry
City of Campbell Mayor

Enclosures:

1. Exclusion Areas Map
2. Recently Developed Properties Map
3. August 5, 2020 letter to the ABAG/MTC Executive Director
4. Santa Clara VTA Board of Directors September 5, 2019 Meeting Minutes

cc: ABAG Executive Board, Bay Area Metro Center 375 Beale Street, Suite 800, San Francisco, CA 94105-2066

Enclosure 3: August 5, 2020 Letter to the ABAG/MTC Executive Director



CITY OF CAMPBELL
Mayor's Office

August 5, 2020

Therese McMillan
ABAG/MTC Executive Director
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Re: Plan Bay Area 2050: DRAFT Blueprint Growth Geographies

Dear Ms. McMillan:

The City of Campbell has had an opportunity to review the Draft Blueprint Growth Geographies that were prepared as part of the Plan Bay Area 2050 (PBA2050) development process. Understanding the Association of Bay Area Governments' (ABAG) and the Metropolitan Transportation Commission's (MTC) role in regional housing and transportation planning, the City Council received a presentation of the PBA2050 material at their July 21, 2020 meeting. Several growth geographies mapping observations were discussed and the City of Campbell City Council requests that you review these observations and consider modifications to the Draft Blueprint Growth Geographies.

109-3

The City understands that the use of Priority Development Areas (PDAs) and Priority Production Areas (PPAs) in the Growth Geographies are intended to improve the PBA2050's ability to meet challenging GHG reductions, housing and equity requirements. As you are aware, the City has one locally designated PDA which encompasses approximately 265 acres and it is centered primarily within Downtown Campbell and its surrounding two light rail stations (See **Exhibit A**). The vast majority of the City's existing PDA area identifies developable lands, except for the Campbell Community Center and a small portion of Los Gatos Creek. These areas have been the City's focus for housing production opportunities as reflected in the City's Housing Element.

Despite being the densest City in Santa Clara County, the City strives to be proactive in encouraging housing and commercial development. From review of the growth

geography maps, it appears several communities less developed than Campbell are planned for less development. The City believes growth expectations should take existing density into account to ensure growth is equitable. Specific to housing development, the City has policies requiring 15% of units in developments with 10 or more units to be affordable, and 20% of all units in developments with 5 units or more units to be 'accessory dwelling unit ready'. While the City continues to hear that communities are to blame for development delays, a considerable amount of delay is caused by developer delay in response to correction requests. It should also be recognized that despite the best intentions of a community, a City cannot force a developer to build or a property owner to sell their property and communities should not be penalized for actions outside of their control.

PDA Map & Eligible Acres Table: In review of the '[Spring 2020 Priority Development Area \(PDA\) Letter of Interest Guide Map](#)' which was used to generate the [PDA-Eligible Acres Table](#) it was found that the map included the Vasona and Hacienda as future stations. As you may be aware, the Santa Clara Valley Transportation Authority (VTA) Board voted to place the Vasona Light Rail Extension and Corridor Improvement Program on an indefinite hold at its September 5, 2019 meeting. As such, the baseline data used to determine the number of PDA eligible acres for the City of Campbell (2,621 acres), and potentially for other communities as well, was inaccurate and should be recalculated prior to including Transit-Rich Areas (TRAs) and High-Resource Areas (HRAs) in the studied growth geographies.

109-3
cont.

Further, while the City recognizes the opportunity provided by the Horizon Initiative to provide feedback on baseline data – baseline data should be recognized as a moving target when undertaking a multi-year study and should be reevaluated for accuracy and to account for stakeholder feedback up until the point Plan Bay Area 2050 is adopted. In review of the baseline data, the City believes Housing Elements should have been taken into consideration recognizing that opportunities exist outside of the PDA areas (i.e. identified housing opportunity sites) – particularly for communities with less than 50% of their PDA eligible acres designated. Further, recognizing that buses do not travel on fixed rails and change schedules, routes, and rates frequently based on ridership (changing several times over [last few years](#), and more recently in response to [COVID-19](#)) it is not appropriate for the City, or Plan Bay Area 2050 to plan for development reliant on such routes without assurance that the schedules, routes and rates used in the studied areas to establish potential PDA Map and Eligible Acres Table as well as the Draft Blueprint Growth Geographies would remain for the plan period.

Draft Blueprint Growth Geographies for Study: Review of the Draft Blueprint Growth Geographies mapping exercise reveals an underlying assumption that the areas falling within designated areas are directly correlated with a jurisdiction's ability to promote future housing and job growth within said areas. While this may be true in part and the City remains in support of assessing future growth opportunity areas, it is important to

recognize that not all ‘acreage’ can be developed. For example, if one were to analyze a coastal city and measured a one-half (½) mile radius around its downtown core, the ocean would be included in the jurisdiction’s acreage calculation despite its inability to be developed. Recognizing that not all areas can be developed and applying that logic to the City of Campbell geography, the following should be considered as ‘exclusions’ from the eligible area calculations. For ease of reference these areas have been graphically depicted in the enclosed attachment¹ (reference **Exhibit B – City of Campbell Exclusion Map**).

- Public Parks (already understood to be excluded)
- Open Space, Los Gatos Creek, and the Los Gatos Creek Trail
- Valley Water Percolation Ponds
- Existing Special Needs and Affordable Housing (per Assembly Bill 1397)
- Campbell Community Center
- Campbell Civic Center
- Priority Conservation Areas (PCAs)
- Schools
- Churches
- Highways, Expressways, Roads
- PG&E Substations
- Recently developed properties (it is unlikely for new development to be redeveloped in the next 40 years)

109-3
cont.

The Campbell City Council believes that other jurisdictions have unique geographies as well and, therefore, requests that the Draft Blueprint Growth Geographies be modified to reflect individual jurisdictions’ land constraints in forming the PDA-Eligible acres. In this regard, the final Plan Bay Area 2050 document will be a more accurate depiction of housing and job growth projections.

Sincerely,


Susan M. Landry
City of Campbell Mayor

Encl:

- Exhibit A – City of Campbell PDA Map
- Exhibit B – City of Campbell Exclusion Area Map

¹ Areas in white have been removed from the growth geographies based on the criteria listed with the exception of recently developed properties which are shown in red or blue based on construction date information.

Exhibit A

City of Campbell PDA Map



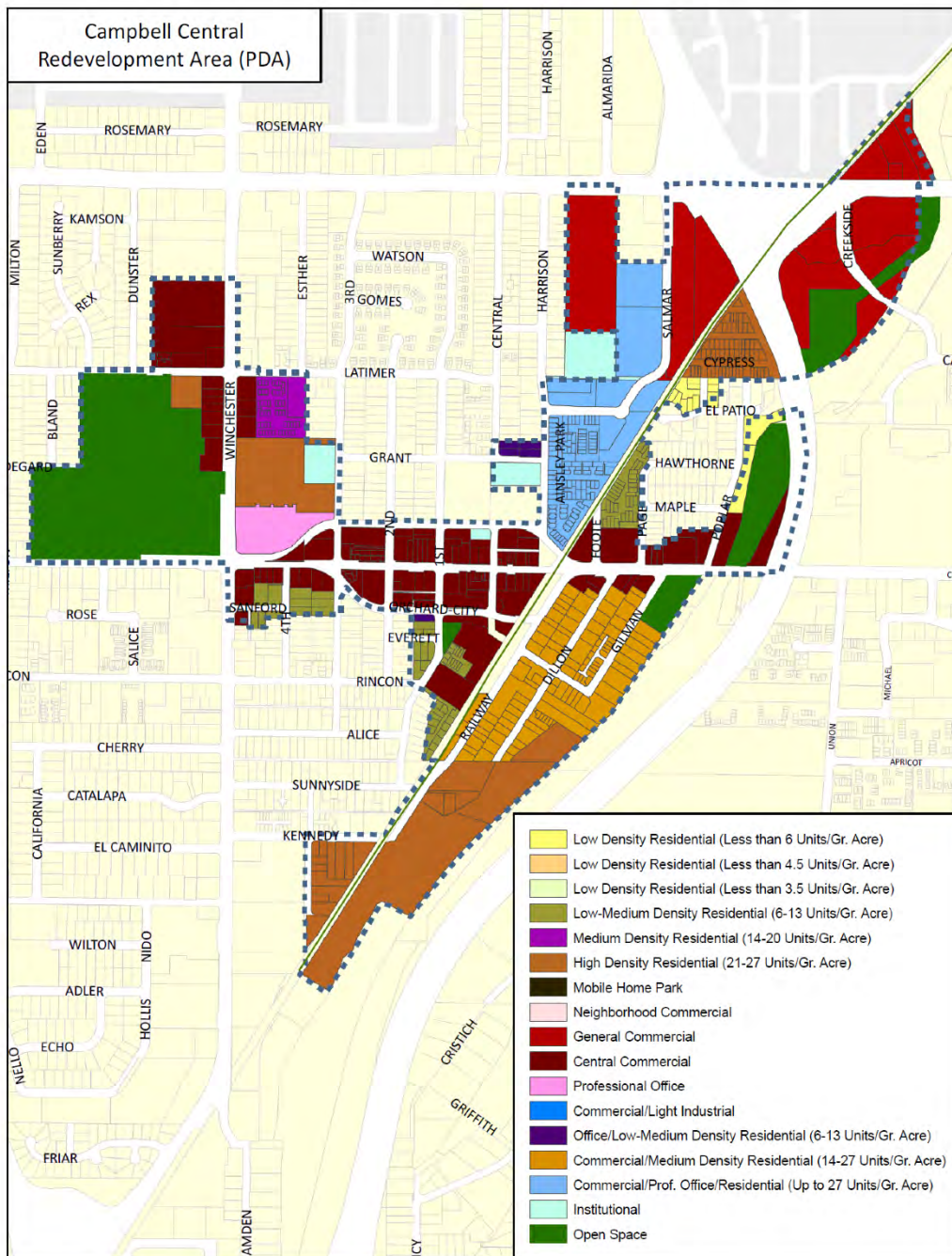
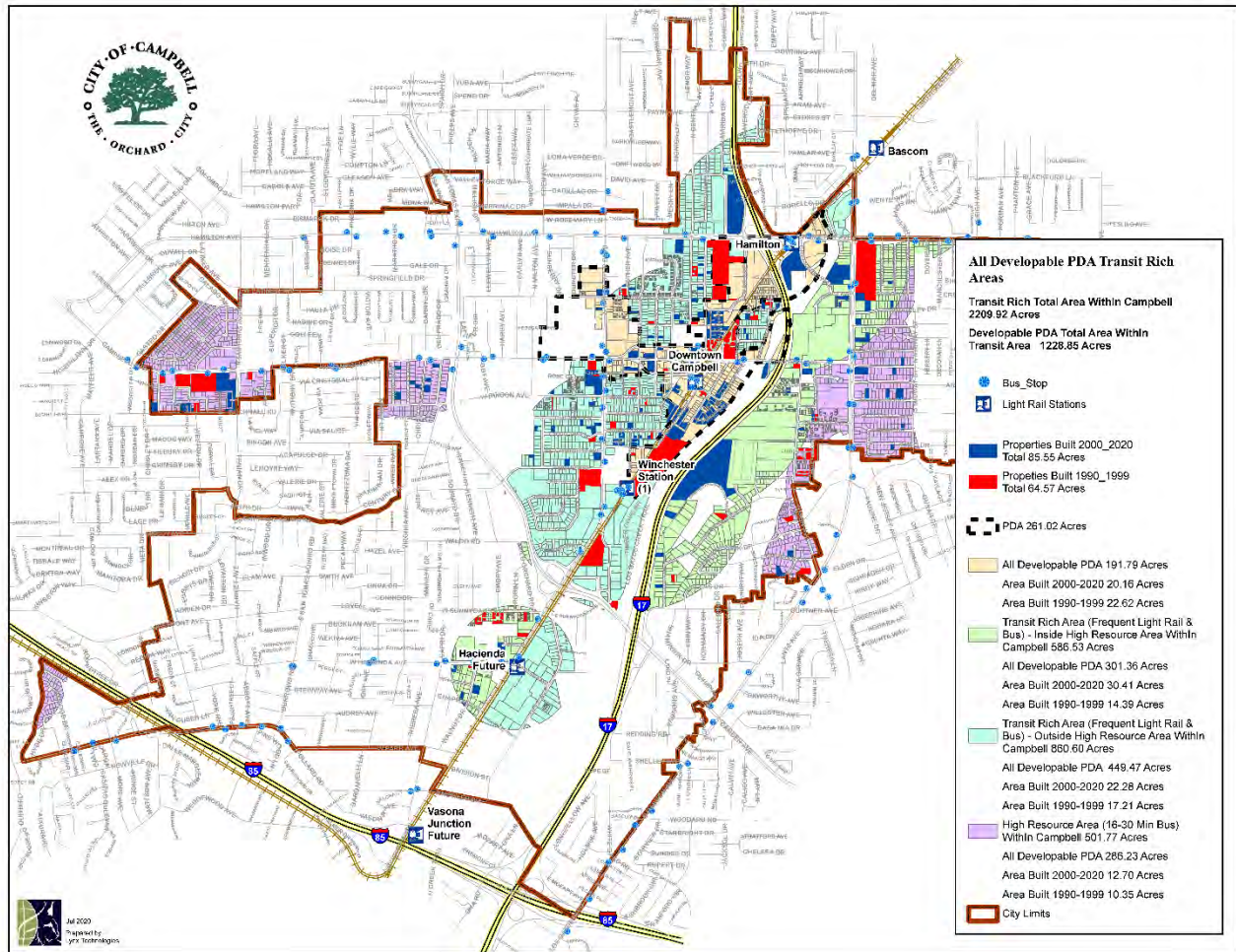


Exhibit B – City of Campbell Exclusion Area Map



Letter 109
City of Campbell
Brian Loventhal, City Manager
July 20, 2021

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

109-1

This commenter provides context regarding the VTA Vasona Light Rail Extension Project in the Plan Bay Area 2050 Transportation Project List found on the Plan Bay Area website at www.planbayarea.org/reports. The project in question was included in the transportation project list adopted by the VTA Board in summer 2020, see http://santaclaravta.iqm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=3187&MediaPosition=&ID=7366&CssClass=. The project was identified as a Period 2 project, meaning the project is not envisioned to open for service until after 2035 but before 2050. The board adopted transportation project list was subsequently submitted to MTC for incorporation into the proposed Plan and was recommended for inclusion in the proposed Plan's fiscally constrained transportation project list. Page 42 of the Plan Bay Area 2050 Draft Technical Assumptions Report found on the Plan Bay Area website at www.planbayarea.org/reports provides additional information on the solicitation of transportation projects process. See "Master Response 7: Fiscally Constrained Transportation Project List" for additional discussion of this topic. 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.

109-2

This comment is a reproduction of a letter to the ABAG/MTC Public Information Office on November 25, 2020 titled, "Proposed RHNA Methodology and Subregional Shares."

The designation of an area as a proposed Plan growth geography does not by itself result in the allocation of future development. Rather than applying a blanket density across the entire area, the Plan simulates development on a parcel by parcel basis up to a maximum assumed density, taking into account features such as public parks, open spaces, schools, and public rights of way. As noted in the second paragraph under the subheading "Bay Area UrbanSim 2.0" of Section 2.3.3 of the Draft EIR:

Bay Area UrbanSim 2.0 forecasts future land use change (e.g., development or redevelopment) starting from an integrated (across different source data) base year (2010) database containing information on the buildings, households, businesses, and land use policies within the region.

In 2019, MTC and ABAG requested the assistance of local agency staff across the region to support their review and update of land use, zoning, urban growth boundaries and development pipeline data through an online data platform known as the Bay Area Spatial Information System.

The Bay Area's 2023 – 2031 RHNA methodology and allocations are a separate and distinct process than the approval of the proposed Plan. See Response to Comment 13-1 for a discussion related to the RHNA process. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review.

109-3

This comment is a reproduction of a letter submitted to ABAG/MTC Executive Director on August 5, 2020, titled Re: Plan Bay Area 2050: DRAFT Blueprint Growth Geographies. The substance of the letter addresses the Draft Plan Bay Area 2050 Blueprint adopted by the ABAG Executive Board and the MTC in February 2020 and revised in the Final Blueprint adopted by the ABAG Executive Board and the MTC in September 2020. As a result, this is not a comment on either the Draft Plan or the Draft EIR.

The commenter raises concerns regarding the extent of the Draft Plan Bay Area 2050 Blueprint Growth Geographies in the City of Campbell adopted by the ABAG Executive Board and the MTC in February 2020, and requests general geographic categories and specific locations for exclusion from these Growth Geographies. As noted above, this comment addresses a draft that was subsequently revised prior to the development of the Draft Plan and Draft EIR.

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



Letter
110

July 20, 2021

MTC Public Information
 Attn.: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA 94105
 Email: eircomments@bayareametro.gov

RE: Plan Bay Area 2050 - Draft Environmental Impact Report

To Whom It May Concern,

Thank you for the opportunity to review the Plan Bay Area 2050 Draft Environmental Impact Report ("DEIR"). The City appreciates Plan Bay Area's 30-year vision to create a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents. However, the City of Dublin offers the following notable concerns:

1. On page 2-30, the DEIR states that more information on the regional growth forecast is available on the www.planbayarea.org website. The Draft Plan breaks up the Bay Area into 34 subcounty areas, called super-districts, which are a combination of cities, towns, and unincorporated areas. The City of Dublin is located in a super-district which also includes Livermore, Pleasanton, San Ramon, and Sunol. However, there is no document on the website that describes the growth forecasts specifically for the City of Dublin and growth forecasts are limited to super-districts or counties. In particular, the City of Dublin should have access to the number of housing units and employees by type assumed for the year 2050 within the City, as well as the same information for Priority Development Areas (PDAs) within the City, and detailed mapping that clearly shows the boundaries of the PDAs.
2. Figure 3.11-1 (Urban Land and Open Space) does not identify Urban Limit Lines. In 2000, the Dublin City Council adopted Resolution No. 209-00, establishing an Urban Limit Line within the Western Extended Planning Area to protect land from development for a period of 30 years. In 2014, the City Council adopted the Dublin Open Space Initiative, removing the 30-year sunset clause for the Urban Limit Line in the Western Extended Planning Area, and establishing an additional Urban Limit Line along the eastern edge of the Eastern Extended Planning Area to protect approximately 3,828 acres of land known as the Doolan-Collier Canyons from development. In addition to updating the map, the corresponding tables, such as Table 3.11-2: Acreage of parks and Open Space, should be updated.

110-1

110-2

City Council
925.833.6650
City Manager
925.833.6650
Community Development
925.833.6610
Economic Development
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Finance/IT
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Fire Prevention
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Human Resources
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Parks & Community Services
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Public Works
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3. Figure 3.11-3 (Access to Parks and Open Space Lands) does not appear to accurately reflect existing parks within Dublin. Specifically, the Dublin Sports Grounds, Don Biddle Community Park, and Wallis Ranch Community Park do not appear to be identified. A complete list of park facilities is included in Figure 3 of the Parks and Recreation Master Plan, which is available at: <https://dublin.ca.gov/DocumentCenter/View/5063/Park-and-Recreation-Master-Plan---2015-Update?bidId=>. In addition to updating the map, the corresponding tables, such as Table 3.11-2: Acreage of Parks and Open Space, should be updated.

110-3

Please note the City also issued a letter, dated July 20, 2021, expressing issues and concerns with the Draft Plan and Draft Implementation Plan, specifically the Draft Forecasting and Modeling Report and the Draft Transportation Projects List. See attachment.

110-4

Should you have any questions, please do not hesitate to contact Michael Cass, Principal Planner, at (925) 833-6610 or Michael.Cass@dublin.ca.gov.

Sincerely,



Michael P. Cass, Principal Planner
City of Dublin

Enc.: City Letter on Draft Plan and Draft Implementation Plan, dated July 20, 2021

- CC Linda Smith, City Manager
 Jeff Baker, Community Development Director
 Kristie Wheeler, Assistant Community Development Director
 Michael P. Cass, Principal Planner
 Laurie Sугgang, Assistant Public Works Director/City Engineer
 Pratyush Bhatia, Transportation and Operations Manager
 Kan Xu, Senior Civil Engineer
 Shannan Young, Environmental and Sustainability Manager



July 20, 2021

MTC Public Information
 Attn.: Plan Bay Area 2050
 375 Beale Street, Suite 800
 San Francisco, CA 94105
 Email: info@planbayarea.org

RE: Plan Bay Area 2050, - Draft Plan and Draft Implementation Plan

To Whom It May Concern,

Thank you for the opportunity to review the Draft Plan Bay Area 2050, Draft Implementation Plan, and Supplemental Reports. The City appreciates Plan Bay Area’s 30-year vision to create a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents. However, the City of Dublin offers the following notable concerns:

Draft Forecasting and Modeling Report

1. Figure 12 (Households per Acre by Zone, 2015) depicts the City as having zero to five households per acre. However, this depicted density is extremely low and does not accurately reflect the existing density particularly in Downtown Dublin, near the West Dublin/Pleasanton BART Station, and at the Dublin Transit Center, near the Dublin/Pleasanton BART Station. For example, the Avalon Dublin Station project, located at, 5200 Iron Horse Parkway, Connelly Station, located at 7550 Saint Patrick Way, and Dublin Station by Windsor, located at 5300 Iron Horse Parkway, have a density of 84-85 dwelling units per acre.
2. Figure 15 (Mall/Office Park Conversion Development Projects) depicts multiple concentric circles demonstrating thousands of residential developments at the I-580 and I-680 interchange. However, the map and supplemental information do not identify which malls or office parks are anticipated to be redeveloped, nor does the information clearly identify whether those properties are in Pleasanton or Dublin. The City requests this information be clarified to adequately assess the projected growth and related impacts.
3. Figure 16 (Public-Owned Land Development Projects) depicts multiple concentric circles demonstrating thousands of residential developments at the I-580 and I-680 interchange. However, the map and supplemental information do not identify which public-owned properties are anticipated to be redeveloped, nor does the information clearly identify whether those properties are in Pleasanton or Dublin. The City requests this information be clarified to adequately assess the projected growth and related impacts.

110-5

- City Council**
925.833.6650
- City Manager**
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- Community Development**
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- Economic Development**
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- Fire Prevention**
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- Human Resources**
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- Parks & Community Services**
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- Police**
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- Public Works**
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Draft Transportation Projects List

4. The Draft Transportation Projects List identifies projects and programs to alter the demand on the transportation system or alter the supply of the transportation system. The City compared the project list in the Draft Transportation Projects List Supplemental Report with other approved transportation plans, including the Alameda County Transportation Plan (2020) and the Tri-Valley Transportation Council (TVTC) Fee Update (2021). Refer to the attached Table 1: Transportation Projects Implementation Comparison. The City identified the following notable differences:

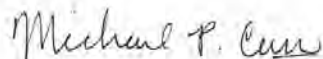
- The funding of \$316 million for corridor and interchange improvements (Project 21-T06-019) may be adequate for planned I-580 interchange projects at Hacienda Drive, Tassajara Road, and Fallon Road, but may not be adequate for Phase 1 of the I-580/I-680 interchange and is certainly not adequate for Phase 2 of the I-580/I-680 interchange improvements. The full I-580/I-680 interchange improvement project is included in the Alameda County and TVTC plans. The City requests this funding be increased to accommodate the additional improvements cited.
- The proposed \$5.7 billion for minor regional roadway improvements (Project ID 21-T07-056) is laudable. However, the project list lacks specificity to determine if the funding is sufficient for the Dublin Boulevard/North Canyons Parkway extension. The City requests the Plan be revised to provide breakdown of allocation for minor roadway projects.
- The following Alameda County Transportation Plan active transportation projects are not specifically identified in the Plan Bay Area 2050 project list and should be included: 1) ID 36 Dublin/Pleasanton BART Station Active Access Improvements; 2) ID 66A Iron Horse Trail Crossing (old SPRR ROW) at Dublin Boulevard; and 3) ID 202 SR25 Improvements, Dublin.
- The following Alameda County Transportation Plan road projects are not specifically identified in the Plan Bay Area 2050 project list and should be included: 1) ID 109 Dougherty Road Widening; 2) ID 148 Tassajara Road Widening from N. Dublin Ranch Drive to City Limit; and 3) ID 239 Downtown Dublin Streetscape Plan Implementation.

110-5
cont.

Please note the City also issued a letter, dated July 20, 2021, expressing issues and concerns with the Draft Environmental Report. See attachment.

Should you have any questions, please do not hesitate to contact Michael Cass, Principal Planner, at (925) 833-6610 or Michael.Cass@dublin.ca.gov.

Sincerely,



Michael P. Cass, Principal Planner
City of Dublin

Enc.: Table 1: Transportation Projects Implementation Comparison
City Letter on Draft Environmental Impact Report, dated July 20, 2021

CC: Linda Smith, City Manager
Jeff Baker, Community Development Director
Kristie Wheeler, Assistant Community Development Director
Michael P. Cass, Principal Planner
Laurie Sugang, Assistant Public Works Director/City Engineer
Pratyush Bhatia, Transportation and Operations Manager
Kan Xu, Senior Civil Engineer
Shannan Young, Environmental and Sustainability Manager

110-5
cont.

Table 1: Transportation Projects Implementation Comparison

Plan Bay Area 2050	Alameda County Transportation Plan (2020)	Tri-Valley Transportation Council Fee Update (2021)
<p>ID 21-T06-019 Corridor & Interchange Improvements, I-580, Alameda County This program includes funding to implement Design Alternatives Assessments between the Bay Bridge Toll Plaza and SR-238; for interchange improvements at Hacienda Dr/Fallon Rd and Santa Rita Rd/Tassajara Rd; and funding for a planning study to scope interchange improvements at I-680. \$316 million</p>	<p>ID 48 I-580/Fallon/El Charro Interchange Modernization (Phase 2), Dublin/Pleasanton \$32 million</p> <p>ID 21 I-580/I-680 Interchange (Phase 1), Dublin/Pleasanton \$300 million</p> <p>ID 132 I-580/I-680 Interchange (Phase 2) \$1,200 million</p> <p>ID 147 I-580 Interchange Improvements at Hacienda, Dublin \$36 million</p> <p>ID 179 Santa Rita Road I-580 Overcrossing Widening, Pleasanton \$49 million</p>	<p>ID B-1 I-580/I-680 Interchange (Westbound to Southbound) The proposed project limits are from 1,700 feet east of the Hacienda Drive Overcrossing to 2,000 feet west of the San Ramon Road Overcrossing along I-580, and from the Amador Valley Boulevard Undercrossing to 3,400 feet south of the Stoneridge Drive Overcrossing along I-680. \$1,785.65 million</p> <p>ID C-8 Santa Rita/I-580 Interchange This project will construct a 2nd southbound left turn lane from Santa Rita onto Pimilico Drive. The left turn vehicle queue length exceeds the length of the left turn pocket and blocks the #1 southbound lane, thus reducing the Level of Service. \$10.33 million</p> <p>ID C-12 I-580 Interchange Improvements at Hacienda Drive Implement I-580 Hacienda Drive Interchange Improvements, which includes reconstructing the overcrossing to add lanes. I-580/Hacienda Drive interchange improvements will include; reconstruction of overcrossing to provide additional northbound lane; widening of the eastbound off-ramp to include an additional lane to be used as a combined left and right turn lane; modifying signal and striping, modifying the westbound loop on-ramp; and</p>

110-5 cont.

		<p>widening of the westbound off-ramp to include a third left-turn lane. \$39.13 million</p> <p>ID C-13 I-580/Fallon/El Charro Interchange Improvements (Phase 2) Reconstruction of overcrossing to provide four-lanes in each direction with bike lanes; reconstruction of the southbound to eastbound loop on-ramp; widening of the eastbound off-ramp to provide two exit lanes with two left turn and two right turn lanes; widening of the eastbound on-ramp; widening of the westbound off-ramp to provide two left turn and two right turn lanes; and widening of the westbound on-ramp \$34.51 million</p>
<p>ID 21-T07-056 Minor Roadway Improvements, Regional This program includes funding to implement minor roadway improvements. This program generally implements projects exempt from regional air quality conformity, but it does include non-exempt local roadway widenings or extensions. Improvements include local road extensions or new lanes (less than 1/4-mile) and intersection improvements such as channelization and signalization. Example projects include improvements to Oakland Army Base, Quarry Lakes Pkwy, Decoto Rd, Dublin Blvd, El Charro Rd, and Auto Mall Pkwy (ALA); Newell Dr and Airport Junction (NAP); implementation of Envision</p>	<p>ID 47 Dublin Blvd. - North Canyons Pkwy Extension, Dublin \$164 million</p> <p>ID 110 Dublin Boulevard widening, Dublin \$7 million</p>	<p>ID C-3 Dublin Boulevard - North Canyons Parkway Extension This project will construct the street extension to connect Dublin Blvd at Fallon Road in Dublin with North Canyons Pkwy. in Livermore at Doolan Road. The preliminary phase (currently underway) of this planned project will update the project by incorporating multimodal travel, and the current State, regional, and local priorities. \$160.39 million</p>

110-5 cont.

<p>Expy program, Calaveras Blvd, and Mary Ave (SCL); Hunters Point Shipyard and Candlestick Point, Alemany Rd, and Treasure Island (SF); and Farmers Ln (SON). \$5.700 million</p>		
<p>ID 21-T11-114 Rail Service Expansion, San Joaquin County- Dublin/Pleasanton ("Valley Link") This program includes funding to implement new rail service between San Joaquin Valley and the Dublin/Pleasanton BART station, including three new stations within Alameda County and three-car trains (12 min peak headways), 2021 - 2035 \$2,910 million</p>	<p>ID 88 Valley Link \$2,142 million</p>	<p>ID C-14 Valley Link Rail (Phase 1) This project will connect Northern San Joaquin County communities to the Tri-Valley and Bay Area Rapid Transit (BART) through 41 miles of rail and 7 stations. The project will extend from the planned ACE N Lathrop Station in the San Joaquin Valley through the Altamont Pass, then readily connect with the Dublin/Pleasanton BART terminus. \$258.25 million</p>
<p>ID 21-T12-122 Express Bus, Service Expansion, I-680 This program includes funding to implement new express bus service along I-680 (on express lanes where available) between Martinez and San Jose (20 min peak headways). Improvements include bus-on-shoulder and park-and-ride facilities, 2021 – 2035 \$398 million</p>	<p>ID 135 I-680 Express Bus to Silicon Valley \$75 million</p>	<p>ID C-16 I-680 Express Bus Service This project proposes to construct capital improvements and purchase buses in order to establish an express bus service on I-680. This project requires the construction of the I-680 Express Lane Gap Closure project, closing the gap in the express lanes between Alcosta Blvd and State Route 84, in order to utilize the express lanes to avoid congestion, reduce travel time, and improve reliability, as part of an express bus service between the Tri-Valley communities and Silicon Valley. This express bus service would likely be combined with and become part of similar efforts by Contra Costa Transportation Authority (CCTA) and their Innovate 680 program, with the intent to serve the entire I-680 corridor extending</p>

110-5
cont.

		From Martinez to San Jose, utilizing buses to provide access to additional commute options, including BART, Amtrak, Caltrain, VTA light rail, local bus service, and Greyhound, for those living along the corridor. \$59.35 million
ID T12 21-T12-116 Express Lanes, Regional This program includes funding to implement express lanes through HOV lane conversions on I-80 (ALA); partial HOV lane conversions on I-80 (SOL), I-280 (SF) and US-101 (SF); freeway lane conversions on I-580 (ALA) and I-880 (ALA); new lanes on I-80 (SOL), I-680 (ALA) and US-101 (SM); new dual lanes with HOV lane conversions on SR-85 (SCL); and new dual lanes on US-101 (SCL). \$4,530 million	ID 19 I-680 Express Lanes: SR-84 to Alcosta (Phase 1 - Southbound), Dublin/Pleasanton \$260 million ID 134 I-680 Express Lanes: SR-84 to Alcosta (Phase 2 – northbound) \$228 million	ID C-7 I-680 Express Lanes – Hwy 84 to Alcosta This project will close the gap between existing and in-progress hi-occupancy vehicle (HOV) express lane projects to the north and south. The project extends for approximately nine miles on northbound I-680 through Sunol, Pleasanton, Dublin and San Ramon. \$527.57 million
	ID 36 Dublin/Pleasanton BART Station Active Access Improvements, Dublin/Pleasanton \$16 million	
	ID 66A Iron Horse Trail Trail Crossing (old SPRR ROW) at Dublin Boulevard, Dublin \$10 million	ID C-11c Iron Horse Trail, Dublin Blvd. Overcrossing \$11.60 million
	ID 109 Dougherty Road Widening Dublin, \$23 million	
	ID 148 Tassajara Road Widening from N. Dublin Ranch Drive to City Limit, Dublin \$23 million	ID B-8 Camino Tassajara/Tassajara Rd Widening Project (East of Blackhawk Drive to North Dublin Ranch Dr), Contra Costa Cty/Dublin \$39.50 million (roadway widening project) \$55.09 million (safety improvement project)

110-5 cont.

	ID 202 SR25 Improvements, Dublin \$7 million	
	ID 239 Downtown Dublin Streetscape Plan Implementation, Dublin \$40 million	
	ID 240 Technology Enhancements to connect arterials with freeways for Connected and autonomous vehicles, Dublin \$20 million	

110-5
cont.

Letter 110
City of Dublin
Michael P. Cass, Principal Planner
July 20, 2021

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

110-1

The commenter is correct that the proposed Plan's projected household and job growth is shared by county and Super Districts within each county and not by an individual local jurisdiction, PDA, or other geography. Because of the proposed Plan's regional-scale, the forecasted development pattern of households and employment is not summarized and reported for each local jurisdiction or growth geography. Instead, the proposed Plan emphasizes the 35 integrated strategies and the near-term actions to implement them, as a blueprint for how the Bay Area can accommodate future growth and make the region more equitable and resilient. The proposed Plan's land use assumptions used in the regional travel model (TM1.5) are publicly available at <https://mtcdrive.app.box.com/v/pba-2050-tazdata> and summarized at the Travel Analysis Zone (TAZ) level. Similarly, PDA boundaries used for the proposed Plan can also be explored through MTC's open data website, <https://opendata.mtc.ca.gov/datasets/priority-development-areas-plan-bay-area-2050/explore>.

110-2

As discussed in the second paragraph on page 3.11-2, Figure 3.11-1 depicts the pattern of urban land and open space. The intent of this figure is to provide a visual understanding of the existing conditions as they relate to the extent of urban land and open space. The figure is not intended to describe urban limit lines. MTC and ABAG will consider incorporating such information in future iterations of Plan Bay Area, if provided by local jurisdictions.

110-3

Figure 3.11-3 and Table 3.11-2 on pages 3.11-7 and 3.11-8 of the Draft EIR show the general locations and summarize acres of existing parks and open space in the Bay Area, as reported by the California Conservation Easement Database (2020) and California Protected Areas Database (2020). Additional information on the datasets, as well as online maps, can be found at <https://www.calands.org/>.

110-4

The comment regarding input on the Draft Plan and Draft Implementation Plan is noted. The MTC Commission and ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

110-5

This comment is a reproduction of a letter submitted to MTC Public Information on July 20, 2021, titled, "Plan Bay Are 2050, - Draft Plan and Draft Implementation Plan." Responses to the comments in this letter were provided to the City of Dublin by MTC staff on July 26, 2021.

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



Letter 111

July 20, 2021

Therese McMillan, Executive Director
MTC and ABAG
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105
eircomments@bayareametro.gov

Re: Comment Letter – Plan Bay Area 2050 Draft EIR (SCH# 2020090519)

Dear Ms. McMillan,

The City of Hayward (Hayward) submits the following comments regarding the programmatic Draft Environmental Impact Report (Draft EIR) for the Plan Bay Area 2050 (proposed Plan) issued by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) and made available on June 4, 2021. In addition, Hayward would like to incorporate by reference the attached separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) that provide more detail about the proposed Plan's impacts on the Hayward's service area and the region.

Hayward is supportive of the proposed Plan's goal to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board. However, the approach taken neglects to adequately consider the impacts of the proposed Plan on the region's, including Hayward's water supply reliability, and the ability to accommodate water supply needs for projected increased population and housing.

Hayward provides drinking water for its 160,000 residents, with approximately 30% of its supply supporting the more than 8,700 businesses and non-residential customers, as well as higher education institutions like California State University – East Bay, Chabot Community College, and Life Chiropractic College West. Hayward is the second largest purchaser of wholesale water from the San Francisco Public Utilities Commission (SFPUC), which in turn draws from the Tuolumne River Basin (tributary to the San Francisco Bay and Sacramento/San Joaquin River Delta). Hayward is also among the lowest per-capita water use entities compared to other agencies that purchase water from the SFPUC - due in no small part to its long commitment to water conservation practices.

Specifically, the proposed Plan should:

- **Account for Phase 1 of the State Water Resources Control Board's (State Board) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,¹ that will directly impact Hayward's water supply during drought periods.**

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

The Bay-Delta Plan requires the release of 30-50% of the “unimpaired flow” on the three tributaries to the San Joaquin River from February through June, which will significantly impact water supply availability from the Tuolumne River and the SFPUC’s Regional Water System (RWS), Hayward’s primary source of water supply. The Draft EIR does not account for the adopted Bay-Delta Plan, the resulting impacts, adequacy of existing water supplies to accommodate planned growth, and to meet Hayward’s customer needs during single- and multiple-dry years. As indicated on page 8-6 of the SFPUC’s 2020 Urban Water Management Plan (UWMP), analysis by the SFPUC, which operates the RWS, indicates that during single-dry years, there would be system-wide shortages between 30% and 40%, and during multiple dry years, there would be shortages ranging from 30% to 49%.²

111-1
cont.

- **Account for the re-licensing requirements for the Don Pedro Reservoir on the Tuolumne River by the Federal Energy Regulatory Commission (FERC) (FERC Project Nos. 2299 and 14581) and associated Clean Water Act section 401 Water Quality Certification (WQC).**

The re-licensing of the Don Pedro Reservoir by FERC may require additional water to be released from the reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the dry-year water supply yield of the RWS by reducing the balance of water stored in the water bank at Don Pedro Reservoir. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).³ On January 15, 2021, the State Board released the WQC for the Don Pedro project, which includes the 40% unimpaired flow objective from the Bay-Delta Plan amendment, as well as additional conditions that, if incorporated into FERC licenses would severely impact RWS water supplies.⁴ In the City and County of San Francisco’s petition for reconsideration of the WQC dated February 16, 2021, data presented denotes that if the WQC were to be enacted, required rationing during single-year and extended periods of drought would range between 75% and 90% under present and future demand levels.⁵ These related FERC regulatory requirements will significantly reduce water supply availability during drought periods from the RWS, Hayward’s source of water supply. The Draft EIR does not account for these impacts and the adequacy, or inadequacy of existing water supplies to accommodate planned growth, and to meet Hayward’s customer needs during single- and multiple-dry years.

111-2

- **Evaluate, as part of the impact analysis, how Hayward, as well as other BAWSCA member agencies, will respond to the water supply shortages.**

Impacts resulting from implementation of the Bay-Delta Plan, Don Pedro FERC re-licensing, WQC (e.g., increased groundwater pumping, increased use of local surface water, tree deaths, displaced growth to areas with available water, etc.) and subsequent environmental impacts should be analyzed.

111-3

² SFPUC Adopted 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP_2020_%20FINAL.pdf

³ <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>

⁴ https://www.waterboards.ca.gov/docs/dplq_fwqc_complete_20210105.pdf

⁵ City and County of San Francisco’s Petition for Reconsideration of 401 Water Quality Certification, submitted to the State Water Resources Control Board on February 16, 2021.

111-2

- **Reconsider the effectiveness of mitigation measures PUF-1 and PUF-2 to account for the drastic water supply impacts resulting from the regulatory requirements of the Bay-Delta Plan, Don Pedro FERC re-licensing, and WQC.**

111-4

The State Board intends to implement the Bay-Delta Plan in 2022. However, it is estimated that new (alternative) water supplies may take as long as 20 plus years to be developed and operational, which will not be in time to address the water supply impacts resulting from the Bay-Delta Plan, Don Pedro FERC re-licensing, and WQC.

- **Be updated to include the current information detailed in Hayward’s 2020 UWMP in the proposed Plan’s water supply analysis.**

111-5

This update should also reflect information regarding the adequacy of existing water supplies to accommodate planned growth and to meet Hayward’s customer needs during single- and multiple-dry years as detailed in the 2020 UWMP (Public hearing and adoption hearing scheduled for 7/20/21). The Draft EIR uses outdated information from Hayward’s 2015 UWMP. Hayward’s adopted 2020 UWMP can be found at <https://www.hayward-ca.gov/documents/urban-water-management-plan>

As detailed in Hayward’s 2020 UWMP, note the following:

- As a wholesale customer of the SFPUC that purchases 100% of its potable water supply from the RWS, water supply available to Hayward under the adopted Bay-Delta Plan could be reduced between 40%-50% in the event of a multi-year drought.
- This significant cut to water supply would force Hayward to take a number of significant actions including, but not limited to, a moratorium on new connections; limiting water allocations to public health and safety needs; and prohibition on landscape irrigation.
- Hayward currently provides water to its 160,000 residents, with its supply supporting a diverse businesses and non-residential customer base, as well as a number of higher education institutions. Potential consequences of the proposed Plan include health and safety concerns due to lack of potable supplies, major job losses during times of drought, slower economic growth, and delayed community development in Hayward’s service area due to the lack of a reliable water supply.

111-6

Hayward requests that the proposed Plan evaluate and incorporate these impacts included in this letter, as well as those articulated in BAWSCA’s comment letter incorporated here by reference. In addition, Hayward requests that the draft EIR be revised to address these significant concerns and be recirculated.

Sincerely,



Alex Ameri
Director of Public Works

Attachment – BAWSCA Comment Letter – Plan 2050 Draft Environmental Impact Report, July 20, 2021

cc: Hayward City Council
Kelly McAdoo, Hayward City Manager
Al Mendall, Hayward Planning Commissioner
Nicole Sandkulla, Chief Executive Officer and General Manager, BAWSCA



July 19, 2021

VIA EMAIL

Therese McMillan, Executive Director
MTC and ABAG
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105
Email: eircomments@bayareametro.gov

Subject: BAWSCA Comment Letter – Plan 2050 Draft Environmental Impact Report

Dear Ms. McMillan,

The Bay Area Water Supply and Conservation Agency (“BAWSCA”) submits the following comments regarding the programmatic Draft Environmental Impact Report (“Draft EIR”) for Plan Bay Area 2050 (“proposed Plan”) issued by the Association of Bay Area Governments (“ABAG”) and the Metropolitan Transportation Commission (“MTC”) and made available on June 4, 2021. BAWSCA was formed in 2003 via legislative action (AB 2058) to represent the water interests of 26 member agencies in Alameda, Santa Clara, and San Mateo Counties that purchase water from the San Francisco Public Utilities Commission (“SFPUC”). The San Francisco Regional Water System (“RWS”) supplies roughly two-thirds of the water required by the BAWSCA member agencies.

111-7

Based on the significant findings highlighted in this letter, BAWSCA requests that ABAG and the MTC make the required changes and recirculate the Draft EIR.

Eighty five percent of the RWS water supplies come from the Tuolumne River, including supplies from Hetch Hetchy Reservoir and a water bank at Don Pedro Reservoir. The Hetch Hetchy Reservoir water feeds into an aqueduct system delivering water 167 miles by gravity to Bay Area reservoirs and, ultimately, to Bay Area customers. Approximately two-thirds of SFPUC's total water deliveries are made to BAWSCA agencies - meaning BAWSCA agencies are the primary recipient of water from the RWS.

1. The Draft EIR Is Inadequate Because It Fails To Account For And Analyze The State Water Resources Control Board’s (SWRCB) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Plan)

Discussion and analysis of the impacts of the Bay-Delta Plan in the Draft EIR are insufficient. The Bay-Delta Plan was adopted by the SWRCB in December of 2018.¹ As written, the Bay-

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wgcp.pdf

BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
 Page 2 of 10

Delta Plan will significantly reduce water supply reliability to the RWS and for BAWSCA Member Agencies, particularly during times of drought. The Draft EIR fails to assess the water supply shortfalls and significant environmental impacts from the proposed Plan that would result if the SFPUC were compelled to drastically reduce water deliveries throughout the RWS service territory in response to the adopted Bay-Delta Plan. This critical omission constitutes an abuse of discretion because the Draft EIR fails to proffer any justification for why these impacts are not significant under CEQA, and, in fact fails to present any analysis whatsoever regarding such impacts. (Pub. Res. Code, §§ 21168.5, 21100(b)(1).) There is a total disconnect between the proposed Plan's anticipated growth in population, jobs, and housing and the RWS' ability to accommodate the planned growth given the significant water supply reductions resulting from the Bay-Delta Plan. A more comprehensive description is necessary as well as an analysis of the impacts from implementation of the Bay-Delta Plan.

1.1. Section 3.10.2 And 3.14.2 Are Incomplete Because They Do Not Include The Bay-Delta Plan In The Regulatory Setting

Sections 3.10.2 and 3.14.2 of the Draft EIR provide the Regulatory Setting for the Hydrology and Water Quality (3.10) and Public Utilities and Facilities (3.14) impacts analysis. Neither section includes a description or an analysis of the impacts from implementation of the Bay-Delta Plan. BAWSCA requests that ABAG and the MTC revisit these sections to include a description of the Bay-Delta Plan in the respective Regulatory Setting sections. The description of the Bay-Delta Plan should include objectives, flow requirements, regulatory authority, and the timeline for implementation. BAWSCA offers the following language for consideration.

In December 2018, the State Water Resources Control Board ("SWRCB") adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of 30-50% of the "unimpaired flow" on the three tributaries from February through June in every year type.

The Bay-Delta Plan states the February through June flow objectives will be fully implemented by the year 2022. (Bay-Delta Plan at p. 24.)

1.2. The Water Supply Analysis In Section 3.14 Is Inadequate Because It Fails To Consider The Impacts Ff The Bay-Delta Plan

Section 3.14: Public Utilities and Facilities fails to consider how implementation of the Bay-Delta Plan will impact water supplies. As stated above, the Bay-Delta Plan has been adopted and requires unimpaired flows between 30% and 50% (starting at 40%) on the Tuolumne River, the primary water supply source for the SFPUC and BAWSCA member agencies, and commits the SWRCB to fully implement the flow objectives by 2022. Therefore, ABAG and the MTC must

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BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
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analyze the impacts of the Bay-Delta Plan on water supply reliability and the ability of water agencies to meet future water demands from increased population, housing, and jobs.

As described in Section 2 of the proposed Plan, "Project Description," the regional growth forecast for the Bay Area projects that by 2050, the region will support an additional 2.7 million residents and 1.4 million jobs, resulting in 1.4 million new households. The Draft EIR identifies areas where: 1) there is an existing forecasted shortage in long-term supplies that would need to be met by imported water or additional water conservation, reuse, and recycling; or 2) where the proposed Plan projects population or jobs beyond what is assumed in current Urban Water Management Plans (UWMPs) and could result in a potential shortage. (Draft EIR at p. 3.14-36.)² However, this does not include the impacts and water shortages from the Bay-Delta Plan. The Draft EIR fails entirely to account for how the water shortages anticipated from the Bay-Delta Plan will accommodate the proposed Plan's anticipated increased population and housing, or the resulting impacts from insufficient water supplies. As part of the CEQA Guidelines' provisions governing the environmental setting, the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans, including applicable water quality control plans like the Bay-Delta Plan. (CEQA Guidelines, §15125(d).)

In *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 Cal.4th 412, the Supreme Court identified specific requirements for an adequate analysis of water supply issues in an EIR. The Court explained that future water supplies identified and analyzed in an EIR must be reasonably likely to prove available. Speculative sources and unrealistic allocations do not provide an adequate basis for decision making. When a full analysis of future water supplies for a project leaves some uncertainty regarding the availability of future supplies, the EIR must discuss possible replacement or alternative supply sources, and the environmental effects of resorting to those alternative supply sources. Informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water. The future water supplies identified and analyzed must bear a likelihood of actually proving to be available; speculative sources and unrealistic allocations are insufficient bases for decision making under CEQA. Finally, where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. (*Id.* at 432.)

Further, an EIR must identify and describe the project's significant environmental effects, including direct, indirect, and long-term effects. (Pub. Res. Code, §21100(b)(1); CEQA Guidelines, §15126.2(a).) An EIR may include some degree of forecasting in evaluating a project's environmental impacts. (CEQA Guidelines, §15144; *San Francisco Ecology Ctr. v City & County of San Francisco* (1975) 48 Cal. App.3d 584, 595.) Lead agencies must use their best efforts to find out and disclose all that they reasonably can, although they are not required to foresee the unforeseeable. (CEQA Guidelines, §15144.) The Draft EIR should be revised to account for the impacts from implementation of the Bay-Delta Plan.

With the Bay-Delta Plan implementation, it is projected that the SFPUC will be able to meet the projected water demands in normal years, but would experience supply shortages and require rationing in single dry years or multiple dry years. During single dry years, there would be an

² As discussed below, the Draft EIR does not use the most recent and updated UWMPs.

111-7
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BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
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anticipated 30 to 40% shortage of RWS supplies. When allocated among retail and BAWSCA agencies and compared to RWS demand, this would result in a 14% to 25% shortfall for SFPUC retail customers, and a 36% to 46% shortfall to BAWSCA member agencies. In a multiple dry year event, there would be anticipated shortages in RWS supplies for all projected years, ranging from 30% to 49% shortages. When allocated among retail and BAWSCA agencies and compared to RWS demand, this would result in an anticipated shortfall up to 35% for SFPUC retail customers, and up to 54% for BAWSCA member agencies. These impacts are characterized and quantified in Section 8 of the SFPUC's 2020 UWMP.³

BAWSCA requests that ABAG and the MTC revisit Section 3.14 and include a complete analysis of the Bay-Delta Plan impacts on water supply reliability.

1.3. Impacts From Reasonably Foreseeable Methods Of Complying With The Bay-Delta Plan And Addressing The Resulting Water Supply Shortages Are Not Identified Or Analyzed

Consideration of the impacts from implementation of the Bay-Delta Plan should include an analysis of reasonably foreseeable methods water agencies will use to comply with the Bay-Delta Plan, address the resulting water shortages, and the associated environmental impacts. As shown in the SFPUC and BAWSCA member agencies' 2020 UWMPs, implementation of the Bay-Delta Plan will result in RWS system-wide cutbacks between 30% and 49% in single and multiple dry years. This results in RWS cutbacks to BAWSCA member agencies between 36% and 54%. As previously stated, BAWSCA member agencies purchase roughly two-thirds of their water from the RWS. Several BAWSCA member agencies rely solely on the RWS for their water supply source.

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Cutbacks to this degree will require BAWSCA member agencies to take extraordinary actions to provide water to their existing and future customers to meet basic health and safety needs. An EIR must address the impacts of "reasonably foreseeable" future activities related to the proposed Plan. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 398-399; see also CEQA Guidelines, §15126 [EIR's impact analysis must consider all phases of project.]) The Draft EIR must identify and analyze these methods for complying with the Bay-Delta Plan, addressing water shortages, and the resulting environmental impacts from these actions, which include, but are not limited to:

- Increased reliance on groundwater and other surface water supplies;
- Inability to conserve additional water as a result of past conservation efforts and demand hardening;
- Decreased water available for urban landscaping resulting in the death of mature trees, reduced carbon conversion and increased heat in urban areas; and
- Severe rationing and moratoria on new development, resulting in displaced growth and urban sprawl.

³ SFPUC 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020%20FINAL.pdf

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Considering that a central tenet of Plan Bay Area 2050 is to encourage growth along transportation lines in an equitable and sustainable manner, it would seem prudent to analyze these reasonably foreseeable impacts resulting from the adopted Bay-Delta Plan. The Draft EIR fails to analyze the environmental impacts that would result from increased reliance on local groundwater and surface water supplies. Adverse effects from increased groundwater pumping may include, but are not limited to, declining water quality, overdraft, subsidence, and sea water intrusion. Agencies that rely solely on the RWS would seek to acquire new water supplies, which would have resulting environmental impacts, increase water rates, and possibly price out low-income residents.

If available water supplies are insufficient to meet demand, BAWSCA member agencies would consider implementing a development moratorium (e.g., "no new hook up") which would cause economic impacts and additional impacts from displaced growth and urban sprawl. An EIR must discuss growth-inducing impacts from a project. (Pub. Res. Code, § 21065.3; CEQA Guidelines, §15126(d).) The imposition of a moratorium on development in the BAWSCA service area would exacerbate the existing housing issues and further push housing growth out of the high-density areas of the Bay Area to the eastern and southern most portions of the Bay Area and to the western San Joaquin Valley. This would directly conflict with the purposes of the proposed Plan. Most of the region's farmlands and natural areas that are threatened by sprawl are in communities at the edges of the region, such as southern Santa Clara County, eastern Contra Costa County, and Solano County. Urban Sprawl has two primary impacts: 1) it increases per capita land consumption, and 2) it disperses development, which increases the distances between common destinations, increasing the costs of providing public infrastructure and services, and the transportation costs required to access services and activities.

The Draft EIR does not identify or analyze these reasonably foreseeable methods of compliance and actions by water agencies, or the potentially significant impacts resulting from these actions. Areas in which anticipated impacts are likely to result include:

- Reduction in the water supplies and the resulting significant impact on the Bay Area's economy, environment and impacts on public health;⁴ and
- Inadequate water supplies and resultant moratoria on housing development resulting in displaced growth and urban sprawl that sharply conflict with predicted Bay Area population growth and accompanying need for greater housing and transportation.

The ultimate question under CEQA is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project. (*Vineyard Area Citizens for Responsible Growth, Inc.*, 40 Cal.4th at p. 434.) Given the failure of the Draft EIR to evaluate the water supply impacts from the Bay-Delta Plan, the

⁴ The California Legislature has made clear that public health and safety are of "great importance" in CEQA's statutory scheme. (Pub. Resources Code, §§ 21000(b), (c), (d), (g); 21001(b), (d); *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.) For example, Public Resources Code section 21083(b)(3) requires a finding of a "significant effect on the environment" whenever "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." California policy dictates that all humans have a right to water adequate for human consumption, cooking, and sanitary purposes. (Wat. Code, § 106.3.)

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BAWSCA Comment Letter – Plan 2050 Draft EIR
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water supply analysis is inadequate and fails entirely to consider the extent of water supply shortages, and how those shortages would be exacerbated by the proposed Plan's anticipated population and housing increases. BAWSCA requests that ABAG and the MTC revisit Sections 3.10: Hydrology and Water Quality and 3.14: Public Utilities and Facilities to properly analyze the impacts from reasonably foreseeable methods water agencies will use to comply with the Bay-Delta Plan.

2. The Draft EIR Is Inadequate Because It Fails To Analyze The Impact Of The Federal Energy Regulatory Commission Licensing And Certification Process For New Don Pedro Reservoir

As previously stated, the Bay-Delta Plan is not self-implementing. Flow requirements must be allocated through regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, may be implemented through the water quality certification process set forth in section 401 of the Clean Water Act as part of the Federal Energy Regulatory Commission's (FERC) licensing proceedings for the Don Pedro and La Grange hydroelectric projects. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).⁵ A "water bank" in Don Pedro Reservoir provides additional storage that is integrated into the RWS operations. The re-licensing of the Don Pedro reservoir by FERC may require additional water released from the Don Pedro Reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the yield of the RWS.

On January 15, 2021, the SWRCB released the Clean Water Act section 401 Water Quality Certification for the Turlock Irrigation District and Modesto Irrigation District Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, FERC Project Nos. 2299 and 14581 (WQC).⁶ The WQC's requirements differ significantly from the recommended flows and conditions that FERC has analyzed in the Staff Alternative of its Final Environmental Impact Statement for the licenses. The WQC includes the 40% unimpaired flow objective from the Bay-Delta Plan, as well as additional conditions that, if incorporated into FERC licenses for the Don Pedro Project, would more severely impact SFPUC's water supplies. Data presented in the City and County of San Francisco's petition for reconsideration of the WQC before the SWRCB dated February 16, 2021, indicates that if the WQC were to be enacted, required rationing during single-year and extended periods of drought would range between 75 and 90 percent under present and future demand levels. To date, FERC has not taken action to incorporate the WQC into the licenses or to finalize the licenses for issuance. However, the draft EIR must consider the impacts on water supply from these foreseeable actions. (*Laurel Heights Improvement Ass'n*, 47 Cal.3d at 398-399.)

111-7
 cont.

2.1. Section 3.14.2 Is Incomplete Because It Does Not Include The FERC Licensing And Water Quality Certification For Don Pedro Dam In The Regulatory Setting Section

⁵ <https://elibrary.ferc.gov/eLibrary/ldmws/common/OpenNat.asp?fileID=15576184>

⁶ https://www.waterboards.ca.gov/docs/dplq_fwqc_complete_20210105.pdf

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Section 3.14.2 provides the Regulatory Setting for the Public Utilities and Facilities of the Draft EIR. It does not include the FERC licensing and WQC process, which, as stated above, may have significant impacts to water supply reliability for the SFPUC and BAWSCA member agencies. BAWSCA requests that ABAG and the MTC revisit Section 3.14 to include a description of the FERC licensing process in the Regulatory Setting section, including the released WQC.

3. Impact PUF-1 Is Inadequately Analyzed And Mitigation Measure PUF-1(A) Is Insufficient

Impact PUF-1 considers how implementation of Plan Bay Area 2050 may “*require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects.*” However, because impacts of the Bay-Delta Plan, FERC licensing and the WQC, and the resulting significant water supply gap in single and multiple dry years are not considered, the analysis of Impact PUF-1 is insufficient.

The SFPUC and BAWSCA member agencies have stepped up efforts to identify and secure alternative waters supplies to reduce water supply shortfalls and rationing during droughts. However, these water supply projects are large, expensive, and take several years to design and develop. In early 2020, the SFPUC began implementation of the Alternative Water Supply Planning Program (“AWSP”) to investigate and plan for new water supplies to address future long-term water supply reliability challenges and vulnerabilities on the RWS. As stated in the SFPUC’s 2020 UWMP, projects identified through the AWSP will take 10 to 30 years to implement.⁷ With implementation of the Bay-Delta Plan scheduled for 2022, there simply is not enough time to construct new or expanded water facilities to meet increased demand from population growth in single and multiple dry years.

An EIR must identify and describe any feasible measures that can be implemented to reduce or avoid each potentially significant environmental effect of the project. (CEQA Guidelines, §15126.4(a)(1).) Mitigation Measure PUF-1(a) (and PUF-2 discussed below) is insufficient to address increased water demand from the Project, especially with implementation of the Bay-Delta Plan, and merely defers identifying, analyzing, and mitigating potentially significant effects of new developments until those projects go through CEQA review. Mitigation measures should describe the specific actions that will be taken to reduce or avoid an impact. It is ordinarily inappropriate to defer formulation of a mitigation measure to the future. (CEQA Guidelines, §15126.4(a)(1)(B).)

The likelihood of new water supply projects being implemented in a timely manner and providing enough water to make up the shortfalls due to the Bay-Delta Plan, FERC licensing, and the WQC should be analyzed, and additional mitigation should be proposed, if necessary, to address associated impacts. Further, any water supply project will have environmental impacts that must be considered. If a mitigation measure identified in an EIR would itself cause

⁷ See Section 7.4, page 7-6 of the SFPUC’s adopted 2020 UWMP (link provided above).

111-7
 cont.

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BAWSCA Comment Letter – Plan 2050 Draft EIR
 July 19, 2021
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significant environmental impacts distinct from the significant effects caused by the project, those impacts must be discussed in the EIR, but in less detail than the project's significant impacts. (CEQA Guidelines, §15126.4(a)(1)(D).)

4. Impact PUF-2 Is Inadequately Analyzed And Mitigation Measure PUF-2(A) Is Insufficient

Impact PUF-2 considers whether there may be *“insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.”* Because impacts of the Bay-Delta Plan, FERC licensing, and the WQC were not considered, Impact PUF-2 was not sufficiently analyzed. Specifically, because the significant level of rationing that may be required in single and multiple dry years was not characterized or quantified, the proposed mitigation measures cannot be analyzed to determine whether they are adequate to mitigate potentially significant impacts. Further, BAWSCA and its member agencies have implemented conservation measures and expanded recycled water use as suggested in Mitigation Measure PUF-2(a) for many years, if not decades. BAWSCA member agencies intend to continue these projects, and water saving benefits have been quantified and included in their respective 2020 UWMPs. Those UWMPs demonstrate that Mitigation Measure PUF-2(a) is insufficient for closing the gap on water supply rationing that may result from implementation of the Bay-Delta Plan, FERC licensing, and the WQC.

Section 3.14.3, page 3.14-43 states, *“Future development projects would be required to comply with Water Code Section 10910 and Section 10912, as described above in the Regulatory Setting, under ‘Water Supply Assessment and Water Supply Verification.’ The enforcement of these regulations by local jurisdictions would ensure that a water supply assessment is prepared to demonstrate that sufficient water would be available to serve development projects before their approval.”*

This statement is conclusory. For many BAWSCA member agencies, these water supply assessments may demonstrate that there is insufficient water to serve new development projects (including new housing projects anticipated in the proposed Plan) from implementation of the Bay-Delta Plan, FERC licensing and the WQC. The sufficiency of an available supply of water to meet the anticipated population, job and housing growth in the proposed Plan should be fully analyzed in this Draft EIR, not when municipalities and water agencies are required to conduct a water supply assessment under Water Code Sections 10910 and 10912 for development projects aimed at accommodating that growth.

5. The Draft EIR Relies On Out-Of-Date Water Supply Reliability Forecasting 2020 Urban Water Management Plans

Under the Urban Water Management Planning Act, the SFPUC and the majority of BAWSCA agencies must prepare an UWMP for submittal to the Department of Water Resources (DWR) every five years. The UWMPs provide the long-term resource planning of each agency and ensure that adequate water supplies are available to meet existing and future needs.

111-7
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17687015.2

BAWSCA Comment Letter – Plan 2050 Draft EIR
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The Draft EIR relies on outdated water supply information provided in urban water suppliers' 2015 UWMPs. Significant changes have occurred since the 2015 UWMPs were adopted, including major legislation on conservation, efficiency, and the Bay-Delta Plan. Therefore, those plans are no longer current and do not accurately represent the water supply and demand forecasts for the SFPUC and BAWSCA member agencies. For example, Chapter 3.14.3, page 3.14-43 of the Draft EIR states, "As shown in Table 3.14-2, the major water suppliers in the region are projected to be able to supply adequate water for their projected service populations through 2040 during normal years, apart from Solano County Water Agency..." This is no longer an accurate characterization of projected water supply availability. As shown in Table 8-3 of the SFPUC's 2020 UWMP, water supply shortages are anticipated in single and multiple dry years through 2045.

All water suppliers in the BAWSCA service area (i.e., the SFPUC, Alameda County Water District ("ACWD"),⁸ and the Santa Clara Valley Water District ("Valley Water")⁹ have adopted their 2020 UWMPs or have made drafts publicly available. BAWSCA requests that ABAG and the MTC utilize data from the 2020 UWMPs to characterize water supply reliability in Section 3.14 of the Draft EIR.

6. Errors And Inaccuracies

BAWSCA has identified the following errors and inaccurate information and requests that ABAG and the MTC make the following suggested corrections.

- Section 3.14.1, page 3.14-2: Suggest editing the following sentence, "BAWSCA's goals are to ensure a reliable water supply, high-quality water, and a fair price for its customers" to read, "BAWSCA's goals are to ensure a reliable supply of high-quality water at a fair price for its service area."
- Section 3.14.1, page 3.14-5: San Francisco Public Utilities Commission section, first paragraph, second sentence should be corrected to read, "water treatment plants" not, "water treatment plans."
- Section 3.14.1, page 3.14-5: San Francisco Public Utilities Commission section, third paragraph, last sentence references gross and nonresidential demand in 2015. 2015 was a drought year and not necessarily representative. Suggest using data from the SFPUC's 2020 UWMP.
- Section 3.14.1, page 3.14-8: Imported Water section, note that the SWP also delivers water to the Central Coast and southern California. BAWSCA suggests listing those regions as well.
- Section 3.14.1, page 3.14.10: Desalination section, second paragraph, last two sentences should be corrected to read, "treatment plants" not "treatment plans" and "may result in additional future supplies..." not, "may result in addition of future supplies..."

111-7
 cont.

⁸ ACWD 2020 UWMP: <https://www.acwd.org/DocumentCenter/View/3816/Final-2020-2025-UWMP>

⁹ Valley Water 2020 UWMP: <https://fta.valleywater.org/dl/kvoCB45HuH/?>

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BAWSCA Comment Letter – Plan 2050 Draft EIR
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- Section 3.14.1, *Table 3.14-2: Projected Normal Year Supply and Demand (Acre Feed/Year)* and *Table 3.14-3: Year of Projected Water Shortages (Single Dry Year)*. Update with 2020 UWMP data.
 - Note that there is double counting between the SFPUC's and ACWD's supply/demand, and between the SFPUC and Valley Water with regards to the eight shared customers. BAWSCA suggest including a footnote identifying the overlap so there's no confusion for the reader.
- Section 3.14.1, page 3.14-14: Wastewater Treatment section, second paragraph should be corrected to read "pump stations" not "pipe stations..." This sentence is also missing a comma after "interceptor stations..."
- Section 3.14.1, *Table 3.14-4: Wastewater Treatment Facilities in the Region*: Note that CMSA's service area is much larger than listed and includes the areas listed for RVSD. Also note that RVSD is not a treatment agency. RVSD provides wastewater collection services only and conveys that wastewater to CMSA. Other wastewater collection agencies that convey wastewater to CMSA (i.e., the City of San Rafael and the Town of Corte Madera) are not listed as treatment agencies.
- Section 3.14.2, page 3.14-34: MWELo section, last sentence should be corrected to state that agencies "must" adopt ordinances that are as stringent, if not more, than MWELo.
- Section 3.14-3, *Table 3.14-8: Projected Service Area Population of Major Bay Area Water Agencies*, footnote 2 incorrectly states that the SFPUC is a wholesale water provider to BAWSCA. This should be corrected to state that the SFPUC is a wholesale water provider to BAWSCA member agencies.

111-7
 cont.

Thank you for the opportunity to comment on the Draft EIR. Based on the significant findings highlighted in this letter, BAWSCA requests that ABAG and the MTC make the required changes and recirculate the Draft EIR. BAWSCA is available to meet with ABAG and MTC staff to discuss these comments and the water supply impacts from the proposed Plan further.

Please contact Tom Francis, BAWSCA Water Resources Manager, at TFrancis@BAWSCA.org, if you have any question or for follow up discussions.

Regards,



Nicole Sandkulla
 Chief Executive Officer and General Manager

cc: BAWSCA Board of Directors
 BAWSCA Water Management Representatives
 Allison Schutte, Hanson Bridgett, LLP

I7687015.2

Letter 111
City of Hayward,
Alex Ameri, Director of Public Works
July 20, 2021

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

111-1

Whether the Bay-Delta Plan Amendment will be implemented is currently uncertain. Please see Response to Comment 76-2 for a discussion of why this is. As such, an evaluation that assumed its implementation would be highly speculative. Please see Response to Comment 76-5 as well for further relevant discussion.

111-2

Regarding relicensing requirements for the Don Pedro Reservoir, see Responses to Comments 76-2, 76-6, and 76-7. As with the Bay-Delta Plan, it is highly uncertain whether the WQC will be implemented by either the state or federal government.

111-3

The Draft EIR discloses under Impact PUF-2 that impacts on water supply would be significant and unavoidable. Mitigation measures are included in the Draft EIR; however, the impact on water supply would be significant and unavoidable. Whether the Bay-Delta Plan and/or Don Pedro Reservoir WQC are ever implemented is currently uncertain. An analysis assuming implementation would be highly speculative. Please see Responses to Comments 76-2, 76-6, 76-8, and 76-7 for further relevant discussions.

111-4

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A). See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

111-5

The Draft EIR's evaluation of regional water supply is adequate under CEQA. The analysis is appropriately based on existing conditions and available information at the time that preparation of the Draft EIR began and the NOP for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading "Method of Analysis:"

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

With respect to Hayward's 2020 UWMP, it was adopted in July 2021, one month after the release of the Draft EIR and ten months after the release of the NOP. The City of Hayward purchases its entire potable water supply from the Regional Water System, operated by SFPUC. Referencing SFPUC's 2020-2025 UWMP, the City of Hayward's 2020-2025 UWMP indicates that there would be shortages only in multiple dry years without implementation of the Bay-Delta Plan Amendment. (City of Hayward 2021:87). This is consistent with the Draft EIR's conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable (see Draft EIR, pages 3.14-43 to 3.14-46). Therefore, the discussion in the Draft EIR is representative of regional water supply conditions. See Response to

Comment 76-10 for further information included in the 2020 UWMPs. Please also see “Master Response 3: Water Supply.”

111-6

Please see Responses to Comments 111-5 and 76-10 regarding information included in the 2020 UWMPs. Please also see “Master Response 3: Water Supply.” Response to comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties.

111-7

The comment consists of a copy of the EIR comment letter from the Bay Area Water Supply & Conservation Agency. See responses to comment letter 76, which address this comment letter.

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



City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

Letter
112

ANN SCHNEIDER
Mayor

ANNE OLIVA
Vice Mayor

GINA PAPAN
Councilmember

ANDERS FUNG
Councilmember

REUBEN D. HOLOBER
Councilmember

July 20, 2021

Re: Comment Letter – Draft EIR for Plan Bay Area 2050 (SCH# 2020090519)

Therese McMillan, Executive Director
MTC and ABAG
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105
eircomments@bayareametro.gov

Dear Ms. McMillan,

The City of Millbrae submits the following comments to the Metropolitan Transportation Commission / Association of Bay Area Governments (MTC / ABAG) regarding the Draft Environmental Impact Report (Draft EIR) (SCH# 2020090519) for Plan Bay Area 2050 (proposed Plan), a long-range plan for the San Francisco Bay Area. In addition, the City of Millbrae would like to incorporate by reference separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) that provide more detail about the proposed Plan's impacts on the City of Millbrae's service area and the region.

112-1

The City of Millbrae is supportive of the proposed Plan's goal to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board. However, the approach taken neglects to adequately consider the impacts of the proposed Plan on the region's, including the City of Millbrae's, water supply reliability and ability to accommodate projected increased population and housing water supply needs.

Specifically, the proposed Plan should:

- **Account for Phase 1 of the State Water Resources Control Board's (State Board) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,¹ that will directly impact the City of Millbrae's water supply during droughts.** The Bay-Delta Plan requires the release of 30-50% of the "unimpaired flow" on the three tributaries to the San Joaquin River from February through June, which will significantly impact water supply availability from the Tuolumne River and the San Francisco Regional Water System (RWS), the City of Millbrae's primary source of water supply. The Draft EIR fails to account for the adopted Bay-Delta Plan, the resulting impacts, and adequacy of existing water supplies to accommodate planned growth and to meet the City of Millbrae's customer needs during single and multiple dry years. As indicated on page 8-6 of the San Francisco Public

112-2

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

City Council/City Manager/City Clerk
(650) 259-2334

Fire
(650) 558-7600

Building Division/Permits
(650) 259-2330

Police
(650) 259-2300

Community Development
(650) 259-2341

Public Works/Engineering
(650) 259-2339

Finance
(650) 259-2350

Recreation
(650) 259-2360

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 Comments to Draft EIR for Plan Bay Area 2050
 MTC and ABAG
 Attn: Ms. Therese McMillan
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Utility Commission's (SFPUC) 2020 Urban Water Management Plan (UWMP), analysis by the SFPUC, which operates the RWS, indicates that during single dry years, there would be system-wide shortages between 30% and 40%, and during multiple dry years, there would be shortages ranging from 30% to 49%.²

112-2
 cont.

- Account for the requirements of re-licensing of the Don Pedro Reservoir on the Tuolumne River by the Federal Energy Regulatory Commission (FERC) (FERC Project Nos. 2299 and 14581) and associated Clean Water Act section 401 Water Quality Certification (WQC).** The re-licensing of the Don Pedro Reservoir by FERC may require additional water to be released from the reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the dry year water supply yield of the RWS by reducing the balance of water stored in the water bank at Don Pedro Reservoir. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).³ On January 15, 2021, the State Board released the WQC for the Don Pedro project, which includes the 40% unimpaired flow objective from the Bay-Delta Plan amendment, as well as additional conditions that, if incorporated into FERC licenses would severely impact RWS water supplies.⁴ In the City and County of San Francisco's petition for reconsideration of the WQC dated February 16, 2021, data presented denotes that if the WQC were to be enacted, required rationing during single-year and extended periods of drought would range between 75 and 90 percent under present and future demand levels.⁵ These related FERC regulatory requirements will significantly reduce water supply availability during drought periods from the RWS, the City of Millbrae's primary source of water supply. The Draft EIR fails to account for these impacts and the adequacy (or not) of existing water supplies to accommodate planned growth, and to meet the City of Millbrae's customer needs during single and multiple dry years.

112-3

- Evaluate, as part of the impact analysis, how City of Millbrae, as well as other BAWSCA member agencies, will respond to the water supply shortages** resulting from implementation of the Bay-Delta Plan, the Don Pedro FERC re-licensing, the WQC (e.g., increased groundwater pumping, increased use of local surface water, tree deaths, displaced growth to areas with available water, etc.) and subsequent environmental impacts.

112-4

- Reconsider the effectiveness of mitigation measures PUF-1 and PUF-2 to account for the drastic water supply impacts resulting from the regulatory requirements of the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.** The State Board intends to implement the Bay-Delta Plan in 2022. However, it is estimated that new (alternative) water supplies may take as long as 20 plus years to be in place, which will not be in time to address the water supply impacts resulting from the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.

112-5

² SFPUC Adopted 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP_2020_%20FINAL.pdf

³ <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>

⁴ https://www.waterboards.ca.gov/docs/dplg_fwqc_complete_20210105.pdf

⁵ City and County of San Francisco's Petition for Reconsideration of 401 Water Quality Certification, submitted to the State Water Resources Control Board on February 16, 2021.

112-2
 cont.

112-3

17648147.1

July 20, 2021
Comments to Draft EIR for Plan Bay Area 2050
MTC and ABAG
Attn: Ms. Therese McMillan
Page 3 of 3

- **Be updated to include the current information detailed in the City of Millbrae’s 2020 UWMP in the proposed Plan’s water supply analysis.** This update should also reflect information regarding the adequacy of existing water supplies to accommodate planned growth and to meet AGENCY’s customer needs during single and multiple dry years as detailed in the 2020 UWMP. The Draft EIR uses outdated information from the City of Millbrae’s 2015 UWMP. The City of Millbrae’s adopted 2020 UWMP can be found at <https://bit.ly/MILLBRAEUWMP2020>

112-6

As detailed in the City of Millbrae’s 2020 UWMP, note the following:

- As a wholesale customer of the SFPUC that purchases 100% of its potable water supply from the RWS, water supply available to the City of Millbrae under the adopted Bay-Delta Plan could be reduced more than 54% in the event of a multi-year drought.
- This significant cut to water supply would force the City of Millbrae to take a number of significant actions including, but not limited to moratorium on housing and commercial developments.
- The City of Millbrae currently serves water to approximately 6,300 residential customers and over 300 businesses and other non-residential customers. Potential consequences of the proposed Plan include health and safety concerns due to lack of potable supplies, major job losses during times of drought, slower economic growth, and delayed community development in the City of Millbrae’s service area due to the lack of a reliable water supply.

112-7

In the light of these aforementioned impacts and inadequacies of the proposed Plan to evaluate and incorporate these impacts, as well as those articulated in BAWSCA’s comment letter, incorporated here by reference, the City of Millbrae requests that the draft EIR be revised to address those significant concerns and be recirculated.

Sincerely,

Khee Lim
Public Works Director

Cc: Nicole Sandkulla, Chief Executive Officer and General Manager, BAWSCA

17648147.1

Letter 112
City of Millbrae
Khee Lim, Public Works Director
July 20, 2021

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

112-1

This is a comment expressing support for the proposed Plan. See Responses to Comment Letter 76, the letter sent by BAWSCA. Whether the Bay-Delta Plan Amendment will be implemented is currently uncertain. Please see Response to Comment 76-2 for a discussion of why this is. As such, an evaluation that assumed its implementation would be highly speculative. Please see Response to Comment 76-5 as well for further relevant discussion.

112-2

Regarding implementation of the Bay-Delta Plan, see Responses to Comments 76-4 and 76-5.

112-3

Regarding relicensing requirements for the Don Pedro Reservoir, see Responses to Comments 76-2, 76-6, and 76-7. As with the Bay-Delta Plan, it is highly uncertain whether the WQC will be implemented by either the state or federal government.

112-4

The Draft EIR discloses under Impact PUF-2 that impacts on water supply would be significant and unavoidable. Mitigation measures are included in the Draft EIR; however, the impact on water supply would be significant and unavoidable. Whether the Bay-Delta Plan and/or Don Pedro Reservoir WQC are ever implemented is currently uncertain. An analysis assuming implementation would be highly speculative. Please see Responses to Comments 76-2, 76-6, 76-8, and 76-7 and “Master Response 3: Water Supply” for further relevant discussions.

112-5

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A). See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

112-6

The Draft EIR’s evaluation of regional water supply is adequate under CEQA. The analysis is appropriately based on existing conditions at the time that preparation of the Draft EIR began and the NOP for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading “Method of Analysis:”

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

With respect to Millbrae’s 2020 UWMP, it was adopted in May 2021, one month prior to the release of the Draft EIR and eight months after the release of the NOP. The City of Millbrae purchases its entire potable water supply from the Regional Water System, operated by SFPUC. The City of Millbrae’s 2020-2025 UWMP indicates that there would be shortages in single dry years and multiple dry years

without implementation of the Bay-Delta Plan Amendment (City of Millbrae 2021:66). This is consistent with the Draft EIR's conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions (see Draft EIR, pp. 3.14-43 to 3.14-46). See Response to Comment 76-10 for further information included in the 2020 UWMPs. Please also see "Master Response 3: Water Supply."

112-7

Please see Responses to Comments 112-6 and 76-10 regarding information included in the 2020 UWMPs. Please also see "Master Response 3: Water Supply." Response to comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties.

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



CITY OF MILPITAS
OFFICE OF THE CITY MANAGER

Letter
113

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3051, www.ci.milpitas.ca.gov

July 20, 2021

Re: Comment Letter – Draft EIR for Plan Bay Area 2050 (SCH# 2020090519)

Therese McMillan, Executive Director
MTC and ABAG
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

via email:
eircomments@bayareametro.gov

Dear Ms. McMillan,

The City of Milpitas (Milpitas) submits the following comments to the Metropolitan Transportation Commission / Association of Bay Area Governments (MTC / ABAG) regarding the Draft Environmental Impact Report (Draft EIR) (SCH# 2020090519) for Plan Bay Area 2050 (proposed Plan), a long-range plan for the San Francisco Bay Area. In addition, Milpitas would like to incorporate by reference separate comments submitted by the Bay Area Water Supply and Conservation Agency (BAWSCA) that provide more detail about the proposed Plan's impacts on Milpitas' service area and the region.

Milpitas is supportive of the proposed Plan's goal to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board. However, the approach taken neglects to adequately consider the impacts of the proposed Plan on the region's, including Milpitas' water supply reliability and ability to accommodate projected increased population and housing water supply needs.

113-1

Specifically, the proposed Plan should:

- **Adequately connect the forecasted growth in Plan Bay Area 2050 to the need for water supply reliability.** The Bay Area's regional housing goal from the California Department of Housing and Community Development (HCD) is 2.3 times larger than the previous (5th) Regional Housing Needs Allocation (RHNA) cycle. Locally for Milpitas, the draft RHNA of 6,713 units, compared to 3,290 units in the 5th RHNA cycle, is a 104% increase in housing needs. Milpitas has been building a significant amount of housing, and is one of the rare cities that has exceed its market-rate RHNA goals for the past 13 years. However, the 6th cycle RHNA goals are ambitious, and the draft EIR for Plan Bay Area 2050 does not adequately consider the ability and reliability of water supply to accommodate the significant RHNA goals of housing growth.
- **Account for Phase 1 of the State Water Resources Control Board's (State Board) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,¹ that will directly impact Milpitas' water supply during droughts.** The Bay-Delta Plan requires the release of 30-50% of the "unimpaired flow" on the three tributaries to the San Joaquin River from February through June, which will significantly impact water supply availability from the Tuolumne River and the San Francisco Regional

113-2

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

Comment Letter – Draft EIR for Plan Bay Area 2050 (SCH# 2020090519)
 July 20, 2021

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Water System (RWS), Milpitas' primary source of water supply. The Draft EIR fails to account for the adopted Bay-Delta Plan, the resulting impacts, and adequacy of existing water supplies to accommodate planned growth and to meet Milpitas' customer needs during single and multiple dry years. As indicated on page 8-6 of the San Francisco Public Utility Commission's (SFPUC) 2020 Urban Water Management Plan (UWMP), analysis by the SFPUC, which operates the RWS, indicates that during single dry years, there would be system-wide shortages between 30% and 40%, and during multiple dry years, there would be shortages ranging from 30% to 49%.²

113-2
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- **Be updated to include the current information detailed in Milpitas' 2020 UWMP in the proposed Plan's water supply analysis.** This update should also reflect information regarding the adequacy of existing water supplies to accommodate planned growth and to meet Milpitas' customer needs during single and multiple dry years as detailed in the 2020 UWMP. The Draft EIR uses outdated information from Milpitas' 2015 UWMP.

As detailed in AGENCY's 2020 UWMP, note the following:

- As a wholesale customer of the SFPUC that purchases two-thirds of its potable water supply from the RWS, water supply available to Milpitas under the adopted Bay-Delta Plan could be reduced up to 60% in the event of a multi-year drought.
- This significant cut to water supply would force Milpitas to take a number of significant actions including, but not limited to, pursuing a managed groundwater well extraction program with up to four (4) groundwater wells to produce 5 million gallons per day of new water supply for the City. A groundwater well extraction program of this nature would cost several million dollars and adversely impact Milpitas rate payers.
- Milpitas currently serves water to over 16,000 municipal connections. Potential consequences of the proposed Plan include health and safety concerns due to lack of potable supplies, major job losses during times of drought, slower economic growth, and delayed community development in Milpitas' service area due to the lack of a reliable water supply.

113-3

In the light of these aforementioned impacts and inadequacies of the proposed Plan to evaluate and incorporate these impacts, as well as those articulated in BAWSCA's comment letter, incorporated here by reference, Milpitas requests that the draft EIR be revised to address those significant concerns and be recirculated.

Sincerely,



Steven G. McHarris
 City Manager
 City of Milpitas

- C: Milpitas City Council
 Ashwini Kantak, Assistant City Manager, Milpitas
 Walter C. Rossmann, Deputy City Manager, Milpitas
 Tony Ndah, Public Works Director, Milpitas
 Ned Thomas, Planning Director, Milpitas
 Sharon Goei, Building Safety and Housing Director, Milpitas
 Nicole Sandkulla, Chief Executive Officer and General Manager, BAWSCA

² SFPUC Adopted 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP_2020_%20FINAL.pdf

113-2
 cont.

Letter 113
City of Milpitas
Steven G. McHarris, City Manager
July 20, 2021

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

113-1

This comment expresses general support for the proposed Plan. See responses to Comment Letter 76, the letter sent by BAWSCA. The Bay Area's 2023 – 2031 RHNA methodology and allocations are a separate and distinct process than the approval of the proposed Plan. See Response to Comment 13-1 for a discussion related to the RHNA process. See also "Master Response 1: Regional Growth Forecast" for discussion related to this comment.

113-2

Whether the Bay-Delta Plan Amendment will be implemented is currently uncertain. Please see Response to Comment 76-2 for a discussion of why this is. As such, an evaluation that assumed its implementation would be highly speculative. Please see Response to Comment 76-5 as well for further relevant discussion.

113-3

The Draft EIR's evaluation of regional water supply is based on existing conditions at the time that preparation of the Draft EIR began and the NOP for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading "Method of Analysis:"

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

With respect to Milpitas's 2020 UWMP, it was adopted in July 2021, one month after the release of the Draft EIR and ten months after the release of the NOP. The City of Milpitas purchases its potable water supply from Valley Water and the Regional Water System operated by SFPUC. The City of Milpitas' 2020-2025 UWMP indicates that there would be shortages in single dry years and multiple dry years without implementation of the Bay-Delta Plan Amendment (City of Milpitas 2021: 76). This is consistent with the Draft EIR's conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions (Draft EIR, pp. 3.14-43 to 3.14-46). See also Response to Comment 76-10, regarding information included in the 2020 UWMPs. Please also see "Master Response 3: Water Supply." Response to comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties.

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



Letter 114

CITY OF MOUNTAIN VIEW

PUBLIC WORKS DEPARTMENT

500 Castro Street • Post Office Box 7540 • Mountain View • California • 94039-7540
650-903-6311 • Fax 650-962-8503

July 20, 2021

Therese McMillan
Executive Director
MTC and ABAG
375 Beale Street, Suite 800
San Francisco, CA 94105
Via email: eircomments@bayareametro.gov

Dear Ms. McMillan:

The City of Mountain View (Mountain View) submits the following comments to the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) regarding the Draft Environmental Impact Report (Draft EIR) (SCH#2020090519) for Plan Bay Area 2050 (proposed Plan), a long-range plan for the San Francisco Bay Area. Mountain View's water service area currently supports approximately 80,000 residents and 99,000 jobs—served through more than 18,000 water service connections.

114-1

Mountain View acknowledges that the proposed Plan's goal is to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board. However, the approach taken neglects adequate consideration of the impacts of the proposed Plan on the region's water supply reliability and ability to accommodate projected increased population and housing.

Specifically, the Draft EIR should:

- **Account for Phase 1 of the State Water Resources Control Board's (State Board) San Francisco Bay-Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,ⁱ that will directly impact Mountain View's water supply during droughts.** The Bay-Delta Plan requires the release of 30% to 50% of the "unimpaired flow" on the three tributaries to the San Joaquin River from February through June, which will significantly impact water supply availability from the Tuolumne River and the San Francisco Regional Water System (Regional Water

114-2

ⁱ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

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Therese McMillan
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System), Mountain View’s primary source of water supply. The Draft EIR fails to account for the adopted Bay-Delta Plan, the resulting impacts, and adequacy of existing water supplies to accommodate planned growth and to meet Mountain View’s customer needs during single and multiple dry years. As indicated on Page 8-6 of the San Francisco Public Utilities Commission’s (SFPUC) 2020 Urban Water Management Plan (UWMP), analysis by the SFPUC indicates that during single dry years, there would be systemwide shortages of 30% to 40%, and during multiple dry years, there would be systemwide shortages of 30% to 49%ⁱⁱ

114-2
 cont.

- **Account for the requirements of relicensing of the Don Pedro Reservoir on the Tuolumne River by the Federal Energy Regulatory Commission (FERC) (FERC Project Nos. 2299 and 14581) and associated Clean Water Act Section 401 Water Quality Certification (WQC).** The Don Pedro Reservoir relicensing may require additional water to be released for the preservation of aquatic species in the lower Tuolumne River, potentially affecting Regional Water System dry-year supplies by reducing the balance of SFPUC’s water bank at Don Pedro Reservoir. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).ⁱⁱⁱ On January 15, 2021, the State Board released the WQC for the Don Pedro project, which includes the 40% unimpaired flow objective from the Bay-Delta Plan amendment, as well as additional conditions that, if incorporated into FERC licenses, would severely impact Regional Water System water supplies.^{iv} These related FERC regulatory requirements will significantly reduce drought water supply availability from the Regional Water System, Mountain View’s primary source of water supply. The Draft EIR fails to account for these impacts and the adequacy of existing water supplies to accommodate planned growth, and to meet Mountain View’s customer needs during single and multiple dry years.

114-3

- **Evaluate, as part of the impact analysis, how the region will respond to water supply shortages** resulting from implementation of the Bay-Delta Plan, the Don Pedro FERC relicensing, the WQC (e.g., increased groundwater pumping, increased use of local surface water, tree deaths, displaced growth to areas with available water, etc.) and subsequent environmental impacts.

114-4

- **Reconsider the effectiveness of Mitigation Measures PUF-1 and PUF-2 to account for the drastic water supply impacts resulting from the regulatory requirements**

114-5

ⁱⁱ SFPUC Adopted 2020 UWMP: https://sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP2020_%20FINAL.pdf

114-2
 cont.

ⁱⁱⁱ <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>

114-3

^{iv} https://www.waterboards.ca.gov/docs/dplg_fwqc_complete_20210105.pdf

cont.

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of the Bay-Delta Plan, the Don Pedro FERC relicensing, and the WQC. The State Board intends to implement the Bay-Delta Plan in 2022. However, it is estimated that new (alternative) water supplies may take as long as 20-plus years to be in place, which will not be in time to prevent water supply impacts resulting from the Bay-Delta Plan, the Don Pedro FERC relicensing, and the WQC.

114-5
cont.

- **Be updated to include the current information detailed in Mountain View’s 2020 UWMP in the proposed Plan’s water supply analysis.** The Draft EIR uses outdated information from Mountain View’s 2015 UWMP. Mountain View’s adopted 2020 UWMP can be found at www.mountainview.gov/uwmp.

114-6

As a wholesale customer of SFPUC, Mountain View purchases 87% of its potable water supply from the Regional Water System. Under the adopted Bay-Delta Plan, Mountain View’s primary supply could be reduced by up to 54% in the event of a multi-year drought. This significant cut to Mountain View’s main water supply would require significant response actions, including: increasing groundwater production and mandating customer demand reductions—particularly in the irrigation sector. Tree canopy, a valuable asset in Mountain View for both aesthetics and the environment, will be at risk.

114-7

Mountain View requests that these aforementioned impacts and inadequacies of the Draft EIR be addressed before any further consideration of EIR certification or Plan adoption.

Sincerely,

Dawn S. Cameron
Public Works Director

DSC/EF/2/PSD
703-07-20-21L

cc: Nicole Sandkulla, Bay Area Water Supply and Conservation Agency

Letter 114
City of Mountain View
Dawn S. Cameron, Public Works Director
July 20, 2021

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

114-1

The comment is an introductory statement. In addition to generally introducing the contents of the letter, it introduces the criticism that the Draft EIR inadequately considers the proposed Plan's impacts on the region's water supply and ability to accommodate the water supply needs of the projected increase in population and housing. These topics are addressed specifically in the following comments and responses. As explained in Response to Comment 76-2, the evaluation of water supply in the Draft EIR is adequate for the proposed Plan.

114-2

Refer to Response to Comment 76-2 for a discussion of the adopted Bay-Delta Plan and potential effects on the adequacy of future water supplies. Please see also Response to Comment 76-5 as well for further relevant discussion.

114-3

Regarding relicensing requirements for the Don Pedro Reservoir, see Responses to Comments 76-2, 76-6, and 76-7. As with the Bay-Delta Plan, it is highly uncertain whether the WQC will be implemented by either the state or federal government.

114-4

The Draft EIR discloses under Impact PUF-2 that impacts on water supply would be significant and unavoidable. Mitigation measures are included in the Draft EIR; however, the impact on water supply would be significant and unavoidable. Whether the Bay-Delta Plan and/or Don Pedro Reservoir WQC are ever implemented is currently uncertain. An analysis assuming implementation would be highly speculative. Please see Responses to Comments 76-2, 76-6, 76-8, and 76-7 for further relevant discussions.

114-5

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A). See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

114-6

The Draft EIR's evaluation of regional water supply is adequate under CEQA. The analysis is appropriately based on existing conditions at the time that preparation of the Draft EIR began and the NOP for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading "Method of Analysis:"

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

The *City of Mountain View 2020 Urban Water Management Plan* was adopted in June 2021, the same month as the release of the Draft EIR and nine months after the release of the NOP. The City of Mountain View purchases its potable water supply from Valley Water and the Regional Water System operated by SFPUC. The City of Mountain View's 2020-2025 UWMP indicates that there would be shortages only in multiple dry years without implementation of the Bay-Delta Plan Amendment (City of Mountain View 2021: 52). This is consistent with the Draft EIR's conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions (Draft EIR, pp. 3.14-43 to 3.14-46). Refer to Response to Comment 76-10, which explains further why the analysis in the Draft EIR remains adequate. Please also see "Master Response 3: Water Supply" for discussion related to this comment.

114-7

The comment summarizes concerns expressed throughout the letter related to the consequences of implementing the Bay-Delta Plan. As explained in Response to Comments 114-2 through 114-6, the water supply implications of implementing the land use strategy outlined in PBA 2050 are adequately addressed in the Draft EIR. Response to Comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties. See also Response to Comment 76-10, regarding information included in the 2020 UWMPs and "Master Response 3: Water Supply."

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

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Letter
115

City of Palo Alto
Office of the Mayor and City Council

July 20, 2021

Re: Comment Letter – Plan Bay Area 2050 Draft Plan, Draft Implementation Plan, & Draft EIR (SCH# 2020090519)

Therese McMillan, Executive Director
MTC and ABAG
375 Beale Street, Suite 800
San Francisco, CA, 94105

Submitted via email to:

tmcmillan@bayareametro.gov
eircomments@bayareametro.gov
info@bayareametro.gov

Dear Ms. McMillan,

The City of Palo Alto (Palo Alto) submits the following comments to the Metropolitan Transportation Commission / Association of Bay Area Governments (MTC / ABAG) regarding the Plan Bay Area 2050 Draft Plan, Draft Implementation Plan, and Draft Environmental Impact Report (Draft EIR) (SCH# 2020090519).

Plan Bay Area 2050 Draft Plan Comments

As reflected in prior correspondence and the City of Palo Alto’s RHNA appeal, the City of Palo Alto does not support the underlying assessment of development potential, densities, and regional growth reflected in the Final Blueprint and proposed Draft Plan Bay Area 2050.

Examples of our concerns include:

- **Decreasing office development—and thus job growth—through local public policy should not result in an increased housing allocation.** MTC/ABAG staff indicated that the City’s proactive measure to reduce its jobs/housing imbalance by instituting an office development cap served to increase housing growth in the Palo Alto. Meaning the Plan Bay Area 2050 development assessment from the underlying modeling assigned the reduction in office square footage to housing square footage. This reasoning represents a false dichotomy. There is not a one-to-one ratio of office to housing development. The inability to construct new office space does not mean a property owner will necessarily build housing. Instead of recognizing Palo Alto for taking measures to minimize job production in favor of creating a better jobs/housing balance, the proposed Draft Plan Bay Area 2050 shows more housing units for Palo Alto than the City otherwise would have been assigned without the cap.

115-1

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Attn: Ms. Therese McMillan
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- **The impacts of telecommuting are not adequately modeled.** MTC/ABAG staff indicated that Strategy EN7 accounts for significantly more telecommuting, as well as more use of transit and active transportation modes. However, the strategy still appears to attribute jobs to headquarters, assuming employees come to the office some days a week. The City encourages MTC/ABAG and the proposed Draft Plan Bay Area 2050 to consider a higher reasonable percentage of telecommute-friendly sector jobs to be reassigned away from job headquarters, as well as to make a stronger push for to model telecommuting in employment dynamics beyond an assumption of 17% of the workforce for some jurisdictions.

115-2

Further, the model should more specifically project telecommuting trends. At this point in time, many major employers in Palo Alto and throughout the nation are beginning “hybrid” telecommuting models. Under these models, many employees may only spend a fraction of a given week on site and commuting to a physical work site. The current projects are too blunt to reflect these trends. While the City understands the California Air Resources Board (CARB) has limited the percentage of telecommuting that MTC/ABAG can include, the City continues to urge this percentage to be increased.

Plan Bay Area 2050 Draft Implementation Plan Comments:

- **New revenues will be needed to implement the Plan.** Given the gap between existing and needed revenues, new funding sources for implementation will be essential to advancing Plan Bay Area 2050’s strategies. While new funding could be generated, some strategies are unrealistic if specific sources of funding are not identified.

115-3

- **The Plan should align the investments with the anticipated timeline.** The implementation plan should correspond to the RHNA allocation by allocating additional funding to near-term investments. Likewise transportation investments should be aligned with the accelerated implementation as expressed by the adopted RHNA methodology.

115-4

Positive Aspects of Proposed Draft Plan Bay Area 2050

Despite concerns with the proposed Draft Plan Bay Area 2050, the City of Palo Alto looks forward to Implementation Plan partnership opportunities when they occur. Areas where the Plan aligns with Palo Alto’s priorities and needs include:

- Funding affordable housing preservation, protection, and production
- Protecting natural resources and addressing climate change and sea level rise
- Expansion of parkland and open space
- Implementation of enhanced mobility options, including multi-modal transportation alternatives and transportation demand management
- Fleet electrification and associated infrastructure
- Supporting a diverse business climate

115-5

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Plan Bay Area 2050 Draft EIR Comments

- **Create clarity in the mapping notation.** Please adjust the location of the place name “Palo Alto” to be more central to the City’s overall jurisdictional boundaries and the boundary with San Mateo County. This will increase the legibility of the maps for the general public, including our local constituents. 115-6
- **Clarify why sea level rise risk acreage is 2 feet instead of 3.5 feet.** Regarding Sea Level Rise, please clarify the difference in risk acreage from assuming a 3.5-foot rise, instead of a 2-foot rise. Or clarify why two feet in sea level rise is the relevant assumption to use for the Draft EIR analysis. 115-7
- **Clarify if, due to sea level rise and associated groundwater, there will be any aesthetic, land use, geotechnical, groundwater quality or other potential impacts from this associated rise in the groundwater table.** As examples, it is our understanding that taller construction or other construction methods and types may be necessary in susceptible areas to account for below-ground design constraints from hydrostatic pressure. Likewise, we understand that groundwater quality is anticipated to be reduced from sea level rise. 115-8
- **Indicate overlap between the land use growth footprint and existing open space and/or parkland.** Regarding Potentially Significant Impact LU-2: “Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect” on Page 3.11-22 and Table 3.11-4 on Page 3.11-23, please include a map of the overlap between the land use growth footprint (approximately 740 acres) with existing open space and/or parklands in order to help jurisdictions understand this potential overlap and comment effectively. 115-9
- **Plan should reflect a greater decrease in work commute trips based on widespread adoption of telecommuting.** Regarding modeling of EN7, the City is encouraged that the Draft EIR anticipates that the Draft Plan Bay Area 2050 would result in an overall net reduction in auto modes from 71% to 51% of all commute trips. However, the City requests updated modeling that accounts for a higher reasonable percentage of telecommute-friendly sector jobs as reassigned away from job headquarters, reducing the number of commute trips to headquarters overall per week for these sectors. 115-10
- **Re-run models and comparison results as strategies are adjusted.** Regarding Alternatives, it appears that Alternative 1 TRA Focus is identified as the environmentally superior alternative. If MTC/ABAG has interest in adjusting only some of the strategies in the Draft Plan, the City requests rerunning the models and the preparation of a 115-11

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comparison of the results with the currently proposed Draft Plan strategies and Alternatives strategies prior to any Final EIR certification and Plan Bay Area 2050 adoption.

115-11
cont.

- **Development anticipated as part of the upcoming RHNA cycle may cause acute and accelerated land use impacts that should be examined in the EIR.** The release of the final RHNA methodology accelerated near-term housing production in certain areas across the region. The draft EIR should examine the associated potential environmental impacts caused by the accelerated development in the upcoming RHNA cycle. This accelerated development may have acute impacts in the next 8 years.

115-12

Palo Alto Utilities’ Specific Draft EIR Comments

The City of Palo Alto is proud to operate its own Utilities Department. Palo Alto currently serves water to about 18,000 residential customers and about 2,000 businesses and other non-residential customers. This section reflects specific comments regarding the Draft EIR related to water resources.

115-13

Palo Alto acknowledges that the proposed Plan’s goal is to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board. The approach taken, however, neglects to adequately consider the impacts of the proposed Plan on the region’s, including Palo Alto’s, water supply reliability and ability to accommodate projected increased population and housing water supply needs.

Specifically, the Draft EIR should:

- **Account for Phase 1 of the State Water Resources Control Board’s (State Board) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,¹ that will directly impact Palo Alto’s water supply during droughts.** The Bay-Delta Plan requires the release of 30-50% of the “unimpaired flow” on the three tributaries to the San Joaquin River from February through June, which will significantly impact water supply availability from the Tuolumne River and the San Francisco Regional Water System (RWS), Palo Alto’s single source of potable water supply. The Draft EIR fails to account for the adopted Bay-Delta Plan, the resulting impacts, and adequacy of existing water supplies to accommodate planned growth and to meet Palo Alto’s customer needs during single and multiple dry years.
- **Account for the requirements of re-licensing of the Don Pedro Reservoir on the Tuolumne River by the Federal Energy Regulatory Commission (FERC) (FERC Project**

115-14

115-15

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wgcp.pdf

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Nos. 2299 and 14581) and associated Clean Water Act section 401 Water Quality Certification (WQC). The re-licensing of the Don Pedro Reservoir by FERC may require additional water to be released from the reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the dry year water supply yield of the RWS by reducing the balance of water stored in the water bank at Don Pedro Reservoir. The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS-0293F, July 2020).² On January 15, 2021, the State Board released the WQC for the Don Pedro project, which includes the 40% unimpaired flow objective from the Bay-Delta Plan amendment, as well as additional conditions that, if incorporated into FERC licenses would impact RWS water supplies.³ These related FERC regulatory requirements will reduce water supply availability during drought periods from the RWS, Palo Alto’s single source of potable water supply. The Draft EIR fails to account for these impacts and the adequacy (or not) of existing water supplies to accommodate planned growth and to meet Palo Alto’s customer needs during single and multiple dry years.

115-15
cont.

- **Evaluate, as part of the impact analysis, how Palo Alto, as well as other BAWSCA member agencies, will respond to the water supply shortages** resulting from implementation of the Bay-Delta Plan, the Don Pedro FERC re-licensing, the WQC (e.g., increased groundwater pumping, increased use of local surface water, tree deaths, displaced growth to areas with available water, etc.) and subsequent environmental impacts.

115-16

- **Reconsider the effectiveness of mitigation measures PUF-1 and PUF-2 to account for the water supply impacts resulting from the regulatory requirements of the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.** The State Board intends to implement the Bay-Delta Plan in 2022. However, it is estimated that new (alternative) water supplies may take as long as 20 plus years to be in place, which will not be in time to address the water supply impacts resulting from the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.

115-17

- **Be updated to include the current information detailed in Palo Alto’s 2020 Urban Water Management Plan (UWMP) in the proposed Plan’s water supply analysis.** This update should also reflect information regarding the adequacy of existing water supplies to accommodate planned growth and to meet Palo Alto’s customer needs during single and multiple dry years as detailed in the 2020 UWMP. The Draft EIR uses outdated information from Palo Alto’s 2015 UWMP. Palo Alto’s adopted 2020 UWMP can be found at [2020 UWMP](#).

115-18

² <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>
³ https://www.waterboards.ca.gov/docs/dplg_fwqc_complete_20210105.pdf

115-15
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As detailed in Palo Alto’s 2020 UWMP, note the following:

- As a wholesale customer of the San Francisco Public Utilities Commission (SFPUC) that purchases 100% of its potable water supply from the RWS, water supply available to Palo Alto under the adopted Bay-Delta Plan could be reduced significantly in the event of a multi-year drought.
- This significant cut to water supply would force Palo Alto to take a number of significant actions. In addition to education and outreach and demand management incentives, Palo Alto will impose and enforce severe water use restrictions and likely implement water allocations. The tree canopy, a valuable asset in Palo Alto for both aesthetics and the environment, will be at risk.

115-19

Palo Alto requests that these aforementioned impacts and inadequacies of the Draft EIR are addressed before any further consideration of EIR certification or Plan adoption.

Sincerely,

DocuSigned by:

 DD53585CA8CB4E9...

Mayor Tom DuBois
City of Palo Alto

Cc: Nicole Sandkulla, Chief Executive Officer and General Manager, BAWSCA
Dave Vautin, Plan Bay Area 2050 Project Manager, DVautin@bayareametro.gov
Chirag Rabari, Draft Implementation Plan Project Manager, crabari@bayareametro.gov
Adam Noelting, Draft EIR Project Manager, ANoelting@bayareametro.gov

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City of Palo Alto
Tom DuBois, Mayor
July 20, 2021

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

115-1

Residential development would not necessarily result in the displacement of commercial space. Elements of the proposed Plan, such as Strategy H03 would support mixed-use development where commercial space could co-exist on the first floor with residential units above.

Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, a number of CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for a discussion related to MTC’s role in land use planning.

115-2

To model Strategy EN7, recent data on current workers were analyzed across all combinations of industry and occupation to understand the general compatibility of particular jobs (and their set of task requirements) for telework. Further, telecommuting rate increases in the future years were applied to workers based on their wage level, given that higher-wage occupations are more likely to involve increased telecommuting because of the hybrid telecommuting models that the commenter suggests. While Table 2.5 in the Plan highlights the forecasted change in telecommute levels from 10 percent in 2015 to 17 percent in 2050, telecommute levels by Super District in 2050 ranged from 9 percent to 25.5 percent. Further information on the modeling assumptions can be found in the supplemental Plan Bay Area 2050 Forecasting and Modeling Report found on the Plan Bay Area website at www.planbayarea.org/reports.

With the effects of the COVID-19 pandemic still affecting the daily lives of Bay Area residents, projecting future trends remains challenging. While some assumptions about post-COVID impacts were integrated into future telecommuting level assumptions, future iterations of Plan Bay Area will be able to more accurately capture longer-term preferential changes in telecommuting, as more definitive long-term survey data becomes available. See “Master Response 2: COVID-19 Pandemic Considerations” for more discussion related to this comment. See Response to Comment 18-1 for additional discussion on telecommuting strategies.

115-3

The supplemental Plan Bay Area 2050 Technical Assumptions Report provides more detail on the sources of federal, State, regional, county and local funding that would support new revenues. Additionally, Appendix 2 summarizes independently conducted polling completed in 2019 on the topic of a future mega-measure that would create new revenues. Seeking new revenues to support the strategies of the proposed Plan is highlighted as a near-term action in the Plan Bay Area 2050 Implementation Plan.

115-4

For a more detailed discussion of the process used to arrive at the fiscally constrained Plan Bay Area 2050 Transportation Project List, please refer to “Master Response 7: Fiscally Constrained Transportation Project List.”

115-5

The commenter provides a summary of components of the proposed Plan they view as positive.

115-6

The Draft EIR undertakes a programmatic analysis of the environmental impacts of the proposed Plan and does not undertake project-level environmental analysis, as is appropriate for the proposed Plan's level of planning. The location of the label "Palo Alto" on mapping in the Draft EIR is accurate for the scale, and does not affect the informational value of the Draft EIR.

115-7

Please see "Master Response 5: Sea Level Rise" for a discussion related to the comment.

115-8

Please see "Master Response 5: Sea Level Rise" for a discussion related to the impacts of sea level rise on the proposed Plan. Regarding the impacts of the proposed Plan on groundwater quality and supplies please see Draft EIR pages 3.10-24 through 3.10-34.

115-9

As discussed in the first paragraph of page 3.1-4 under the heading "Level of Detail" the Plan Bay Area 2050 EIR presents a program-level analyses for the entire nine-county, 101-city region, and does not address the impacts of individual land use, sea level rise adaptation, or transportation projects in detail. Instead, "the focus of this analysis is on addressing the impacts of implementation of the Plan's 35 strategies as a whole." As a result, the Draft EIR discloses the Plan's potential effects by quantifying the acres of potential overlap. Because of the regional nature of the Plan, the EIR does not include maps of the potential locations of overlap.

115-10

See Response to Comment 115-2 for a discussion related to telecommuting.

115-11

See "Master Response 4: EIR Alternatives" regarding suggested additional alternatives, including alternatives with a different combination of strategies. In addition to the proposed Plan and Plan alternatives analyzed in the EIR, other strategies or combinations of strategies were evaluated during the Horizon initiative and Plan development process. The Plan Bay Area 2050 Draft Blueprint was advanced in February 2020 for analysis, and substantial refinements were made throughout summer and fall 2020 as part of the Final Blueprint phase, culminating in the advancement of the Final Blueprint (now known as the proposed Plan) into the CEQA process. As noted in Draft EIR Section 4, "Alternatives to the Proposed Plan," an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.

115-12

See Response to Comment 13-1 for a discussion of how RHNA is related to the proposed Plan. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan. HCD determines the number of new housing units the Bay Area must plan for the 8-year RHNA cycle, based on population projections produced by DOF and the application of specific upward adjustments related to a targeted vacancy rate, rate of overcrowding,

and cost burden. The proposed Plan's housing forecast was found to be consistent with HCD. The EIR analyzes implementation of the Plan, as proposed, including full buildout up to 2050. As noted in the EIR, individual land use development projects would be subject to project-level CEQA review, which would include a cumulative analysis of past, present, and reasonably foreseeable future projects at the time the project-level EIR is prepared.

115-13

The commenter expresses general concerns related to the proposed Plan. The Draft EIR discloses under Impact PUF-2 that impacts to water supply would be significant. Mitigation measures are included in the Draft EIR; however, this impact would be significant and unavoidable.

115-14

Please see Responses to Comments 76-2 for a discussion of the adopted Bay-Delta Plan and potential effects on the adequacy of future water supplies. Please also see Response to Comment 76-5 for further relevant discussion.

115-15

Regarding relicensing requirements for the Don Pedro Reservoir, please see Responses to Comments 76-2, 76-6, and 76-7. As with the Bay-Delta Plan, it is highly uncertain whether the WQC will be implemented by either the state or federal government.

115-16

The Draft EIR discloses under Impact PUF-2 that impacts on water supply would be significant and unavoidable. Mitigation measures are included in the Draft EIR; however, the impact on water supply would be significant and unavoidable. Whether the Bay-Delta Plan and/or Don Pedro Reservoir WQC are ever implemented is currently uncertain. An analysis assuming implementation would be highly speculative. Please see Responses to Comments 76-2, 76-6, 76-8, and 76-7 for further relevant discussions.

115-17

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A). See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

115-18

The Draft EIR's evaluation of regional water supply is based on existing conditions at the time that preparation of the Draft EIR began and the notice of preparation (NOP) for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading "Method of Analysis:"

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

The City of Palo Alto's 2020 UWMP was adopted in June 2021, the same month as the release of the Draft EIR and nine months after the release of the NOP. While the City of Palo Alto 2020-2025 UWMP only analyzes water supply with the implementation of the Bay-Delta Plan Amendment, the City purchases its entire potable water supply from SFPUC. As referenced in Response to Comment 76-10, the SFPUC 2020-2025 UWMP indicates that there would be shortages only in multiple dry years without implementation of the Bay-Delta Plan Amendment. This is consistent with the Draft EIR's conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable (see

Draft EIR pp. 3.14-43 to 3.14-46). Therefore, the discussion in the Draft EIR is representative of regional water supply conditions. Please see also Response to Comment 76-10, regarding information included in the 2020 UWMPs and “Master Response 3: Water Supply.”

115-19

Please see Responses to Comments 115-18 and 76-10 regarding information included in the 2020 UWMPs. Please also see “Master Response 3: Water Supply.” Response to Comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties.

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



Date: July 20, 2021

Therese McMillan, Executive Director
 MTC and ABAG
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA 94105
 eircomments@bayareametro.gov

Corporation Yard
 221 Commercial Street
 Sunnyvale, CA 94088-3707
 TDD/TTY 408-730-7501
 sunnyvale.ca.gov

Re: Comment Letter – Draft EIR for Plan Bay Area 2050 (SCH#2020090519)

Dear Ms. McMillan,

The City of Sunnyvale (Sunnyvale) submits the following comments to the Metropolitan Transportation Commission / Association of Bay Area Governments (MTC / ABAG) regarding the Draft Environmental Impact Report (Draft EIR) (SCH# 2020090519) for Plan Bay Area 2050 (proposed Plan), a long-range plan for the San Francisco Bay Area.

City of Sunnyvale Comments

Sunnyvale acknowledges that the proposed Plan’s goal is to make the Bay Area more affordable, connected, diverse, healthy, and vibrant for all residents, while also achieving regional greenhouse gas emissions reduction targets established by the California Air Resources Board. However, the approach taken neglects to adequately consider the impacts of the proposed Plan on the region’s, including Sunnyvale’s, water supply reliability and ability to accommodate projected increased population and housing water supply needs. Sunnyvale currently serves water to a population of approximately 154,000 and over 4,000 businesses and other non-residential customers.

116-1

Specifically, the Draft EIR should:

- **Account for Phase 1 of the State Water Resources Control Board’s (State Board) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan Bay-Delta Plan (Bay-Delta Plan), which is an adopted regulation as of December 12, 2018,¹ that will directly impact Sunnyvale’s water supply during droughts.** The Bay-Delta Plan requires the release of 30-50% of the “unimpaired flow” on the three tributaries to the San Joaquin

116-2

¹ https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf



July 16, 2021
Sunnyvale Comments to Draft EIR for Plan Bay Area 2050
MTC and ABAG
Attn: Ms. Therese McMillan
Page 2 of 4

River from February through June, which will significantly impact water supply availability from the Tuolumne River and the San Francisco Regional Water System (RWS), where Sunnyvale receives over 50% of its potable water supply. The Draft EIR fails to account for the adopted Bay-Delta Plan, the resulting impacts, and adequacy of existing water supplies to accommodate planned growth and to meet Sunnyvale’s customer needs during single and multiple dry years. As indicated on page 8-6 of the San Francisco Public Utility Commission’s (SFPUC) 2020 Urban Water Management Plan (UWMP), analysis by the SFPUC, which operates the RWS, indicates that during single dry years, there would be system-wide shortages between 30% and 40%, and during multiple dry years, there would be shortages ranging from 30% to 49%.²

116-2
cont.

- Account for the requirements of re-licensing of the Don Pedro Reservoir on the Tuolumne River by the Federal Energy Regulatory Commission (FERC) (FERC Project Nos. 2299 and 14581) and associated Clean Water Act section 401 Water Quality Certification (WQC).** The re-licensing of the Don Pedro Reservoir by FERC may require additional water to be released from the reservoir for the preservation of aquatic species in the lower Tuolumne River, potentially affecting the dry year water supply yield of the RWS by reducing the balance of water stored in the water bank at Don Pedro Reservo The Final Environmental Impact Statement for the Don Pedro project was released by FERC on July 7, 2020 (FERC/EIS–0293F, July 2020).³ On January 15, 2021, the State Board released the WQC for the Don Pedro project, which includes the 40% unimpaired flow objective from the Bay-Delta Plan amendment, as well as additional conditions that, if incorporated into FERC licenses would impact RWS water supplies.⁴ These related FERC regulatory requirements will reduce water supply availability during drought periods from the RWS, Sunnyvale’s single source of potable water supply. The Draft EIR fails to account for these impacts and the adequacy (or not) of existing water supplies to accommodate planned growth and to meet Sunnyvale’s customer needs during single and multiple dry years.

116-3

- Evaluate, as part of the impact analysis, how Sunnyvale, as well as other BAWSCA member agencies, will respond to the water supply shortages** resulting from implementation of the Bay-Delta Plan, the Don Pedro FERC re-licensing, the WQC (e.g., increased groundwater pumping, increased use of

116-4

² SFPUC Adopted 2020 UWMP: https://www.sfpuc.org/sites/default/files/programs/local-water/SFPUC_2020_UWMP_2020_%20FINAL.pdf

116-2
cont.

³ <https://elibrary.ferc.gov/eLibrary/idmws/common/OpenNat.asp?fileID=15576184>

116-3

⁴ https://www.waterboards.ca.gov/docs/dplg_fwqc_complete_20210105.pdf

cont.

July 16, 2021
Sunnyvale Comments to Draft EIR for Plan Bay Area 2050
MTC and ABAG
Attn: Ms. Therese McMillan
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local surface water, tree deaths, displaced growth to areas with available water, etc.) and subsequent environmental impacts.

116-4
cont.

- **Reconsider the effectiveness of mitigation measures PUF-1 and PUF-2 to account for the water supply impacts resulting from the regulatory requirements of the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.** The State Board intends to implement the Bay-Delta Plan in 2022. However, it is estimated that new (alternative) water supplies may take as long as 20 plus years to be in place, which will not be in time to address the water supply impacts resulting from the Bay-Delta Plan, the Don Pedro FERC re-licensing, and the WQC.

116-5

- **Be updated to include the current information detailed in Sunnyvale’s 2020 UWMP in the proposed Plan’s water supply analysis.** The Draft EIR uses outdated information from Sunnyvale’s 2015 UWMP. Sunnyvale’s adopted 2020 UWMP can be found at <https://sunnyvale.ca.gov/property/water/water.htm>

116-6

As detailed in Sunnyvale’s 2020 UWMP, note the following:

- As a wholesale customer of the SFPUC that purchases a little over 50% of its potable water supply from the RWS, water supply available to Sunnyvale under the adopted Bay-Delta Plan could be reduced by nearly 50% in the event of a multi-year drought.
- This significant cut to water supply would force Sunnyvale to take a number of significant actions. In addition to education and outreach and demand management incentives, Sunnyvale will impose and enforce severe water use restrictions and likely implement water allocations.

116-7

Sunnyvale is home to internationally known corporations that will likely be impacted resulting in substantial economic losses. Sunnyvale requests that these aforementioned impacts and inadequacies of the Draft EIR are addressed before any further consideration of EIR certification or Plan adoption.

July 16, 2021
Sunnyvale Comments to Draft EIR for Plan Bay Area 2050
MTC and ABAG
Attn: Ms. Therese McMillan
Page 4 of 4



Sincerely,

Ramana Chinnakotla

Ramana Chinnakotla
Director, Environmental Services

Cc: Nicole Sandkulla, Chief Executive Officer and General Manager, BAWSCA

Letter 116
City of Sunnyvale
Ramana Chinnakotla, Director Environmental Services
July 20, 2021

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

116-1

The comment is an introductory statement. In addition to generally introducing the contents of the letter, it introduces the criticism that the Draft EIR inadequately considers the proposed Plan's impacts on the region's water supply and ability to accommodate the water supply needs of the projected increase in population and housing. These topics are addressed specifically in the following comments and responses. As explained in Response to Comment 76-2, the evaluation of water supply in the Draft EIR is adequate for the proposed Plan.

116-2

Please see Response to Comment 76-2 for discussion related to this comment. Please see Response to Comment 76-5 as well for further relevant discussion.

116-3

Regarding relicensing requirements for the Don Pedro Reservoir, see Responses to Comments 76-2, 76-6, and 76-7. As with the Bay-Delta Plan, it is highly uncertain whether the WQC will be implemented by either the state or federal government.

116-4

The Draft EIR discloses under Impact PUF-2 that impacts on water supply would be significant and unavoidable. Mitigation measures are included in the Draft EIR; however, the impact on water supply would be significant and unavoidable. Whether the Bay-Delta Plan and/or Don Pedro Reservoir WQC are ever implemented is currently uncertain. An analysis assuming implementation would be highly speculative. Please see Responses to Comments 76-2, 76-6, 76-8, and 76-7 for further relevant discussions.

116-5

See Response to Comment 76-8 for a discussion related to comments on Impact PUF-1 and Mitigation Measure PUF-1(A). See Response to Comment 76-9 for a discussion related to comments on Impact PUF-2 and Mitigation Measure PUF-2(A).

116-6

The analysis is appropriately based on existing conditions at the time that preparation of the Draft EIR began and the notice of preparation (NOP) for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading "Method of Analysis:"

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

The City of Sunnyvale's *2020 Urban Water Management Plan* was adopted in June, 2021, the same month as the release of the Draft EIR and nine months after the release of the NOP. The City of Sunnyvale purchases its potable water supply from Valley Water and the Regional Water System

operated by SFPUC. While the City of Sunnyvale's 2020-2025 UWMP assumes the implementation of the Bay-Delta Plan Amendment, the 2020 UWMP projects no shortages in supply in normal years, single dry years, or multiple dry years through 2040 (City of Sunnyvale 2021:1-2). The Draft EIR considers a more conservative scenario than is presented in the 2020 UWMP for both scenarios because the UWMP does not project shortages, and the Draft EIR evaluates a scenario where less water is available. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions (see Draft EIR, pp 3.14-43 to 3.14-46). Refer to Response to Comment 76-10, which details the current water projections for SFPUC and the Santa Clara Water District (from which the City obtains water) and explains why the analysis in the Draft EIR remains adequate. Please also see "Master Response 3: Water Supply" for discussion related to this comment.

116-7

Please see Responses to Comments 116-7 and 76-10 regarding information included in the 2020 UWMPs. Please also see "Master Response 3: Water Supply." Response to Comment 76-2 explains why the Draft EIR need not consider implementation of the Bay-Delta Plan Amendment and also covers a range of water supply scenarios and uncertainties. See Response to Comment 76-10, regarding information included in the 2020 UWMPs and "Master Response 3: Water Supply."

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



Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

July 20, 2021

MTC Public Information
Attn: Draft Plan/Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

RE: Comments on MTC/ABAG Draft Plan Bay Area 2050 EIR

Dear MTC/ABAG Staff:

The City/County Association of Governments of San Mateo County (C/CAG) appreciates the opportunity to provide comments on MTC/ABAG’s Draft Plan Bay Area 2050 EIR. C/CAG is the County Transportation Agency (CTA), also known as the Congestion Management Agency (CMA) for San Mateo County. C/CAG plays a key role in climate action planning and mitigation of greenhouse gas emissions in partnership with all local jurisdictions in San Mateo County. In addition, C/CAG manages the Countywide Stormwater Pollution Prevention Program and is the Airport Land Use Commission in San Mateo County.

San Mateo County has 21 jurisdictions, a population of 774,000, and is an integral part of the dynamic Silicon Valley/San Francisco economic region. San Mateo County is home to the top 100 employers and 26 of the top 50 biopharma employers in the Bay Area.

The draft Plan Bay Area 2050 is a long-range plan charting the course for the future of the nine-county San Francisco Bay Area and takes a comprehensive look at the region’s challenges and identifies actions to be advanced by all levels of government in the coming years. As such, it shares much in common with C/CAG’s regional approach and outlines a path forward for a more environmentally sustainable and equitable future. C/CAG’s comments are supportive and provided within the context of our long-standing positive relationship with MTC/ABAG.

Thank you for this opportunity to provide input on this critical document. Please see Attachment 1 for C/CAG’s comments on the draft Plan Bay Area 2050 EIR document. If you have any questions, please contact Sean Charpentier, C/CAG Program Director, at scharpentier@smcgov.org.

Sincerely,

Sandy Wong
C/CAG Executive Director

Enclosures: Attachment 1: C/CAG comments on MTC/ABAG Draft Plan Bay Area 2050 EIR

555 COUNTY CENTER 5TH FLOOR, REDWOOD CITY, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227

117-1

Attachment 1: C/CAG comments on MTC/ABAG Draft Plan Bay Area 2050 EIR

- 1. Section 3.14 Public Utilities and Facilities: C/CAG acknowledges that it is not within the scope of Plan Bay Area 2050 to provide supplies of water for the approximately 1.4 million projected new households by 2050. However, funding for county-by-county planning for development in priority areas should be provided in the implementation budget, not just funding for water conservation. 117-2

- 2. Section 3.14 Public Utilities and Facilities: For San Mateo County, and with respect to water supply, the EIR not only defers the issue of water supply to individual development project EIRs, but also suggests that Bay Area Water Supply and Conservation Agency is the water supply agency in San Mateo County. In fact, there are 16 water supply agencies in San Mateo County, each with different water supply constraints and territories. Significant planning and alignment should be completed at the County and Water Supply Agency level in all counties to balance Regional Housing Need Allocations in order to provide ample water supply for projected growth, especially considering foreseeable drought conditions. MTC/ABAG should provide the necessary funding to complete that analysis. 117-3

- 3. Page 2-8 T12- Expand and Modernize the Regional Rail Network- We recognize and support efforts to improve transit options to improve mobility and reduce GHG. There are 29 at-grade crossings in San Mateo County. Increase in trains and train speeds will increase the transportation, noise, and public safety impacts at each at-grade crossing. To fully achieve our mobility and environmental goals, a significant investment in grade separations is required. 117-4

- 4. Page 3.15-20- T12- Build an Integrated Regional Express Lane and Express Bus Network- We are supportive of building out the Express Lane Network and expanding Express Bus. San Mateo County is working on extending the US 101 San Mateo County Managed Lanes between I-380 and the San Francisco County line. Express Lanes are a valuable tool reducing GHG, and providing incentives for carpooling and express bus transit. 117-5

- 5. Page 3.15-20- T05- Implement Per-Mile Tolling on Congested Freeways with Transit Alternatives - The strategy of Per-Mile Tolling represents a dramatic change to the existing conditions and will require significant study and analysis to understand the political, technical, and financial feasibility. We request that the feasibility process and studies fully engage the Counties and impacted parties. 117-6

#

Letter 117
City/County Association of Governments of San Mateo County
Sandy Wong, Executive Director
July 20, 2021

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

117-1

The comment is an introductory statement. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR, but it does introduce a series of comments that are addressed in the following responses. The commenter's support for the proposed Plan is noted, and the MTC Commissioners and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

117-2

The commenter recommends that funding for county-by-county planning for development in priority areas should be provided in the implementation budget, not just funding for water conservation. This comment is noted, but does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts.

117-3

As stated on page 3.14-2, under the subheading "Water Supply Agencies," "[w]ater supply for each county is provided by its respective water supply department or a collection of agencies or companies. Most counties contain several water providers." The text continues a description of the major contributors to the water sources in each Bay Area County, as described by the 2019 San Francisco Bay Integrated Regional Water Management Plan. While the existence of 16 water supply agencies in San Mateo County is noted, the inclusion of every water supply agency in the Bay Area is not necessary to analyze potential effects on water supply for this program-level EIR. As discussed in Impact PUF-2, impacts to water supply would be significant and unavoidable. See "Master Response 3: "Water Supply" for a discussion related to this comment. Please see also Response to Comment 76-2 regarding the level of specificity required in the programmatic Draft EIR.

117-4

Traffic and transit noise is addressed under Impact NOISE-2. An analysis of the effects of transit noise are addressed under subheading "Transportation System Impacts," which begins on page 3.12-29 of the Draft EIR. Mitigation Measure Noise-2(a) includes the following measure, which is consistent with recommendations included in the comment (first bulleted item, page 3.12-31 of the Draft EIR):

- ▲ Design adjustments to proposed roadway or transit alignments to reduce noise levels in noise-sensitive areas (e.g., below-grade roadway alignments can effectively reduce noise levels in nearby areas by providing a barrier between the source and receptor).

This mitigation measure is inclusive of the commenter's recommendations to invest in grade separations.

Issues pertaining to transportation-related public safety are addressed in Impact TRA-3, which describes how investments are expected to incentivize design improvements to make roadways safer. As discussed in the last paragraph on page 3.15-31 of the Draft EIR:

In accordance with the Regional Safety/Vision Zero and Complete Streets policies, the proposed Plan includes proposed investments directed towards designs and enforcement

efforts that would improve safety on the roads (Strategy T9) and investments for an expanded Complete Streets network (Strategy T8). These investments would go to local jurisdictions committing to projects that install design elements that lower driving speeds or implement road diets and to projects that make biking and walking safer.

Impacts to transportation are described in Section 3.15 of the Draft EIR, "Transportation." The reference to increased transportation impacts does not address a specific environmental effect.

117-5

This is a comment expressing support for an express lane and express bus network. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

117-6

This comment requests feasibility and process studies fully engage the Counties regarding Strategy T05. The MTC Commission and ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

Letter
118

From: [Susan C](#)
To: [EIR Comments](#)
Subject: No on ""Plan Bay Area 2050" proposal
Date: Wednesday, July 21, 2021 1:03:49 PM

External Email

Dear committee members,

I oppose the proposal by ABAG to negate local zoning choices and force greatly increased density of housing and jobs on the already overstressed midpeninsula and south bay under the current "Plan Bay Area 2050" plan. Top-down solutions that force building quotas ignore legitimate local concerns such as maintenance of public safety, quality of life, traffic and parking loads, and other infrastructure needs.

ABAG's process to arrive at their jobs and housing concentrations in the South Bay was done by in-house technical committees using their own models with no effective public discussion as required by code, despite repeated requests for such open discussions. The likely result if implemented will be overpriced construction and housing that (if seen as desirable) is still unaffordable or (if constructed cheaply) will quickly become unsightly and unsafe.

118-1

Sincerely,
Susan Cole
Palo Alto

Letter 118
Susan Cole
July 20, 2021

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

118-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not result in adoption of the land use strategy by the local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See "Master Response 1: Regional Growth Forecast" for a discussion related to how population projections were developed for the proposed Plan and "Master Response 6: MTC and ABAG Roles and Authority" for a discussion of local control over density, housing, and development. In addition, please see Response to Comment 8-1 for a summary of the public outreach conducted during preparation of the proposed Plan, and see Response to Comment 9-1 for a discussion on strategies to address the intraregional jobs-housing imbalance.

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

Letter
119

From: [Suzanne Keehn](#)
To: [EIR Comments](#)
Subject: Comment to PBA 2050
Date: Tuesday, July 20, 2021 9:07:34 PM

External Email

To ABAG and MTC,

Not only have you ignored the various State Codes in producing your Plan Bay Area 2050 process, you have ignored your own experience of the situation we already have in the Bay Area, especially in Silicon Valley, not exclusive to it however. The already dense office development, the area that is available for more housing, the drought, water shortage.

i wish you had studied how our climate is and has, and will change more before coming up with these numbers. New York City is an 19th Century city, trains run next to huge apartment houses. No green, no trees, no space.

We do not , and cannot have such transportation, not suited, people will not totally give up cars. Other areas, such as the Sacramento Valley, Sacramento, Stockton, etc. want jobs. Take into account that more people will be telecommuting, which works out for employers and employees, for many reasons.

Most of all, scientists had stated that the West may well become uninhabitable because of the extreme drought conditions. California already only has half the water supply we used to, why aren't we being cognizant of our changing environment? This is not just these organizations, our Sate Capitol as well with these density bills. We can't go back to 'normal', what could be supported at one time no longer is possible.

I sincerely hope enough of us wake up, not just ABAG/MTC but government, humanity to plan for a future we have not experienced in our lifetimes.

Sincerely, Suzanne Keehn
President Creative Health Network

119-1

Letter 119
Creative Heath Network
Suzanne Keehn, President
July 20, 2021

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

119-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. See “Master Response 1: Regional Growth Forecast” for a discussion related to how population projections were developed for the proposed Plan and “Master Response 6: MTC and ABAG Roles and Authority” for a discussion of local control over density, housing, and development. See “Master Response 3: Water Supply” for a discussion related to the drought. Section 3.6 of the Draft EIR, “Climate Change, Greenhouse Gases, and Energy,” discusses the existing conditions and potential effects of the project as they related to climate change.

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

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 240
West Sacramento, CA 95691
(916) 375-4800 / FAX (916) 376-3962
www.delta.ca.gov



**Letter
120**

Don Nottoli, Chair
Sacramento County Board of Supervisors

Chuck Winn, Vice Chair
San Joaquin County Board of Supervisors

Diane Burgis
Contra Costa County Board of Supervisors

John Vasquez
Solano County Board of Supervisors

Oscar Villegas
Yolo County Board of Supervisors

George Fuller
Cities of Contra Costa and Solano Counties

Paul Steele
Cities of Sacramento and Yolo Counties

Alan Nakanishi
Cities of San Joaquin County

Jim Paroli
Central Delta Reclamation Districts

Tom Slater
North Delta Reclamation Districts

Nick Mussi
South Delta Reclamation Districts

David Kim
CA State Transportation Agency

Karen Ross
CA Department of Food and Agriculture

Wade Crowfoot
CA Natural Resources Agency

Brian Bugsch
CA State Lands Commission

Ex Officio Members

Honorable Jim Frazier
California State Assembly

Vacant
California State Senate

July 20, 2021

MTC Public Information
Attn: Draft Plan/Draft EIR Comment
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: Plan Bay Area 2050 and Draft Environmental Impact Report

Dear Sir or Madam:

Thank you for providing the Delta Protection Commission (Commission) with the opportunity to review Plan Bay Area 2050 and the Draft Environmental Impact Report (EIR). Plan Bay Area 2050 serves as the Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area, which provides integrated strategies for housing, the economy, transportation, and the environment.

The Commission is a State agency charged with ensuring orderly, balanced conservation and development of Delta land resources and improved flood protection. Proposed local government projects within the Primary Zone of the Legal Delta must be consistent with the Commission’s Land Use and Resource Management Plan (LURMP). Portions of Contra Costa and Solano counties are in the Primary Zone.

For those portions of Contra Costa and Solano counties that are in the Secondary Zone and outside of the Legal Delta, we submit comments under Public Resource Code Sections 29770(d) and 5852-5855 (The Great California Delta Trail Act). These sections state that the Commission may comment on projects in the Secondary Zone that impact the Primary Zone and direct the Commission to develop and adopt a plan and implementation program for a continuous regional recreational corridor extending throughout the five Delta counties linking to the San Francisco Bay Trail and Sacramento River Trail. Several of the Plan Bay Area’s Priority Development Areas and Priority Production Areas fall within the Secondary Zone and could impact Primary Zone resources.

Commission comments on Plan Bay Area 2050 and the Draft EIR focus on five areas:

120-1

July 20, 2021
Page 2

Great California Delta Trail: We appreciate Plan Bay Area 2050 strategies – T8 (Complete Streets Network), T9 (Regional Vision Zero Policy), and EN6 (Modernize and Expand Parks, Trails and Recreation Facilities) – and Draft EIR Mitigation Measure AQ-3(d) that emphasize the need for investment in local and regional trails. As noted in our earlier comment letter on the Notice of Preparation, the Commission completed the Delta Trail Western Blueprint Report for Contra Costa and Solano Counties in 2010 and is currently preparing the Delta Trail Master Plan for the five-county Delta region, including Contra Costa and Solano counties. The completion of this regional trail system could help Association of Bay Area Governments and Metropolitan Transportation Commission implement Plan Bay Area 2050 strategies.

120-2

Movement of People in the Northern California Megaregion: Plan Bay Area 2050’s discussion of the Northern California Megaregion, an area that includes the Delta, focuses on economic needs, goods movement, high-speed rail, and collaboration on major transportation projects. The plan should also recognize the movement of people between the Bay Area, Sacramento, and Stockton regions on megaregion highways. The Delta transportation system is experiencing strain because commuters and other travelers are bypassing congested interstate highways for Delta highways, which are often located on narrow, winding levee tops and serve as important corridors for vehicles serving the region’s agricultural economy. They cannot handle substantial traffic from megaregional travelers, particularly in small unincorporated towns with limited pedestrian facilities. This issue requires creative approaches to ensure that bicyclists, drivers, and pedestrians remain safe.

120-3

Potential Effects of Remote Work on Regional Transportation: While we understand that the long-term effects of COVID-19 pandemic remain uncertain and the Plan Bay Area process started before the pandemic began, the plan’s discussion of the potential effects of remote work on transportation is incomplete. The text only provides a brief mention of remote work and transportation:

New revolutions in the transportation field, like self-driving cars or the growing acceptance of remote work, could remake the Bay Area’s transportation system once again, or they may fade away as fads never fully realized. (p. 14)

120-4

Dismissing remote work as a fad ignores evidence showing greater acceptance of the practice by employers and greater desire to work at home by employees since the pandemic began. A wide array of jobs shifted to remote locations; many employers have remained cautious about moving daily work and meetings back into office settings. Such a sea change in remote work seems unlikely to fade away completely. The Draft EIR cannot possibly address the potential impacts of remote work if the plan does not assess what they are. Plan Bay Area 2050 should consider the repercussions of this change and suggest possible strategies other than traditional transportation demand management initiatives.

Broadband Infrastructure Improvements: We appreciate the attention that Plan Bay Area 2050 pays to supporting the expansion of broadband infrastructure, particularly for low-income households. Fortunately, the federal and state governments have increasingly recognized the insufficiency of existing broadband infrastructure, especially in light of enhanced demand during the pandemic, and are providing funding for improving networks. The plan should provide additional guidance on how this

120-5

July 20, 2021
Page 3

funding can be used, including recognizing the physical obstacles to high-speed internet that rural areas face. We encourage Plan Bay Area 2050 to take any steps to speed broadband infrastructure development since the region does not have decades to resolve this issue.

120-5
cont.

Sacramento-San Joaquin Delta National Heritage Area: The Commission is the local coordinating entity for the newly established Sacramento-San Joaquin Delta National Heritage Area (NHA), a federal designation that includes portions of northern Contra Costa County and southern Solano County. NHAs are places where natural, cultural, historic, and recreation resources combine to form a cohesive, nationally important landscape. In areas throughout the country, NHAs adopt a grassroots, community-driven approach to heritage conservation and economic development. The Delta NHA provides an opportunity to provide more jobs in housing-rich places such as Antioch, Benicia, Brentwood, Hercules, Martinez, Oakley, Pittsburg, Rio Vista, Vallejo, and nearby unincorporated areas while also promoting historic preservation, natural resource conservation, and recreation. Broadband, highway, and transit infrastructure improvements in these areas will be critical in encouraging job creation.

120-6

Thank you for the opportunity to provide input. Please contact Blake Roberts, Program Manager I, at (530) 650-6572 for any questions regarding the comments provided.

Sincerely,

Erik Vink
Executive Director

cc: Diane Burgis, Contra Costa County Board of Supervisors and Commission Member
John Vasquez, Solano County Board of Supervisors and Commission Member
George Fuller, City of Oakley City Council and Commission Member

Letter 120
Delta Protection Commission
Erik Vink, Executive Director
July 20, 2021

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

120-1

The comment is an introductory statement. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The Delta Protection Commission is discussed in Draft EIR section 3.11, “Land Use, Population, and Housing.” The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

120-2

This is a comment expressing support for strategies in the proposed Plan and mitigation in the Draft EIR that emphasize the need for investment in local and regional trails. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

120-3

The commenter express concerns regarding megaregional auto travel's impacts on Delta highways in the Bay Area, Sacramento, and San Joaquin Valley regions. The proposed Plan's regional growth forecast is required to assume that enough housing will be built in order to house all economic segments of the projected population and not result in an increase in in-commuters (people commuting from outside of the nine-county Bay Area to work); more information on this requirement may be found in row 6a of Table 1-1 on page 1-14 of the Draft EIR. The proposed Plan does include transportation investments that would improve alternatives to driving for megaregional travelers, including new commuter rail service between San Joaquin County and Alameda County (Valley Link) and more frequent SolTrans express bus service between Sacramento and various destinations within the Bay Area, among others. More information on investments like these may be found in the Plan Bay Area 2050 Transportation Project List supplemental report. Section 5.4 of the Draft EIR discusses cumulative impacts associated with the implementation of the proposed Plan and the potential for cumulative impacts from growth extending beyond the region.

120-4

See Response to Comment 115-2 for a discussion related to telecommuting. See also “Master Response 2: COVID-19 Pandemic Considerations.”

120-5

The commenter provides opinions and recommendations regarding broadband infrastructure and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

120-6

The comment describes the Sacramento–San Joaquin Delta National Heritage Area, the Delta Protection Commission's role in relation to it, and the potential for the area to provide jobs in housing-

rich places. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

**Letter
121**



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July 20, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

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Via email: eircomments@bayareametro.gov

RE: Comments on the Draft Plan Bay Area 2050 and Draft Environmental Impact Report, SCH# 2020090519

To whom it may concern:

Thank you for the opportunity to review and comment on the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) Draft Plan Bay Area 2050 and the associated Draft Environmental Impact Report (Draft EIR). The Delta Stewardship Council (Council) recognizes the objective(s) of Plan Bay Area 2050, as described in the Notice of Availability, to serve as the 2021 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), a long-range regional plan for transportation, housing, the economy and the environment in the nine-county San Francisco Bay Area region.

As stated in our previous comment letters related to Plan Bay Area 2050¹, the Council is an independent state agency established by the Delta Reform Act of 2009, which is codified in Division 35 of the California Water Code, sections 85000-85350. The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta and Suisun Marsh (Delta) ecosystem, to 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. (Cal. Water Code § 85054.) Pursuant to the Delta

121-1

121-1
cont.

¹ The Council previously submitted comment letters on Plan Bay Area 2050 on February 25, 2020 and October 28, 2020. MTC/ABAG responded to the Council's February 25, 2020 comment letter in a letter dated April 7, 2020 regarding the proposed Growth Geographies that are located within the Delta.

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Comments on Draft Plan Bay Area 2050 and Draft EIR
July 20, 2021
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Reform Act, the Council has adopted the Delta Plan, a legally enforceable management framework for the Delta for achieving the coequal goals. (Cal. Water Code § 85001(c).)

The Delta Reform Act also requires the Council to review and provide advice and input to local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies. The Council’s input shall include, but not be limited to, reviewing the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta and reviewing whether the lands set aside for natural resource protection are sufficient to meet the Delta’s ecosystem needs (Cal. Water Code § 85212.). This letter constitutes the Council’s review of and advice on the Draft Plan Bay Area 2050 pursuant to Water Code section 85212, as well as the Council’s comments on the associated Draft EIR.

121-1
cont.

MTC/ABAG’s Plan Bay Area 2050 is an (RTP/SCS) for the nine-county San Francisco Bay Area region. Portions of the nine-county region, specifically Alameda, Contra Costa, and Solano Counties, include land within the Delta.

Delta Reform Act Requirements for Regional Transportation Plans and Sustainable Communities Strategies

The Delta Reform Act requires that metropolitan planning organizations preparing a regional transportation plan that includes land within the primary or secondary zones of the Delta consult with the Council early in the planning process. (Cal. Water Code § 85212.) Council staff and MTC/ABAG staff met for this purpose on December 12, 2019 and January 22, 2020.

The Delta Reform Act also requires that the metropolitan planning organization provide a draft SCS and an alternative planning strategy, if any, to the Council, no later than 60 days prior to adoption of the final RTP, along with concurrent notice of the submission in the same manner as an agency filing a certification of consistency. (Cal. Water Code § 85212.) MTC/ABAG made Draft Plan Bay Area 2050 available to the Council on June 3, 2021, including concurrent notice, in the same manner in which agencies file a certificate of consistency, pursuant to Water Code section 85225.

121-2

If the Council concludes that the submitted draft sustainable communities strategy (or alternative planning strategy) is inconsistent with the Delta Plan, it will provide to MTC/ABAG a written notice of the claimed inconsistency no later than 30 days prior to the adoption of the final Plan Bay Area 2050. If MTC/ABAG receives a timely written notice of

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inconsistency from the Council, MTC/ABAG’s adoption of the Final Plan Bay Area 2050 must include a detailed response to the Council’s notice. (Cal. Water Code § 85212.)

Preliminary findings as to the consistency of the June 3, 2021 Draft of Plan Bay Area 2050 with the Delta Plan are offered within this letter based on Council staff analysis². The Council invites MTC staff to make a presentation to the Delta Stewardship Council on Plan Bay Area 2050 at the September 23, 2020 Council meeting prior to the adoption hearings. Please notify the Council via electronic mail addressed to Avery Livengood (Avery.Livengood@deltacouncil.ca.gov) when the adoption hearings for the Final Plan Bay Area 2050 are scheduled.

121-2
 cont.

Delta Plan Covered Actions

A state or local agency that proposes to carry out, approve, or fund an action that occurs in whole or in part in the Delta (a “covered action”) is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Cal. Water Code § 85225.) The Delta Reform Act exempts from this requirement actions within the Secondary Zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable community strategy (or alternative planning strategy) and that the State Air Resources Board has determined would achieve regional greenhouse gas emission reduction targets. (Cal. Water Code § 85057.5(b)(4).) MTC/ABAG is the metropolitan planning organization for the Bay Area region, which contains portions of the Secondary Zone of the Delta. Thus, Water Code section 85057.5(b)(4) provides MTC/ABAG with a significant role in shaping the State’s Delta policy.

121-3

Council Review of and Input on the Draft Plan Bay Area 2050 and Draft EIR

This section presents the Council’s review of and input on the submitted Draft Plan Bay Area 2050, pursuant to Water Code section 85212. It also presents the Council’s comments on the Draft EIR.

121-4

121-2
 cont.

² The preliminary findings provided in this comment letter will be recommended by Council staff and considered for approval by the Council at its September 23, 2021 monthly meeting, following a presentation by MTC/ABAG and public comment. The Council will then transmit an updated version of this letter to MTC/ABAG inclusive of any revisions approved by Councilmembers and attesting to the Council’s action should the Council approve the findings.

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1. Urban Expansion within the Delta

The Council exercises its authority through regulatory policies (set forth in Title 23 of the California Code of Regulations, Sections 5001 through 5016) and recommendations incorporated into the Delta Plan. One of the regulatory policies, Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010) places certain limits on new urban development within the Delta. New residential, commercial, or industrial development must be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption (May 16, 2013). In Contra Costa County, new residential, commercial, and industrial development within the Delta must be limited to areas within the 2006 voter-approved urban limit line (ULL) (Cal. Code Regs., tit. 23, § 5010(a)(2)). This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

Council staff reviewed the Draft Blueprint for Plan Bay Area 2050 in February 2020 for consistency with **DP P1**. The Draft Blueprint designates four types of "Growth Geographies," or geographic areas used to guide where housing and jobs development would occur: Priority Development Areas (PDAs), Priority Production Areas (PPAs), Transit-Rich Areas (TRAs), and High-Resource Areas (HRAs). Plan Bay Area 2050 identifies strategies to accommodate new residential, commercial, and/or industrial development within these Growth Geographies.

The Council's February 25, 2020 and October 28, 2020 comment letters advised MTC/ABAG that its selection of Growth Geographies should ensure that they provide for wise residential, commercial, and industrial development that does not conflict with **DP P1**. According to MTC/ABAG's Regional Growth Framework for Plan Bay Area 2050, only areas fully within an existing urbanized area, and undeveloped areas within an established urban growth boundary (UGB) or limit line (ULL), are eligible to be nominated as PDAs and PPAs. Thus, by definition, new residential, commercial, or industrial development within these areas should be consistent with **DP P1**. Council staff have reviewed the PDA and PPA boundaries identified in Draft Plan Bay Area 2050 within and adjacent to the Delta, including changes to these boundaries since the Draft Blueprint was approved in February 2020, and have confirmed that these PDAs and PPAs would be consistent with **DP P1**.

The Draft Plan Bay Area 2050 includes two TRAs within the Delta, both of which are located within Contra Costa County's 2006 voter-approved ULL, and thus would be consistent with **DP P1**. Council staff did not identify any HRAs within the Delta.

121-4
cont.

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The Council's October 28, 2020 comment letter on the Notice of Preparation (NOP) requested that the Draft EIR acknowledge Policy **DP P1** in the regulatory setting for the Land Use and Planning section, as well as in the Draft EIR growth inducement discussion. Thank you for acknowledging Policy DP P1 throughout the Land Use, Population, and Housing section of the Draft EIR . While the Growth-Inducing Impacts section of the Draft EIR does not specifically acknowledge Policy **DP P1**, it concludes that Draft Plan Bay Area 2050 is not growth-inducing, but rather accomodates forecasted growth in the region.

121-5

The Council's October 28, 2020 comment letter also requested that the Draft EIR document how the RTP/SCS is consistent with Policy **DP P1**, and evaluate whether any of the Growth Geographies located within or adjacent to the Delta have the potential to induce residential, commercial, or industrial development that would be inconsistent with **DP P1**. The Land Use, Population, and Housing section discussion of Impact LU-2 ("Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect") for land use impacts acknowledges Policy **DP P1** and states that "[P]rojected development could affect consistency with the Delta Plan adopted by the Delta Stewardship Council because development at the urban edge could adversely impact agriculture, natural resources, recreational land, and water quality in the Delta" (pp. 3.11-24 – 3.11-25). The discussion goes on to state that:

"In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan's adoption (January 2019). Jurisdictions with land in the Primary Zone are required by [Public Resources Code (PRC)] Section 29763 to adopt general plans with land uses consistent with the goals and policies in the Delta Plan, subject to review by the Delta Stewardship Council. Therefore, subsequent projects within the proposed Plan that fall within the Delta Plan boundaries would be required to demonstrate consistency with the plan and satisfy mitigation requirements" (p. 3.11-25).

121-6

This description of Policy **DP P1** should be revised to correctly reflect the policy's requirements. Policy **DP P1** stipulates that new residential, commercial, or industrial development must be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption (May 16, 2013). In Contra Costa County, new residential, commercial, and industrial development within the Delta must be limited to areas within the 2006 voter-approved urban limit line. (Cal. Code Regs., tit. 23, § 5010(a)(2).) The requirements of Public Resources Code section 29763, referenced on page

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3.11-25 of the Draft EIR, pertain to the Delta Protection Commission and its Land Use and Resource Management Plan for the Primary Zone of the Delta. While the Delta Protection Commission has jurisdiction within the Delta’s primary zone, the Council’s jurisdiction includes the primary and secondary zones of the Delta as well as Suisun Marsh.

121-6
cont.

The Council’s October 28, 2020 comment letter noted that the Council also has an interest in recommended transportation projects in the RTP/SCS that may induce urban expansion or improve or degrade connections to rural areas, that would be inconsistent with **DP P1**, and that the Draft EIR should describe what infrastructure, beyond the recommended transportation projects, would be necessary to support the strategy or the plans, programs, projects, or activities encompassed within it.

The Land Use, Population, and Housing section of the Draft EIR discusses transportation system impacts with respect to the Delta Plan within analysis of Impact LU-2, stating that “Development of transportation projects could affect consistency with the Delta Plan if transportation projects were developed at the urban edge and had adverse impacts on agriculture, natural resources, recreational land, and water quality in the Delta. Therefore, subsequent transportation projects within the proposed Plan that fall within the Delta Plan boundaries would be required to demonstrate consistency with the plan and satisfy mitigation requirements” (p. 3.11-28). It should be noted, however, that Water Code section 85057.5(b)(4) exempts such actions from Delta Plan covered action requirements if MTC determines that the action is consistent with either an SCS or alternative planning strategy that achieves California Air Resources Board greenhouse gas emissions targets for the region. In other words, if MTC determines that a transportation project is consistent with Plan Bay Area 2050, that project would be exempt from the Delta Plan covered actions process.

121-7

The Growth-Inducing Impacts section also notes that while some proposed transportation projects—such as the widening or expansion of roadways—could be considered growth-inducing at a local scale, these projects would support the growth forecasted for the region. The Growth-Inducement section notes that the proposed transportation projects are designed to achieve more sustainable forecasted growth, and that while obstacles to growth would be removed by providing more capacity in some instances, this growth is forecasted.

121-8

***Preliminary Finding:** Based on review of the Draft Plan Bay Area 2050 and the Draft EIR, in compliance with the Delta Reform Act, section 85212, the Council has not identified any inconsistency of Draft Plan Bay Area 2050 with Delta Plan Policy **DP P1**. However, in the Final EIR MTC/ABAG should correctly summarize **DP P1** requirements and identify*

121-9

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conclusions regarding consistency with this policy related to the Delta Plan rather than the Land Use and Resource Management Plan for the Delta.

121-9
 cont.

2. Consistency with Ecosystem Restoration Needs and Sufficiency of Lands Set Aside

Section 85212 of the Delta Reform Act requires that the Council's input on local and regional planning documents, including sustainable communities strategies, include, but not be limited to reviewing:

- the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta; and
- whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs.

121-10

Thank you for acknowledging this in the Biological Resources section of the Draft EIR. Additionally, we appreciate your acknowledgement of policies **ER P2** ("Restore Habitats at Appropriate Elevations") (Cal. Code Regs., tit. 23, § 5006), **ER P4** ("Expand Floodplains and Riparian Habitats in Levee Projects") (Cal. Code Regs., tit. 23, § 5008), and **ER P5** ("Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species") (Cal. Code Regs., tit. 23, § 5009); and recommendations **ER R2** ("Prioritize and Implement Projects That Restore Delta Habitat") and **WR R12** in the regulatory setting of the Biological Resources section of the Draft EIR. Please note that Delta Plan recommendation WR R12 was amended in 2018; WR R12 is now titled "Promote options for conveyance, storage, and the operation of both."

a. Consistency with Restoration Needs

The Delta Plan designates six priority habitat restoration areas (PHRAs) that have the greatest potential for large-scale habitat restoration (Delta Plan, Chapter 4, p. 136-138). Delta Plan Policy **ER P3** (Cal. Code Regs., tit. 23, § 5007) states that significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated in these areas (depicted in Appendix 5:

[https://govt.westlaw.com/calregs/Document/I23BAB44007AA11E39A73EBDA152904D8?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I23BAB44007AA11E39A73EBDA152904D8?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))). As stated in our previous comment letters, four PHRAs are located partially or wholly within the RTP/SCS planning area: (1) Suisun Marsh; (2) Cache Slough; (3) the southern and western portions of the Yolo Bypass; and (4) the Winter Island and Dutch Slough portions of the Western Delta PHRA. The consistency of Plan Bay Area 2050 with the

121-11

MTC/ABAG

Comments on Draft Plan Bay Area 2050 and Draft EIR

July 20, 2021

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ecosystem restoration needs of the Delta is based on its potential to impact the opportunity to restore habitat in these PHRAs.

In its February 25 and October 28, 2020 comment letters the Council requested that in the Draft EIR for this project MTC/ABAG analyze whether Plan Bay Area 2050 would induce growth in any of the areas that the Delta Plan has designated to meet the Delta's ecosystem restoration needs. While the Biological Resources section of the Draft EIR acknowledges Policy **ER P3** in the regulatory setting, it does not describe the PHRAs nor capture these protected areas in the thresholds of significance used to determine impacts to Biological Resources. As described in Section 1 ("Urban Expansion within the Delta"), the Land Use, Population, and Housing section of the Draft EIR states that development at the urban edge could adversely impact natural resources in the Delta (pp. 3.11-24 - 3.11-25). Nevertheless, Impact BIO-2 in the Biological Resources section addresses impacts to "riparian habitat, State- or federally protected wetlands (including but not limited to marsh, vernal pool, coastal), or other sensitive natural communities..." and states that there is a less than significant impact after mitigation. Therefore, although the Draft EIR includes no specific conclusion relative to Policy **ER P3**, it appears that Impact BIO-2 and the associated mitigation measures would adequately address Policy **ER P3**.

121-11
cont.

Council staff have reviewed the Growth Geographies within and adjacent to the Delta, including changes to these boundaries since the Draft Blueprint was approved in February 2020, and has not identified any conflict between the Growth Geographies and PHRAs depicted in Delta Plan Policy **ER P3**.

b. Sufficiency of Lands Set Aside

The Council appreciates that Plan Bay Area 2050 aims to protect conservation areas by including strategies to protect open space lands and to concentrate development within already developed areas (a focused growth approach). Implementation of Plan Bay Area 2050 Strategies EN4 and EN5 would protect existing scenic resources, including scenic views, located within open space lands, agricultural lands, wildland-urban interface lands, and designated Priority Conservation Areas (PCAs) (Draft EIR, p. 3.2-11).

121-12

Plan Bay Area 2050 sets aside specific lands for conservation in locally-nominated PCAs. The Council's February 25, 2020 and October 28, 2020 comment letters noted that the Draft Blueprint featured two PCAs that overlap with a Delta Plan PHRA. The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCC HCP/NCCP) PCA covers the Dutch Slough portion of the Delta Plan's Western Delta PHRA, and the Cache Slough PCA covers the Delta Plan Cache Slough PHRA. Council staff has reviewed the

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Comments on Draft Plan Bay Area 2050 and Draft EIR

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PCAs identified in the Draft Plan Bay Area 2050 and Draft EIR, and determined that two additional PCAs are located partially within a Delta Plan PHRA. The Delta Recreation Area PCA covers the Dutch Slough portion of the Delta Plan’s Western Delta PHRA, and the Tri-City-County Cooperative Planning Area PCA covers the northwestern corner of the Delta Plan’s Suisun Marsh PHRA.

Thank you for including these PCAs corresponding to Delta Plan PHRAs in the Draft Plan Bay Area 2050. We continue to encourage MTC/ABAG to designate the entire Suisun Marsh, the southern and western portions of the Yolo Bypass, and Winter Island as PCAs. The Council will support and encourage additional locally-nominated PCA designations that recognize and align with these remaining Delta Plan PHRAs located within Solano County and Contra Costa County. Such actions will ensure that the lands set aside for natural resource protection are in the priority locations and at elevations necessary to meet the Delta’s ecosystem needs.

121-12
cont.

Preliminary Finding: Based on review of the Draft Plan Bay Area 2050 and the Draft EIR, in compliance with the Delta Reform Act, section 85212, the Council has not identified that lands set aside for conservation and restoration in the Draft Plan Bay Area 2050 are inconsistent with the ecosystem restoration needs of the Delta. However, as discussed above, MTC/ABAG should work with the Council, Solano County, and Contra Costa County to recognize and align additional PCAs with remaining Delta Plan PHRAs.

Closing Comments and Next Steps

Pursuant to Water Code section 85212, the Council has reviewed and provided advice and input on the Draft Plan Bay Area 2050 as outlined in this letter. The Council has not identified any inconsistency with the Delta Plan.

The preliminary findings provided in this comment letter will be recommended by Council staff and considered for approval by the Council at its September 23, 2020 monthly meeting, following a presentation by MTC/ABAG and public comment. The Council will then transmit an updated version of this letter to MTC/ABAG inclusive of any revisions approved by Councilmembers and attesting to the Council’s action should the Council approve the findings.

121-13

The Council invites you to continue to engage Council staff prior to and following the adoption of Plan Bay Area 2050 to coordinate implementation and subsequent plan updates. Please contact Avery Livengood at (916) 445-0782 or Avery.Livengood@deltacouncil.ca.gov with any questions.

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Sincerely,



Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

CC:

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Jessica Fain, Bay Conservation and Development Commission (jessica.fain@bcdca.gov)

Erik Vink, Delta Protection Commission (Erik.Vink@delta.ca.gov)

Letter 121
Delta Stewardship Council
Jeff Henderson, AICP, Deputy Executive Officer
July 20, 2021

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

121-1

The comment provides information related to the Delta Stewardship Council and its relationship to the proposed Plan. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

121-2

The commenter does not raise specific issues related to the Draft EIR or the analysis of environmental impacts. MTC and ABAG staff have reached out to the Delta Stewardship Council to schedule a presentation on the proposed Plan, and informed the Council of the anticipated October 21, 2021, Plan adoption hearing.

121-3

The comment provides information related to the Delta Stewardship Council's authority related to proposals to carry out, approve, or fund an action in the Delta. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The MTC Commission and ABAG Executive Board will consider this comment as part of their overall consideration of the proposed Plan.

121-4

The commenter confirms that the proposed Plan's growth geographies are consistent with Delta Plan Policy DP P1. The comment is noted for consideration during project review.

121-5

The comment notes that the Draft EIR acknowledges Delta Plan Policy DP P1 as requested in the commenter's letter on the Notice of Preparation. The MTC Commission and ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

121-6

The commenter notes that Delta Plan Policy DP P1 should be revised to correctly reflect the policy's requirement for new development to be consistent with land use designations in city or county general plans from 2013 [Cal. Code Regs., Tit. 23 S5010(a).] This change is presented in Chapter 3 of this Final EIR, "Revisions to the Draft EIR." The correction does not alter the conclusions with respect to the impact significance because the change clarifies the California Code of Regulations language.

The comment is noted. The text starting in the last paragraph on Draft EIR page 3.11-24 is revised to read as follows (new text shown in underline, deleted text in ~~strikeout~~):

In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development must be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan's adoption (May 16, 2013) In Contra Costa County, new residential, commercial, and industrial development within the Delta must be limited to areas within the 2006 voter-approved urban limit line. ~~is permitted outside the urban~~

~~boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan's adoption (January 2019).~~ Jurisdictions with land in the Primary Zone are required by PRC Section 29763 to adopt general plans with land uses consistent with the goals and policies in the Delta Plan, subject to review by the Delta Stewardship Council. Therefore, subsequent projects within the proposed Plan that fall within the Delta Plan boundaries would be required to demonstrate consistency with the plan and satisfy mitigation requirements.

121-7

The commenter provides information on Water Code section 85057.5(b)(4) and does not raise a specific environmental issue or concern regarding the adequacy, accuracy, or completeness of the Draft EIR. Potential impacts related to construction and operation of transportation projects are identified in Sections 3.2 through 3.15 of the Draft EIR, including Section 3.3 (“Agriculture and Forestry Resources”), Section 3.5 (“Biological Resources”), Section 3.6 (“Climate Change, Greenhouse Gases, and Energy”), Section 3.10 (“Hydrology and Water Quality”), Section 3.11 (“Land Use, Population, and Housing”), and Section 3.13 (“Public Services and Recreation”).

121-8

The comment correctly states that the Draft EIR concludes that transportation project would not be growth inducing, but would instead support more sustainable forecasted growth. See also “Master Response 1: Regional Growth Forecast.”

121-9

The commenter shares a preliminary finding of consistency between the proposed Plan and the Draft EIR with the Delta Reform Act. See Responses to Comments 121-4 and 121-6 for discussion related to the comment.

121-10

The comment is noted. The text at the top of Draft EIR page 3.5-29 is revised to read as follows (new text shown in underline, deleted text in ~~strikeout~~):

...recommendations to further the State’s coequal goals for the Delta: Improve Statewide water supply reliability and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects, and enhances the unique agricultural, cultural, and recreational characteristics of the Delta. The Delta Plan was unanimously adopted by DSC on May 16, 2013, and became effective with legally enforceable regulations on September 1, 2013. The following regulatory policies and recommendations are applicable to biological resources:

- ▲ ~~Complete Bay Delta Conservation Plan~~ Promote options for conveyance, storage, and the operation of both (Recommendation WR R12).
- ▲ Restore Habitats at Appropriate Elevations (23 CCR Section 5006).
- ▲ Protect Opportunities to Restore Habitat (23 CCR Section 5007).
- ▲ Expand Floodplains and Riparian Habitats in Levee Projects (23 CCR Section 5008).
- ▲ Prioritize and Implement Projects That Restore Delta Habitat (Recommendation ER R2).
- ▲ Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species (23 CCR Section 5009).
- ▲ Prioritize and Implement Actions to Control Nonnative Invasive Species (Recommendation ER R7).

121-11

The comment regarding the adequacy of the Draft EIR Impact BIO-2 discussion to address Policy ER P3 is noted.

121-12

As discussed in the last paragraph on page 2-36 of the Draft EIR, “[t]he proposed Plan also includes 184 locally nominated Priority Conservation Areas (PCAs). Although not a designated growth geography, PCAs are areas of regional significance that have broad community support for conservation and need environmental protection.” Draft Implementation Action 10c, on page 145 of Chapter 7, "Implementation Plan," of the Draft Plan Bay Area 2050 report identifies a near-term action to "revamp the Priority Conservation Area (PCA) program using a data-driven approach to better prioritize the most critical areas for conservation, while addressing a broader range of policy concerns" in order to implement the Plan's strategy (EN05) to protect and manage high-value conservation lands. The next opportunity to nominate new PCAs will occur as part of the next iteration of Plan Bay Area. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review.

121-13

The commenter provides opinions and recommendations and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts.

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



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

**Letter
122**

July 19, 2021

Therese McMillan, Executive Director
Metropolitan Transportation Commission
Association of Bay Area Governments
375 Beale Street
San Francisco, CA 94105

SUBJECT: Draft *Plan Bay Area 2050* and Draft *Plan Bay Area 2050* Environmental Impact Report Comments

Dear Ms. McMillan:

The Dry Creek Rancheria Band of Pomo Indians is one of the six federally recognized Tribal Nations with lands or Tribal offices located within the Metropolitan Transportation Commission (MTC) nine-county Bay Area. We have appreciated being apprised of your *Plan Bay Area 2050* activities through the Tribal Consultation process and look forward to additional consultation during this summer 2021 prior to your final plan adoption. As context, our Tribe is integrally connected to the communities of Northern Sonoma County. Our Tribal lands are located in the hills east of Geyserville, where we operate a gaming facility. Like many Tribes in the area, our Tribal offices are located in Santa Rosa, within walking distance of the SMART Sonoma County Airport Station.

We have reviewed your various draft documents and make the following comments:

- Several of your documents reference *Expand and Modernize Regional Rail*, yet your transportation investment strategies do not include any new investments to the SMART rail system, for passenger or freight, north of Windsor. Map 4.2 in the Transportation report clearly shows no further rail investment into Alexander Valley. As we understand it, exclusion from your plan means SMART cannot compete for grant funds to extend north of Windsor and this needs to be corrected in the final Plan Bay Area 2050 document so that this needed investment in rail in Northern Sonoma County can occur.
- Your other plan goals reference supporting access to economic opportunity and housing while striving for protection of the environment. We believe completing SMART to Healdsburg and Cloverdale will support your goals being achieved in our part of the Bay Area. We are also interested in adding a station in Geyserville.
 - For our community to access economic opportunity, health care and higher education means traveling long distances to Santa Rosa. The Dry Creek Rancheria Band of Pomo are participants in the Sonoma County Indian Health Project in Santa Rosa. Our Tribal offices are also located in Santa Rosa. We, and nearly all residents of Northern Sonoma County, must travel greater distances than most people in the Bay Area to access basic services. Visiting the doctor is

122-1

Mailing Address: P.O BOX 607, Geyserville, CA 95441
Rancheria Address: 3250 Highway 128 East, Geyserville, CA 95441
Office Address: 1450 Airport Boulevard, Suite 200A, Santa Rosa, CA 95403

- often prohibited due to transportation time or cost. Completing SMART to Cloverdale will support some of the poorest in our communities to have equitable access to services.
- Shifting freight from trucks to rail will help businesses grow in an environmentally friendly fashion while supporting local environmental health. Rehabilitating the SMART tracks to Cloverdale will result in accomplishing multiple Plan Bay Area 2050 goals.
 - In Northern Sonoma County we have been pressed by housing shortages and stressed by 3 years of fires regularly destroying more housing stock. We support affordable housing in our area and believe that extending the regional rail network to our area will unlock the creation of more affordable housing stock in the Alexander Valley.
 - The current options of sacrificing time to take available bus transit or driving means many in our community are choosing a path that is worse for our planet. We believe completing SMART to Cloverdale will result in a higher quality transit service that will encourage more environmentally friendly behavior.
 - Many of your plan elements reference incentivizing the “shift of jobs to housing rich areas well served by transit” (p. 142). We feel everyone deserves access to economic opportunity and completing the SMART project through northern Sonoma County will help towards that goal.

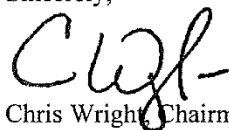
122-1
cont.

We request Plan Bay Area 2050 be revised to add “SMART to Cloverdale” back into the transportation documents and the financially constrained transportation project list.

SMART has nearly completed construction of the extension to Windsor and is now the owner of the existing un-rehabilitated railroad tracks through the Alexander Valley to the Mendocino County line. It is important to support SMART’s efforts to bring in outside state and federal resources to complete this project so it can be used for passenger rail for longer trips, pedestrian and bicycle access for local trips, freight rail so we can grow our economy in an environmentally friendly way, and to provide greater broadband access for our communities.

During the Tribal Consultation process for your last plan, Plan Bay Area 2040, we collectively stated ‘SMART must reach Cloverdale’. Our input is the same now. We **strongly** support the SMART train to Cloverdale and request additional consultation prior to your final plan adoption.

Sincerely,



Chris Wright, Chairman

DRY CREEK RANCHERIA BAND OF POMO INDIANS

Letter 122
Dry Creek Rancheria Band of Pomo Indians
Chris Wright, Chairman
July 20, 2021

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

122-1

This commenter requests that the SMART extension to Cloverdale be added to the Plan Bay Area 2050 Transportation Project List. Please see Response to Comment 94-1 and “Master Response 7: Fiscally Constrained Transportation Project List” for discussions related to this issue.

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

Letter
123

From: [Dulce Ponceleon](#)
To: [EIR Comments](#)
Subject: NO to Plan Bay Area 2050
Date: Tuesday, July 20, 2021 4:28:31 PM

External Email

I am shocked at the "Plan Bay Area" proposals. I find it hard to believe that it will be an improvement, moreover I believe it will make them worse

We already live in an area that has more jobs than people. I came to Palo Alto over 20 years ago and it was so different. Palo Alto is hardly a good candidate to build "affordable" housing. It is a joke, the people that will be living in those so-called affordable houses will be the reasonable-well-off people (engineers etc) not the poor people. New office buildings come up, those creating the jobs do not care about housing, how about they subsidise the housing? how about building in other places.

To me, this is a kiss of death for the Bay Area, it will be more crowded, more traffic, and none of the poor people will be inhabiting those subsidised places. engineers know how to work a loophole or so it seems. Do you really think this will help the poor? I do not think so .

Hence "NO to Plan Bay Area 2050"

dulce

123-1

Letter 123
Dulce Ponceleon
July 20, 2021

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

123-1

The comment expresses opposition to the proposed Plan. The comment is general in nature and does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan's strategies for affordable housing. The proposed Plan includes economic strategies (EC04, EC05, and EC06) that work in tandem with the proposed Plan's growth geographies to shift jobs. Other strategies to shift jobs were evaluated during the Horizon initiative and Plan development process. See Section 3.15 of the Draft EIR, "Transportation" for a discussion on the proposed Plan's potential effects on transportation conditions.

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



Letter
124

July 20, 2021

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: Draft Plan Bay Area 2050

Dear Director McMillan:

On behalf of the East Bay Economic Development Alliance, the East Bay Leadership Council, and Innovation Tri-Valley Leadership Group, organizations that represent a broad spectrum of government, business, and private sector entities across the East Bay, we are writing to express our support once again for a number of strategies identified by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) in the draft Plan Bay Area 2050.

Our cross-sector organizations share many of the goals and objectives outlined in the draft document. We also value MTC/ABAG's desire to weave equity and long-term resiliency into the investments that will be needed to help the Bay Area continue to thrive and grow to 2050 and beyond. Notably, we support policies and projects that align with the following goals:

- Expand and enhance the mobility of people and goods across the region. Our organizations support policies that help to reduce inequities arising from increasingly challenging and complex commute sheds through affordable, reliable, safe, and seamless transportation networks and options.
- Champion the development of varied housing types across the region, particularly in transit-rich and employment areas. We also encourage strategies and policies that ease the financing and construction of housing so that it can be made more accessible and affordable to households at all income levels. We also support balanced and complete communities with access to jobs, recreation, and services to ensure a high quality of life.
- Attract and retain businesses of all sizes and industry sectors to ensure our region remains competitive in a dynamic global economy. We also encourage both physical and human infrastructure investments to create and sustain high-quality jobs and an inclusive workforce pipeline.

In addition to the aforementioned goals, we would like to reiterate our interest in the implementation of the following strategies that we feel are essential to our region's long-term success

Transportation strategies:

- T1: Restore, Operate, and Maintain the Existing System
- T2: Support Community-led Transportation Enhancements in Communities of Concern
- T3: Enable a Seamless Mobility Experience
- T6: Improve Interchanges and Address Highway Bottlenecks

124-1

- T7: Advance Other Regional Programs and Local Priorities
- T10: Enhance Local Transit Frequency, Capacity, and Reliability
- T11: Expand and Modernize the Regional Rail Network
- T12: Build an Integrated Regional Express Lane and Express Bus Network

Housing strategies:

- H3: Allow a Greater Mix of Housing Densities and Types in Blueprint Growth Geographies
- H4: Build Adequate Affordable Housing to Ensure Homes for All
- H6: Transform Aging Malls and Office Parks into Neighborhoods
- H7: Provide Targeted Mortgage, Rental and Small Business Assistance to Communities of Concern
- H8: Accelerate Reuse of Public and Community Land for Mixed Income Housing and Essential Services

Economic strategies:

- EC2: Expand Job Training and Incubator Programs
- EC3: Invest in High-Speed Internet in Underserved Low-Income Communities
- EC4: Allow Greater Commercial Densities in Growth Geographies
- EC5: Provide Incentives to Employers to Shift Jobs to Housing-Rich Areas Well Served by Transit
- EC6: Retain and Invest in Key Industrial Lands

We greatly appreciate the effort and commitment of the entire MTC/ABAG team in the development of Plan Bay Area 2050. Our organizations, both separately and collectively, look forward to continuing our dialogue with you as you pursue the many strategies that will help the greater Bay Area prepare for the future.

Warmest regards,



Kristin Connelly
President & CEO
East Bay Leadership Council



Stephen Baiter
Executive Director
East Bay Economic
Development Alliance



Lynn Naylor
CEO
Innovation Tri-Valley
Leadership Group

124-1
cont.

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East Bay Leadership Council (EBLC) is a private sector, public policy organization that advocates on issues affecting the economic vitality and quality of life of the region. EBLC's membership of East Bay employers includes leaders from business, industry, health care, education, local government, labor and the nonprofit community. www.eastbayleadershipcouncil.org

East Bay Economic Development Alliance (East Bay EDA) is a unique cross-sector partnership of private, elected, county/city/town and nonprofit leaders in the East Bay counties of Alameda and Contra Costa, helping to establish the East Bay as a globally-recognized region to grow business and attract capital and resources to create quality jobs and preserve a high quality of life. www.EastBayEDA.org

Innovation Tri-Valley Leadership Group (ITVLG) is a business leadership association committed to connecting the businesses, research labs, educational institution and civic leaders in the Tri-Valley region of the East Bay, by generating job growth and economic vitality for a region that is globally connected, regionally united and locally unique. www.innovationtrivalley.org

Letter 124
East Bay Coalition
Kristin Connelly, Stephen Baiter, and Lynn Naylor
July 20, 2021

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

124-1

The commenter provides support for numerous proposed Plan strategies, including transportation strategies T01, T02, T03, T06, T07, T10, T11, and T12; housing strategies H03, H04, H06, H07, and H08; and economic strategies EC02, EC03, EC04, EC05, and EC06. The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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



Letter
125

July 20, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA 94105

Re: Notice of Availability of a Draft Environmental Impact Report – Plan Bay Area 2050 (SCH# 2020090519), Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG)

Dear Sir/Madam:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report for the Plan Bay Area 2050 located in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. EBMUD has the following comments.

GENERAL

In Chapter 3.14 – Public Utilities and Facilities, Section 3.14.1 Environmental Setting, in Table 3.14-4, under Contra Costa County, EBMUD’s wastewater treatment facilities also serve the unincorporated community of Kensington. EBMUD’s drinking water and wastewater service areas are different.

125-1

In Chapter 3.14 – Public Utilities and Facilities, Section 3.14.1 Environmental Setting, in Table 3.14-9, the table is titled “Projected Service Area Population of Major Bay Area Water Agencies” and the metric used is households. EBMUD requests estimates of projected 2050 population in addition to households within our service area.

125-2

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:VDC:
sb21_139.doc

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

www.ebmud.com

Metropolitan Transportation Commission and Association of Bay Area Governments
July 20, 2021
Page 2

bcc: Olujimi Yoloye
Timothy McGowan
Vanessa Chi
Matthew Hoefl
Chron
M-0153

Letter 125
East Bay Municipal Utility District
David J. Rehnstrom, Manager of Water Distribution Planning
July 20, 2021

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

125-1

Table 3.14-4 of the Draft EIR has been updated to indicate that East Bay Municipal Utility District provides wastewater treatment services to the unincorporated community of Kensington.

Table 3.14-4, on Draft EIR pages 3.14-15 and 3.14-16, is revised as follows (new text is underlined):

Table Error! No text of specified style in document.-1: Wastewater Treatment Facilities in the Region

Treatment Agency	Service Area
Alameda County	
City of Hayward	City of Hayward
City of Livermore	City of Livermore and surrounding unincorporated areas
City of San Leandro, Environmental Services Division	City of San Leandro
Dublin San Ramon Services District	Cities of Pleasanton and Dublin
East Bay Municipal Utility District	Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont
Oro Loma Sanitary District	City of San Leandro, City of Hayward and unincorporated areas San Lorenzo, Ashland, Cherryland, Fairview, and portions of Castro Valley
Union Sanitary District	Cities of Fremont, Newark, and Union City
Contra Costa County	
Central Contra Costa Sanitary District	Cities of Clayton, Concord, Lafayette, Orinda, Pleasant Hill, San Ramon, Walnut Creek, Towns of Danville, Moraga, and unincorporated area of Alamo
City of Brentwood	City of Brentwood
City of Hercules / City of Pinole	City of Hercules
City of Richmond Municipal Services District	City of Richmond
Crockett-Valona Sanitary District	Unincorporated area of Crockett
Delta Diablo Sanitation District	Cities of Antioch, Pittsburg, and unincorporated Bay Point area
East Bay Municipal Utility District	Cities of El Cerrito, <u>and Richmond</u> <u>and unincorporated Kensington</u>
Ironhorse Sanitary District	City of Oakley and unincorporated area of Bethel Island
Mt. View Sanitary Eastern District	City of Martinez and surrounding unincorporated areas
Rodeo Sanitary District	Unincorporated Rodeo area
West County Wastewater District	City of Richmond and unincorporated El Sobrante area
Marin County	
Central Marin Sanitation Agency	City San Rafael and Towns of Corte Madera and Fairfax
Las Gallinas Valley Sanitary District	City of San Rafael and surrounding unincorporated areas
Marin County Sanitary District #5	Town of Tiburon
Novato Sanitary District	City of Novato and unincorporated Bel Marin, Ignacio and Hamilton areas
Ross Valley Sanitation District	City of Larkspur, Town of San Anselmo, and surrounding unincorporated areas

Treatment Agency	Service Area
Sausalito Marin City Sanitary District	City of Sausalito and unincorporated Marin City area
Sewerage Agency of Southern Marin	City of Mill Valley and surrounding unincorporated areas
Napa County	
City of American Canyon	City of American Canyon
City of Calistoga	City of Calistoga
City of St. Helena	City of St. Helena
Napa Sanitation District	City of Napa and unincorporated surrounding areas
Town of Yountville	Town of Yountville
San Francisco	
San Francisco Public Utilities Commission	City and County of San Francisco
San Mateo County	
City of Burlingame	City of Burlingame, Town of Hillsborough and unincorporated Burlingame Hills area
City of Millbrae	City of Millbrae
City of Pacifica	City of Pacifica
City of San Mateo/ Estero Municipal Improvement District	Cities of San Mateo and Foster City
Cities of South San Francisco and San Bruno	Cities of South San Francisco, San Bruno, Daly City and Millbrae and Town of Colma
North San Mateo County Sanitation District	Cities of Daly City and South San Francisco
Sewer Authority Mid- Coastside	City of Half Moon Bay and unincorporated Granada, Moss Beach and Montero areas
San Francisco Public Utilities Commission	Cities of Brisbane and Daly City
Silicon Valley Clean Water	Cities of Belmont, San Carlos, Redwood City, Menlo Park and Towns of Atherton, Portola Valley, Woodside
Santa Clara County	
City of Sunnyvale Water Pollution Control Plant	City of Sunnyvale
Palo Alto Regional Water Quality Control Plant	Cities of East Palo Alto, Los Altos, Mountain View, Palo Alto, Town of Los Altos Hills and unincorporated Stanford University area
San José/ Santa Clara County Water Pollution Control Plant	Cities of San José, Campbell, Saratoga, Monte Sereno, Cupertino, Milpitas and Town of Los Gatos
South County Regional Waste Water Authority	Cities of Morgan Hill and Gilroy
Solano County	
City of Benicia	City of Benicia
City of Dixon	City of Dixon
City of Rio Vista	City of Rio Vista
City of Vacaville	City of Vacaville
Fairfield-Suisun Sewer District	Cities of Fairfield and Suisun City
Vallejo Sanitation and Flood Control District	City of Vallejo
Sonoma County	
City of Cloverdale	City of Cloverdale
City of Petaluma	City of Petaluma and unincorporated Pengrove area
Sonoma Water Sonoma Valley County Sanitation District	Town of Sonoma and surrounding unincorporated areas

Treatment Agency	Service Area
Santa Rosa Water	Cities of Santa Rosa, Rohnert Park, Sebastopol, Cotati, and surrounding unincorporated areas
Town of Windsor	Town of Windsor
<u>Occidental County Sanitation District</u>	<u>Unincorporated Occidental area</u>
<u>Russian River County Sanitation District</u>	<u>Unincorporated Sonoma County</u>
<u>South Park County Sanitation District</u>	<u>Unincorporated Sonoma County</u>
<u>Airport/Larkfield/Wikiup Sanitation District</u>	<u>Unincorporated Larkfield and Wikiup area</u>
<u>Geyserville Sanitation Zone</u>	<u>Unincorporated Geyserville area</u>
<u>Penngrove Sanitation Zone</u>	<u>Unincorporated Penngrove area</u>

Source: ABAG 2016

125-2

The projected 2050 households information in Table 3.14-8 was compiled from California Department of Water Resources data, which includes the projected service area population as households consistent with the units used in the proposed Plan. DWR provides guidance to estimate water service area population by extrapolating population estimates from 2010 census data (see https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/simplified_population_methodology.pdf).

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

Letter
126

From: [Redacted]
To: [EIR Comments](#)
Subject: Plan Bay Area 2050 Comments - Housing
Date: Tuesday, July 20, 2021 1:51:15 PM

External Email

From:
Mike Forster, [Redacted] Palo Alto, CA 94306 [Redacted]

Topic: Housing

By 2050 (better sooner), the Bay Area overall and each county should should achieve a jobs-housing balance so no one commutes longer than 30 minutes to work.

What the Plan Bay Area should avoid is forcing cities changing zoning to accept high-density housing within some arbitrary distance from, say, a Caltrain, BART, or light-rail station. That would simply become a boon to developers to make even more ridiculous offers to single family homeowners and then develop high-density expensive condo or rental units on those parcels.

This can occur with the following approaches:

- 1 ADUs - up to 3 housing units on any residential lot.
This growth will occur organically, as more homeowners take advantage of this option. Perhaps cities and counties would choose to offer rebate or tax incentives to encourage such developments.
- 2 Higher-density housing along established commercial corridors.
Examples would include 4 to 5-story buildings with retail on the first floor, offices on the second, and housing on the upper floors. Locations would include corridors such as El Camino Real along the Peninsula, University and California Avenues in Palo Alto, and locations with similar characteristics in other cities.
- 3 Public-private partnerships to develop deed-restricted low- and middle-income housing as part of item 2 above.

126-1

Letter 126
Mike Forster
July 20, 2021

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

126-1

The comment is general in nature and does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the proposed Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for discussions related to this comment. See Response to Comment 8-2 for a discussion on research in support of benefits of focused development around transit.

As stated in the *Draft Plan Bay Area 2050*, “Plan Bay Area 2050 calls for tailoring the design and density of new homes to their local contexts. Larger-scale development would take place on vacant land or declining commercial lots, and smaller-scale housing (such as backyard accessory dwelling units) would be built in single-family neighborhoods. The proposed Plan Strategy H03, “Allow a Greater Mix of Housing Densities and Types ‘s in Growth Geographies” calls for flexibility, including allowing for a range of housing densities in PDAs, select TRAs, and select HRAs (see Draft EIR, page 2-5).

The proposed Plan includes strategies to ensure that there is an affordable home for every low-income Bay Area household by the year 2050. See Response to Comment 16-1 for a discussion on the proposed Plan’s strategies for affordable housing.

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



Letter
127

July 20, 2021

Metropolitan Transportation Commission Public Information
Submitted via email: info@planbayarea.org, eircomments@bayareametro.gov

Re: **Plan Bay Area 2050, and the Draft EIR for Plan Bay Area 2050**

Dear MTC Commissioners and Staff,

Since 1962, we at Green Foothills have worked to protect the open spaces, farmlands, and natural resources of San Mateo and Santa Clara Counties for the benefit of all through advocacy, education, and grassroots action. We support the regional approach taken by MTC and Plan Bay Area to protect open space for a wide variety of reasons, including the reduction of carbon emissions, increased carbon sequestration, and better climate resilience.

Green Foothills supports and endorses the comment letter from Santa Clara Valley Open Space Authority (attached to this email) and refer you to the letter for the details in the suggestions.

127-1

In particular, we support using Alternative 1 as the selected strategy for Plan Bay Area, or failing that, incorporating as much of Alternative 1's transit-rich focus into the selected strategy. For the reasons stated by SCVOSA, this Alternative minimizes pressure on greenfields throughout the Bay Area and generally results in an environmentally superior outcome.

We support the withdrawal of highway widening funding in Alternative 1. However, resilience projects associated with highway widening but not including widening in the preferred project should be funded.

Please contact us with any questions.

Sincerely,

Brian Schmidt
Legislative Advocacy Director

Local. Vocal. Effective.

(650) 958-7243 • info@greenfoothills.org • greenfoothills.org • 3921 E Bayshore Road, Palo Alto, CA 94303



July 20, 2021

Metropolitan Transportation Commission Public Information
Attn: Draft Plan / Draft EIR Comments
375 Beale Street
Suite 800
San Francisco, CA, 94105
Submitted via email: info@planbayarea.org, eircomments@bayareametro.gov

Subject: Plan Bay Area 2050, and the Draft EIR for Plan Bay Area 2050

- Andrea Mackenzie, General Manager
Alex Kennett, District 1
Mike Flaughner, District 2
Helen Chapman, District 3
Dorsey Moore, District 4
Shay Franco-Clausen, District 5
Mike Potter, District 6
Kalvin Gill, District 7

Dear MTC Commissioners and Staff,

On behalf of the Santa Clara Valley Open Space Authority (Open Space Authority), I submit the following comments to both the full Draft Plan Bay Area 2050 and the Draft EIR.

127-2

The Open Space Authority is a public, independent special district created by the California State Legislature in 1993 to conserve the natural environment, support agriculture, and connect people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations.

First, let me express our gratitude to MTC staff and leadership for their work to prepare this important framework through which our region can establish a strong vision for climate change response, and begin to plan for and advance achievable, meaningful climate actions.

We applaud MTC for incorporating visionary strategies into the Environment Chapter that prioritize investment in protection and management of high value conservation lands, inclusive public access at parks and open spaces, managed retreat and nature-based solutions that help communities adapt to climate change, such as marshland restoration and ecotone levees. We also are grateful for the emphasis in this Chapter on smart growth strategies that reduce reliance on automobile commuting through programs that encourage alternative transportation and transit, which will result not only in reduced vehicle emissions, but also reduced pressure on conversion of greenfields that results from automobile-enabled sprawl.

We look forward to working with MTC on updates to the Priority Conservation Area program, as it has been a very effective tool in the land conservation toolbox. Additionally, we support the suggestion to increase policy capacity around transferable development credits and tradable conservation credits, as an important additional conservation tool.

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Recommendations for Plan Bay Area 2050

Expand research and implementation related to Sea Level Rise, to address climate issues at a more comprehensive watershed-based level. While Plan Bay Area includes important measures to address Sea Level Rise, the issues of flooding go well beyond the shoreline. A comprehensive approach that contemplates upstream flooding during storm events which often exacerbate storm surge from the shoreline, needs to be developed. Nature-based upstream solutions, like natural floodplain and hillside protection, can contribute significant hazard reduction benefits, while providing many other environmental co-benefits such as wildlife habitat, agricultural preservation, and groundwater recharge.

Incorporate drought more comprehensively and support existing drought strategies. As drought conditions continue to worsen, it is important to highlight strategies for addressing drought – including water conservation - throughout Plan Bay Area. Many of the strategies, like discouraging sprawl and prioritizing green infrastructure and watershed protection/stewardship are already good drought resilience strategies, however we believe that drought should be highlighted throughout the documents.

Take a more comprehensive approach to wildfire resilience. As with the regional focus on addressing Sea Level Rise, a coordinated regional approach to enhancing wildfire resilience, through development and implementation of regional wildfire principles and actions, is critical.

Expanded public transit to open spaces. Access to nature via parks and open space was an important resource for mental, physical, and emotional health during the pandemic. However the pandemic highlighted the ongoing issue of insufficient access to private transportation for many lower income communities, which makes it difficult to impossible to benefit from urban edge open space areas. So-called “transit to trails” programs can help fill this gap by providing meaningful, regular and timely service to these locations, particularly during weekends. This should include active transportation “last mile” connections to open space. Because traveling to open space areas incurs high vehicle-miles traveled (VMT), transit service has the additional benefit of reducing carbon emissions.

Prioritize local labor from underserved communities. Publicly funded transportation, housing and environmental projects called for in the plan should use local labor from disadvantaged communities to the greatest extent possible. Engaging with and collaborating with organizations that have workforce development programs – for example *San Jose Works* in the South Bay - for underserved or opportunity youth can provide new opportunities to address economic inequities. These programs also provide solid educational and career paths to strengthen the next generation of regional leaders, critical to a strong Bay Area and in support of the goals of Plan Bay Area. Building a skilled and trained workforce within the region will reduce in-commutes from outside the region and improve economic opportunities and equity for communities of color within the region.

Support for Draft EIR Alternative 1

As mentioned above, the Open Space Authority supports Plan Bay Area 2050 strategies and objectives that promote compact urban communities using smart growth approaches to focus job and housing development in already-urbanized areas around transit. This sort of smart growth approach aligns well with the Authority’s mission to conserve the natural environment,

127-2
cont.

support agriculture, and connect people to nature. It is also consistent with statewide planning efforts, including Executive Order N-82-20, which aims to conserve at least 30% of California's natural spaces by 2030.

The Open Space Authority strongly supports *Alternative 1 - Transit Rich Area (TRA) Focus Alternative* – the environmentally superior alternative identified in the DEIR – as the preferred Plan Bay Area 2050 growth strategy to protect our natural and working lands.

Alternative 1 would create a more urban-oriented growth pattern relative to the current Plan Bay Area 2050, which would reduce development pressure on undeveloped greenfields, the wildland-urban interface, land zoned for agriculture, and Essential Connectivity Areas. In addition, Alternative 1 would minimize mobile source greenhouse gases (GHG) and vehicle miles travelled, which will support the reduction of GHG emissions that contribute to climate change.

Alternative 1 also drives Plan Bay Area in the direction of reducing, and ultimately eliminating sprawl, which is the direction we all need to head, given the severity of our climate crisis, and its impacts on natural and human communities, especially those communities with the greatest vulnerabilities. We feel Plan Bay Area, even under Alternative 1 of the DEIR, could go even further in discouraging sprawl and all of the damaging impacts that sprawl has on communities and the environment, but this alternative is at least a step in the right direction.

The Open Space Authority appreciates the opportunity to comment on this important framework for the Bay Area, and stands ready to partner with the Metropolitan Transportation Commission to further develop and implement the strategies our region most needs.

Sincerely,



Andrea Mackenzie
General Manager

Cc:

Santa Clara Valley Open Space Authority Board of Directors

127-2
cont.

Letter 127
Green Foothills,
Brian Schmidt, Legislative Advocacy Director
July 20, 2021

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

127-1

This is a comment expressing support for components of Alternative 1 while also expressing support for resilience projects included in the proposed Plan. The comment is noted for consideration during the review of the merits of the alternatives.

127-2

This comment reprints the EIR comment letter from the Santa Clara Valley Open Space Authority. Please see Responses to Comments 90-1 through 90-3.

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

Letter
128

From: [Holly Lofgren](#)
To: [EIR Comments](#)
Cc: [Holly Lofgren](#)
Subject: Comment Plan Bay Area 2050
Date: Tuesday, July 20, 2021 6:25:54 AM

External Email

Plan Bay Area,

I would like to submit this comment regarding Plan Bay Area 2050.

The plan has not properly addressed environmental and practical concerns. By planning for additional excessive jobs, concentrated in the the northern part of Santa Clara County and southern part of San Mateo County, a number of problems ensue.

128-1

First, there is not adequate water to support this kind of growth in the state. Ignoring water shortages and droughts is irresponsible. This level of growth will cause irreparable harm to the environment.

Second, the plans to add an excessive amount of additional housing to support this job growth is not funded. Currently, private and public entities refuse to pay for the housing development directly and, more importantly, have not or will not pay for the additional infrastructure that would be needed to support such in increase in population.

128-2

Third, the calculations of housing needs are incorrect.

The job and housing growth plan is essentially an unfunded mandate. Since there has been a previously established pattern of going out to the public for additional sales tax, school tax, water district tax and other additional taxes, and since Plan Bay Area 2050 calls for excessive growth without naming funding sources, it carries with it expected tax increases without a public vote. I object to tax increases without a public vote.

128-3

Third, the possible encroachment of multi- family housing into current single family home areas has two negative affects. It would infringe upon the expectations and property rights of current single family homeowners. And, without a funded plan for transportation it would fly in the face of environmental recommendations for denser housing, thus raising pollution levels.

128-4

In conclusion, Plan Bay Area 2050 increases pollution and is essentially a tax increase. Therefore, I strongly object.

Holly Lofgren
Sunnyvale

[Sent from AT&T Yahoo Mail on Android](#)

Letter 128
Holly Lofgren
July 20, 2021

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

128-1

See “Master Response 3: Water Supply” for a discussion related to water supply and the drought. As discussed in Draft EIR Impact PUF-2, there would be significant and unavoidable impacts to water supply associated with projected growth.

128-2

The proposed Plan’s projected household and job growth is shared by county and Super Districts within each county and not by an individual local jurisdiction, PDA, or other geography. Because of the proposed Plan’s regional-scale, the forecasted development pattern of households and employment is not summarized and reported for each local jurisdiction or growth geography. Instead, the proposed Plan emphasizes the 35 integrated strategies and the near-term actions to implement them, as a blueprint for how the Bay Area can accommodate future growth and make the region more equitable and resilient. The comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during the review of the merits of the alternatives.

128-3

See “Master Response 1: Regional Growth Forecast” for a discussion related to the projected growth associated with the proposed Plan. Topics related to taxes are not subject to analysis under CEQA, because they are economic and social effects that do not constitute a physical effect on the environment (CEQA Guidelines Section 15382).

128-4

The comment expresses opposition to the proposed Plan. Chapter 2 of the Draft EIR, “Project Description,” describes the proposed Plan and details transportation strategies to invest \$579 billion in expected revenues from federal, State, regional, and local sources over the next 30 years. Issues pertaining to air quality are discussed in Draft EIR Section 3.4, “Air Quality.” The comment’s opposition to the proposed Project is noted for consideration during the review of the merits of the alternatives.

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

Letter
129

From: [Redacted]
To: [EIR Comments](#)
Subject: Comment on Draft EIR
Date: Tuesday, July 20, 2021 2:00:28 PM

External Email

I am an elderly, third generation resident of the East Bay who has held great hope for the regional Plan Bay Area 2050 since I attended community outreach events in 2018. My BS in geology and meteorology is from local CSUs. I have lived and worked in science-based technology in almost all parts of the Bay Area for over 55 years. For the past 16 years I have lived in San Leandro on unconsolidated sediment in a very high liquefaction risk area which FEMA has also designated a flood risk area because of sea level rise. I am fully cognizant that these conditions are worsening and sea level is rising and will continue to rise. In the interest of full disclosure I guess I should also say that before I die I expect to be displaced by San Leandro's Shoreline development which will be destroyed by rising Bay waters but not before it irredeemably impacts the Bay.

After spending many hours reading through the Draft EIR for the Plan Bay Area 2050, and working my way through acronyms, I can say it is a monumental and well-executed report. I truly believe that the regional approach to planning for the future is as necessary as CEQA is. I believe the Plan is an extremely important exercise, but unless impacts are clearly assessed and specific mitigations mandated and implemented, this is just an exercise and I had higher hopes. I will say that this EIR has fulfilled some of its purpose. It represents the depth and breadth of analysis that is needed and is informative, but falls short of clearly classifying impacts and recommending mitigation, I am guessing because the real alternatives don't cater to real estate interests.

I found it just plain depressing that so many of the well-defined impacts noted in the report all were judged to have less than significant impact. I am just an observer of what is happening but I KNOW that there are MANY developments planned (and not just where I currently reside) that WILL greatly increase the likelihood of harm to the Bay and the region. Of course, the Plan Bay Area 2050 is not the cause of the harm, but the writers of the EIR clearly understand the issues and risks and to have the EIR not better acknowledge those risks and issues and to further downplay the significance of impacts makes this EIR a big disappointment. Passing the buck to other jurisdictions and the developers is gutless and just rings false. Developers get around CEQA and BCDC regulations with the help of local jurisdictions that rarely look beyond their current budget cycle or borders. I had higher hopes for the regional approach and am disappointed that the teeth in Plan Bay Area 2050 aren't really supported by the EIR. Everybody I know recognizes that we are experiencing many significant impacts in the early 2000's, not 2050, and they are increasing every year. We need to be planning and implementing real mitigation now. Not even stating the significance of environmental impacts clearly in this important Environmental Impact Report does not bode well for real change in the future.

That well-articulated individual geological impacts GEO-1 through GEO-6 were considered less than significant not worth mitigation immediately sank my high hopes; that only impacts on paleontological sites are deemed significant but unavoidable was deeply disturbing to me. Why are only things of the past given more protection than people who live here? I should have kept a tally of how many of the impacts in all of the 15 discipline chapters were marked as

129-1

129-2

less than significant and not requiring mitigation, as I think that might reveal a pattern. But I was not that organized. I did find well thought-out and delineated mitigation measures to Air Quality Impact AQ-02 but fear they will be ignored because no entity will implement and/or enforce them. Land Use and Housing are at the very heart of the Plan, and the Plan has developed into something I found profound and hopeful, but after reading the EIR I find myself wondering at what I see as lack of acknowledgment that “physical changes in the environment caused by economic or social effects constitute significant environmental effects” which we must mitigate by action.

129-3

I am actually sorry that I can't come up with more positive and specific input. This was an overwhelming task. Outreach to residents is arduous and I want more than anything to thank you for your efforts.

129-4

Virginia Madsen
[REDACTED]
San Leandro, CA 94577

Letter 129
Virginia Madsen
July 20, 2021

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

129-1

The commenter states that many impacts noted in the EIR were determined to have less-than-significant impacts. The Draft EIR discloses that implementation of the proposed Plan could result in 38 potentially significant impacts (see Table ES-1, Summary of Impacts and Mitigation Measures, in the Draft EIR Executive Summary). Mitigation was included for all of those impacts in the EIR. Of the 38 impacts, 24 could not be determined to be reduced to less than significant with mitigation and are identified as significant and unavoidable. It was determined that 14 impacts could be reduced to a less-than-significant level with implementation of the mitigation shown in the Draft EIR. However, 36 impacts were ultimately determined to be significant and unavoidable because MTC and ABAG do not have the authority to implement future projects. The Draft EIR impact discussions explain this under the heading “Significance after Mitigation.” The EIR explains that future projects that qualify for CEQA streamlining benefits must apply the mitigation measures in the impact discussion. Impact conclusions are given for each impact discussion under the subheading “Conclusion” and are also included in Table ES-1.

129-2

The comment expresses concerns related to discussions that describe the need for local jurisdictions to implement mitigation measures, but does not raise a specific issue pertinent to the Draft EIR. As noted in response to comment 129-1, the Draft EIR discloses that implementation of Plan Bay Area 2050 would result in 38 potentially significant impacts. The EIR also identifies 29 impacts as less than significant. Please see Draft section 3.1, “Approach to the Analysis,” for an explanation of the impact analysis process. As noted in Section 3.1.2, “Approach to the Environmental Analysis,” where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill a regulatory requirement of the project, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered before determining impact significance. In other words, where existing regulatory requirements or permitting requirements exist that are law and binding on responsible agencies and project sponsors, it is reasonable to assume they would be implemented, thereby reducing impacts. Where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion in how they are accomplished, or have a substantial compensatory component, the level of significance is determined before applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure. Regarding impacts related to geology and seismicity, existing regulations such as the Alquist-Priolo Act, California Building Code, and Seismic Hazards Mapping Act specify mandatory and prescriptive actions related to building infrastructure and buildings in California. For a discussion related to MTC Authority, please refer to “Master Response 6: MTC and ABAG Roles and Authority.”

129-3

For a discussion related to the potential for mitigation to be implemented by local jurisdictions, please see “Master Response 6: MTC and ABAG Roles and Authority” and Response to Comment 85-5. As noted by the commenter, social and economic effects to not constitute significant environmental

effects. CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Pub. Resources Code §§ 21151, 21060.5, 21068). 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).

129-4

The comment is the closing for the letter. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

The MTC Commission and 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
130

July 20 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA. 94105
eircomments@bayareametro.gov

Public Information:

Thank you for the opportunity to comment on Plan Bay Area 2050 Draft Environmental Impact Report. Our comments focus on deficiencies in the Plan that have the potential to result in adverse environmental impacts. While the Plan discusses and recognizes the significant natural resources of the Bay Area, it falls short of ensuring these resources are protected so that they can continue to support a healthy human community. It ignores opportunities to protect and enhance our natural environment.

Our comments address specific chapters, Biological Resources and Air Quality, but first we have several general questions we request the DEIR address:

- The Bay Area and the West is now suffering an unprecedented drought and it is expected that with climate change, drought conditions will be a more common occurrence or perhaps our entire climate may change. The Plan should justify the potential massive development it envisions, in view of the lack of water to support it. Where will the water come from to support the development? We cannot continue to move it from other places, when those other places are also suffering from drought. 130-1
- The Plan is intended to extend until the year 2050. Significant changes can occur over a time period that long. What provisions are there for interim revisions of the plan, particularly if there is some significant change, such as earthquake? 130-2
- One of the changes that could occur, and that may also be occurring according to press reports, is a reduction in population. How does the Plan address a potential reduction in population instead of the population increase the anticipated development is designed to accommodate? 130-3
- MTC has established a Priority Development and Priority Conservation Area Program. The DEIR should include environmental review of these programs. One of the issues we are particularly concerned about is area of particular environmental sensitivity that is located within Priority Development Areas. The DEIR should 130-4

A Chapter of the National Audubon Society

identify the natural resources that are on the PDA areas and recommend ways the environmental resources on these areas be protected. One such area in Marin is the San Rafael Canal PDA, where development has the potential to adversely impact an 85-acre diked bayland that has never been filled.

130-4
cont.

Our comments on specific sections:

BIOLOGICAL RESOURCES

The List of Vegetation lists include several highly invasive species that should be removed or recognized as being detrimental to our natural environment.

130-5

Although the discussions address Coho salmon, this special status species is not shown on Figure 3.5-1.

130-6

Sensitive natural communities discussion of wetlands should be revised to recognize the importance of the upland areas bordering tidal marshes as essential components of tidal marsh habitats. The adjacent uplands are essential for survival of endangered Ridgway Rails and Salt Marsh Harvest Mouse and many other species, and essential to allow room for marshes to migrate with sea level rise.

130-7

The discussion fails to recognize the national importance of the Bay habitats for species whose migrations span nations. The Bay and its tidal marshes are essential to ensuring the survival of many migratory species and to ensure biodiversity.

130-8

The Urban Habitat discussion presents the view that wildlife use of urban areas is too limited and should be revised. As is clear from reports in the press, there are increasing observations of large mammals (coyotes, fox, and even mountain lion) in urban areas. Our backyards and parks cannot be dismissed as important habitats for species that can use them at night or other times when they can avoid or live with humans. The DEIR should recognize this phenomenon.

130-9

Discussions of Migration Corridors focus on upland corridors with only one noted in Marin County. This is an extremely limited view that fails to recognize there are many corridors in Marin that are essential for wildlife to migrate or move between habits or longer distances.

130-10

The Plan assumes that laws and regulations are effective incentives for project proponents to design projects to avoid or substantially reduce impacts to natural resources. This is not demonstrated in reality or reflected in the Plan. The Plan should address specific ways projects can avoid impacts. Rather it provides for many opportunities to mitigate impacts. This sends a clear message that one need not spend much time trying to avoid impacts – it’s easier to mitigate. Agencies make it even easier to mitigate by approving and encouraging mitigation banks and plans that make it easier and cheaper to mitigate.

130-11

Impacts/Mitigation Measures:

BIO-1a: Substantial adverse effects either directly or through habitat modifications, on candidate, sensitive or special status species...

This impact should be expanded to include indirect impacts, which could result, for example, from increased public or domestic animal intrusion into habitats.

130-12

A list of mitigation measures is provided and all of the items are appropriate and necessary. However, requirements for a number of the measures are qualified, i.e. would only need to be performed where “feasible and necessary based on site specific considerations,” or “where practicable.” It’s easy to claim avoidance or other mitigation measures are not feasible. What specific agency review is recommended to ensure that avoidance is actually not feasible or practicable?

130-13

The discussion should provide guidance as to a process project sponsors should use to decide whether impacts are avoidable or unavoidable. We recommend that a decision procedure be provided that demonstrates sponsors have seriously considered avoidance, and then less-environmentally damaging alternatives, instead of taking the easy route of saying avoidance is not feasible. Nowhere are they required to actually show how that determination has been made. Without demonstrating avoidance is actually not feasible, it cannot be determined that an impact is less-than-significant.

Mitigation banks are provided as a mitigation option. These banks are more often than not, located many miles from the site of impact. The DEIR should address how mitigation banks serve the species whose habitat would be lost to the project.

130-14

BIO – 1b Substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species.

The impact is defined far too narrowly. It fails to include federal special status species or endangered species for which critical habitat has not been identified. State endangered and special status species are completely ignored. This is even though it is known that the reasons for not identifying critical habitat for many species or not designating many species as endangered on the federal level have been political. To fail to include these species is inexcusable and contrary to the public interest.

130-15

It is vital that this impact should be broadened to include habitat for many species that are critically endangered and have been so listed for many years, such as Ridgway Rails and Salt Marsh Harvest mouse, but for which critical habitat has not been defined. For other species it is known that their populations are at dangerously low levels and they should be listed. In Marin, species that should be listed include California Black Rail, Northern Spotted Owl, and Monarch Butterfly.

BIO – 2 Have a substantial adverse effect on riparian habitat, state or federally protected sensitive natural communities, identified in local or regional plans, policies, or regulations or by CDFW or USFWS have a substantial adverse effect through direct removal, filling, hydrological interruption or other means.

130-16

This discussion addresses potential impacts on the aquatic resources of wetlands; other waters, vernal pools, rivers, streams etc. based on the USFWS NWI maps. The coverage should also extend to seasonal wetlands and diked historic baylands, lands that were once subject to tidal action that have been mapped by the San Francisco Estuary Institute.

130-16
cont.

This discussion shows that the same qualifications as BIO-1a. that allow avoidance measures to be set aside when it is claimed to be “not possible. Our recommendation is the same as above, that a process should be required to demonstrate they have used a decision process that justifies not avoiding impacts.

130-17

As stated above, providing for the purchase of mitigation credits or mitigating through RAMP can have detrimental impacts on the site of loss. The discussion should address potential impacts at the site of loss and how these impacts can be avoided. That proposed mitigations cause adverse impacts that are not addressed, or even identified, should be discussed.

130-18

A more complete discussion of wetland mitigation provisions is needed in the EIR. A minimum 1:1 mitigation ratio is insufficient mitigation for wetland loss and should be reevaluated. It fails to consider temporal loss and possible problems at the mitigation site affecting success. Protection and enhancement should not be allowed as mitigation where they would result in violation of the “no net loss” policy. The EIR should also address the importance of existing wetlands in the location where they exist, to provide habitat, to protect shorelines at this time of sea level rise, and to encourage the protection, restoration and enhancement of existing wetlands.

130-19

Implementing all feasible, mitigation measures is premature and would not reduce the significance of the loss or impacts to wetlands. Only full creation of replacement and successful maturation of the mitigation wetlands would reduce the significance of wetland loss impact.

BIO-3 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor or impede the use of native wildlife nursery sites.

Essential Connectivity Areas form the basis for addressing movement corridors, but they are not adequate to address this impact. We agree that corridors have already been degraded and fragmented. At minimum, the discussion should address how corridors could be repaired and, at minimum, provide ways to ensure they will not be degraded further. Movement corridors must be expanded to include streams, riverbanks and shorelines of the Bay. The mitigation for this impact is uncertain and cannot be reduced to less than significant.

130-20

AIR QUALITY

The DEIR focuses on and presents a comprehensive discussion on the Bay Area’s air quality problems. Measures and efforts to address air quality focus on reducing emissions by regulation of transportation, land use, and many other urban growth related activities of people. Natural resource related strategies include protection of conservation lands and land use measures that presumably will protect these resources.

The benefits of natural vegetative habitats and their contribution to air quality should be included in the discussion. That plants absorb carbon dioxide and release oxygen should be a major part of the air quality discussion but it is virtually ignored. All of the measures cited are fine, but the plan ignores the natural process of plant growth that, without much human effort except for planting of native plants, yields major and multi-benefits for the human community. The process of photosynthesis is the only process that puts oxygen back into our environment.

Benefits of planting trees and other vegetation, including wetland plants, are many and include producing clean air, moderating climate, sequestering carbon, providing habitat for wildlife particularly of native species, aesthetic and spiritual experiences, stabilization of banks, ecosystem support, and contribute to the liveableness of a community. It is not just important conservation lands that need to be saved. These are vital but they are limited in extent and location.

Native trees and other plants should be required as part of the design for all communities. Disadvantaged communities probably benefit most, as they often are multi story-structures that are close together leaving little room for vegetation.

The only impact that appears to be directly related to people is Impact to Sensitive Receptors AQ 4. While some receptors are certainly more sensitive, all living creatures are sensitive to bad air. We recommend the addition of a Mitigation Measure that will ensure native trees are planted in all communities particularly multi-cultural communities. This would help to mitigate construction and other impacts of urban uses on our air quality.

Thank you for considering our comments.

Sincerely,

Barbara Salzman, Chair
Conservation Committee

130-21

Letter 130
Marin Audubon Society
Barbara Salzman, Chair, Conservation Committee
July 20, 2021

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

130-1

As explained in section 5.3.1 of the Draft EIR, the proposed Plan is a long-range plan that demonstrates how the region can accommodate forecasted growth in a manner that achieves project objectives, and is consistent with SB 375 (Draft EIR, page 5-7). The proposed Plan details how the region can accommodate the forecasted growth in population, households, housing units, and jobs by shaping the forecasted growth pattern using housing and economic strategies in tandem with growth geographies (Draft EIR, page 2-1). Also see “Master Response 1: Regional Growth Forecast.” As a long-range regional planning document, the EIR includes a program-level assessment of potential impacts related to water supply. See “Master Response 3: Water Supply” for discussion related to this comment.

130-2

The comment expresses a concern regarding the proposed Plan and does not raise specific issues related to the Draft EIR or the analysis of environmental impacts. The proposed Plan is a long-range plan with a horizon year of 2050. However, as noted in Draft EIR section 2.1, Introduction, MTC and ABAG are required, by law, to prepare an RTP and SCS every four years, which provides opportunity to update regional planning assumptions discussed under section 2.3 of the Draft EIR and the objectives and strategies discussed under sections 2.2.1 and 2.2.2. Further, CEQA generally does not require an evaluation of the impacts of the environment on a project or its residents or users unless the project would exacerbate those hazards.

130-3

The comment expresses a concern regarding the proposed Plan and does not raise specific issues related to the Draft EIR or the analysis of environmental impacts. See Response to Comment 130-2 for a discussion in updating regional planning assumptions, including the regional growth forecast. See “Master Response 1: Regional Growth Forecast” and “Master Response 2: COVID-19 Pandemic Considerations” for discussion related to this comment.

130-4

The Draft EIR evaluates the impacts of forecasted growth, whether or not it occurs in a Priority Development Area (PDA). Chapter 3 of the Draft EIR addresses the potential impacts of growth through the proposed Plan’s forecasted development pattern (i.e., the land use growth footprint). As discussed under section 3.1.3 of the Draft EIR, the land use growth footprint represents the development or redevelopment of parcels of land simulated to accommodate the region’s forecasted growth of households and jobs from 2015 through 2050. Direct and indirect impacts associated with the proposed Plan are discussed throughout Sections 3.2 through 3.15 of the Draft EIR. The Draft EIR undertakes a programmatic analysis of the environmental impacts of the proposed Plan and does not undertake project-level environmental analysis, as is appropriate for the proposed Plan’s level of planning.

130-5

This comment states that the “List of Vegetation” includes invasive species and recommends that these species be removed or recognized as detrimental. The “Biological Resources” section (Section 3.5) of the Draft EIR does not contain a section titled “List of Vegetation;” however, it is assumed that the commenter is referencing the existing conditions summaries for natural communities of the Bay Area on pages 3.5-9 through 3.5-21 of the Draft EIR. The nonnative or invasive plant species included in this section are those present currently in the Plan area and are included to fully describe the existing conditions in the Plan area. Impacts BIO-1a (pages 3.5-35 through 3.5-40 of the Draft EIR), BIO-1b (pages 3.5-40 through 3.5-44 of the Draft EIR), and BIO-2 (pages 3.5-44 through 3.5-50) include the introduction of invasive species as a potential adverse effect (i.e., detrimental to biological resources) and Mitigation Measures BIO-1a and BIO-2 include measures to prevent the introduction and spread of invasive species (pages 3.5-38 and 3.5-49 of the Draft EIR, respectively). Removal of existing invasive plant species in the Bay Area in general is outside of the scope of the proposed Plan and EIR as CEQA does not require mitigation for existing conditions. The comment is noted for consideration during project review.

130-6

This comment states that Figure 3.5-1, on page 3.5-4 of the Draft EIR, does not include Coho salmon. Figures 3.5-1 and 3.5-3 have been updated to include this species. See Chapter 3, “Revisions to the Draft EIR,” for the revised updated figures. This edit does not alter the conclusions with respect to the significance of any environmental impact, because, as mentioned in this comment, Coho salmon was included in the special-status species discussion in the text of the Draft EIR. Also, as a program-level EIR consistent with State CEQA Guidelines Section 15126.4, the Draft EIR includes feasible mitigation measures based on resources that may be affected by overall buildout, on the location where development may occur, or on performance criteria. As described in Mitigation Measure BIO-1(a), on pages 3.5-38 and 3.5-39 of the Draft EIR, biological resource assessments will be required at the project level to determine whether a project may result in adverse effects on special-status species, including Coho salmon, and whether mitigation measures would be required to avoid impacts.

130-7

This comment states that the discussion of wetlands should be revised to recognize upland areas bordering tidal marshes as essential components of tidal marsh habitats. The Wetlands section of the Environmental Setting on pages 3.5-18 through 3.5-20 of the Draft EIR includes discussion of coastal marsh and estuaries (i.e., tidal marsh). This discussion has been edited to specifically include a discussion regarding the wetland-upland transition zone, as recommended by the commenter. This edit does not alter the conclusions with respect to the significance of any environmental impact, because it provides additional context but does not change the meaning or conclusions of the existing setting information.

Impact BIO-2, on Draft EIR pages 3.5-44 through 3.5-50, describes potential impacts on riparian habitat, State- or federally protected wetlands, and other sensitive natural communities. As a program-level EIR, the Draft EIR presents estimates of impacts on these resources based on available mapping; however, it is assumed that additional sensitive natural communities or wetlands would be identified during project-level review. The programmatic analysis in the Draft EIR does not allow for a precise description of the details of project-specific impacts, because details related to the location, size, design, or setting of specific projects are unknown and therefore, a meaningful evaluation could not occur at this time. As described in Mitigation Measure BIO-2, on pages 3.5-48 through 3.5-50 of the Draft EIR, a biological resource assessment would be prepared at the project level, which would include identification of riparian habitat, State- or federally protected wetlands, and other sensitive natural communities. Because upland areas within the wetland-upland transition zone often contain

vegetation associated with wetlands or are occupied by special-status wildlife species, areas adjacent to tidal marshes may qualify as State- or federally protected wetlands, sensitive natural communities, or special-status species habitat. In those cases, mitigation measure to reduce impacts on this habitat would be developed and implemented at the project level.

The text on page 3.5-20 is revised as follows:

Special-Status Wildlife

Rare and endangered wildlife species that occur in tidal marshes of the Bay Area include California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), western snowy plover (*Charadrius alexandrinus nivosus*), Alameda song sparrow (*Melospiza melodia pusillula*), San Pablo song sparrow (*Melospiza melodia samuelis*), salt marsh common yellowthroat (*Geothlypis trichas sinuosa*), salt marsh harvest mouse (*Reithrodontomys raviventris*), San Pablo vole (*Microtus californicus sanpabloensis*), Suisun shrew (*Sorex ornatatus sinuosus*), and salt marsh wandering shrew (*Sorex vagrans*). The wetland-upland transition zone associated with tidal marshes (i.e., areas where the wetlands and uplands meet which contain vegetation types from both habitats) often provide habitat (e.g., refuge, foraging) for these wildlife species.

Freshwater emergent wetlands and adjacent grassland habitats in Solano County support populations of giant garter snake (*Thamnophis gigas*), federally and State listed as threatened. Freshwater emergent wetlands throughout the region support California red-legged frog, and vernal pools and other seasonal wetlands of sufficient depth and duration of inundation support California tiger salamander in the Santa Rosa Plain, East Bay, and elsewhere. Special-status invertebrates found in seasonal wetlands and vernal pools, primarily in the East Bay and Solano County, include longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardii*).

130-8

This comment states that the importance of the Plan area for migratory species was not recognized in the Draft EIR. The "Natural Community Summary" section for San Francisco Bay on pages 3.5-17 and 3.5-18 of the Draft EIR states: "As the largest estuary on the west coast, the San Francisco Bay also supports millions of birds that depend on the bay for rest and refueling on migratory routes." Text on the same pages states: "Anadromous fish also use San Francisco Bay seasonally during their migrations to and from spawning grounds throughout the Bay Area and in California's Central Valley." The importance of the Plan area for migratory species was addressed in the Draft EIR. This comment is noted for consideration during project review.

130-9

This comment states that urban areas may provide habitat for wildlife species, including coyote, fox, and mountain lion, and that the discussion in the Draft EIR was too limited. The discussion regarding urban land uses on pages 3.5-20 and 3.5-21 of the Draft EIR does state that habitat value in urban areas is limited; however, the discussion acknowledges that urban areas may support a greater diversity of native wildlife species under appropriate conditions. To add additional detail to this discussion, the urban land use discussion on pages 3.5-20 and 3.5-21 of the Draft EIR has been edited. This edit does not alter the conclusions with respect to the significance of any environmental impact, because it provides additional context but does not change the meaning or conclusions of the existing setting information.

The discussion regarding urban land uses on pages 3.5-20 and 3.5-21 of the Draft EIR is revised as follows (new text is underlined):

Urban/Agricultural/Ruderal

Natural Community Summary

Urban

Urban development and landscaped areas support few biological resources and provide limited wildlife habitat but do provide foraging or nesting habitat for generalist, and sometimes nonnative, wildlife species that can tolerate human presence and activities. These include birds and small mammals such as California scrub jay, California towhee, house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), raccoon, Virginia opossum (*Didelphis virginica*), and house mouse. Although these areas often do not provide suitable habitat for many specialized species of native wildlife because of higher human activity levels and the resources available, they may support a greater diversity of native wildlife species under appropriate conditions. For example, urban areas adjacent to natural habitat areas may be used as low-quality wildlife movement corridors as wildlife species move between these natural habitat areas, especially if urban areas contain open space features.

130-10

This comment states that the migration corridor discussion is too limited. Regarding the mapping of Essential Connectivity Areas (ECAs), please see Response to Comment 107-7. ECAs are identified on a statewide level at a coarse scale. They do not include more detailed linkage designs developed at a finer resolution based on the needs of particular species and ecological processes. Mitigation Measure BIO-3(a), if implemented, requires that projects outside of ECA lands must assess whether significant wildlife corridors are present, what species may use them, and what habitat those species require. This analysis is appropriately undertaken at the project level. The EIR undertakes a programmatic analysis, as is appropriate for this stage of planning.

130-11

This comment states that the Plan does not demonstrate how projects would avoid impacts rather than mitigate impacts. Because the analysis in the Draft EIR is programmatic, specific detail regarding the location of projects and the impact mechanisms associated with those projects is not known at this time. Mitigation Measure BIO-1(a), on pages 3.5-38 through 3.5-39; Mitigation Measure BIO-1(b), on pages 3.5-43 and 3.5-44; Mitigation Measure BIO-2, on pages 3.5-48 through 3.5-50; and Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, require all projects to prepare a biological resource assessment to identify potential impacts on biological resources. Each of these mitigation measures requires implementing agencies or project sponsors to reconfigure the project's design to minimize adverse effects on sensitive biological resources. These mitigation measures describe physical avoidance (e.g., siting project footprints outside of sensitive areas) and seasonal avoidance strategies.

130-12

This comment states that Impact BIO-1a, on pages 3.5-35 through 3.5-39 of the Draft EIR, should be expanded to include indirect impacts, including increased public or domestic animal intrusion into habitats. The impact discussion on page 3.5-32 states, "Potential regional effects on special-status species could occur as a result of habitat fragmentation, increased human intrusion into wildland areas, introduction of invasive species, disruption of migratory corridors, and resulting regional reduction in biological diversity." Mitigation Measure BIO-1(a), on pages 3.5-38 and 3.5-39 of the Draft EIR, specifically states that mitigation would be required for any "direct and indirect adverse effects

on special-status plant and wildlife species....” Indirect impacts on special-status species were addressed in the Draft EIR.

130-13

This comment relates to mitigation measures that would be required where feasible or where practicable. See Response to Comment 85-5. Please note that the lead agencies for projects in their jurisdictions would be responsible for implementation of these measures, except where noted (such as responsibilities of CDFW). If a lead agency approves a project with a significant and unavoidable environmental impact, it must prepare findings that address whether all feasible mitigation will be implemented.

130-14

This comment states that mitigation banks are often located many miles from the site of impacts and states that the Draft EIR should address how mitigation banks serve the species for which habitat is lost. Mitigation Measure BIO-1(a) has been revised to emphasize that projects will prioritize mitigation banks in the same county where the project is located. This edit does not alter the conclusions with respect to the significance of any environmental impact, because it merely adds detail to an existing mitigation measure in the Draft EIR. Additionally, mitigation credits are established only for specific sensitive species that occur within a given mitigation bank, as approved by the applicable resource agency (e.g., CDFW, USFWS). Thus, purchase of these credits would be species-specific based on the species adversely affected for a given project.

See Response to Comment 41-4 for revisions to the last bulleted item of Mitigation Measure BIO-1(a), on page 3.5-39 of the Draft EIR.

130-15

This comment states that Impact BIO-1b, on pages 3.5-35 through 3.5-39 of the Draft EIR, is too narrow because habitat for federal endangered species for which critical habitat has not been identified, as well as State listed as endangered and other special-status species, is not included. Impact BIO-1b specifically pertains to impacts on critical habitat designated by U.S. Fish and Wildlife Service or NOAA Fisheries for species listed under the federal Endangered Species Act. Critical habitat is not designated for species listed under the California Endangered Species Act or for other special-status species. Habitat impacts for these species are addressed in Impact BIO-1a, on pages 3.5-31 through 3.5-35.

130-16

This comment states that Impact BIO-2, on pages 3.5-44 through 3.5-50 of the Draft EIR, should include seasonal wetlands and diked historic Baylands, in addition to resources mapped on the U.S. Fish and Wildlife Service National Wetlands Inventory. Page 3.5-45 states, “Because the analysis examined only mapped streams and wetlands, numerous smaller features not included in the NWI mapping that could be affected are not reflected.” Because the analysis in the Draft EIR is programmatic, specific detail regarding the location of projects is not known at this time. As stated in Mitigation Measure BIO-2, on pages 3.5-48 through 3.5-50 of the Draft EIR, all projects would be required to prepare a biological resource assessment to identify any State- or federally protected wetlands and determine whether impacts on these resources would occur. The resources referenced in this comment would be identified at the project level.

130-17

This comment relates to mitigation measures that would be required when possible. See Response to Comment 85-5.

130-18

This comment states that purchase of mitigation credits or mitigating through RAMP can have detrimental impacts on the project site where resources are lost. Mitigation Measure BIO-1(a) requires project designs to be reconfigured, where practicable, to avoid impacts to special-status species and sensitive habitats. For further relevant discussion. Where impacts cannot be avoided, purchase of mitigation credits or mitigation through RAMP is the currently accepted methods for mitigating impacts on biological resources by State and federal resource agencies. See Response to Comment 41-4 for further discussion and revisions to BIO-1(a) relevant to RAMP.

130-19

This comment states that a 1:1 mitigation ratio for wetland loss is insufficient and emphasizes the importance of existing wetlands. Mitigation Measure BIO-2, on pages 3.5-48 and 3.5-50, prioritizes avoidance:

In keeping with the “no net loss” policy for jurisdictional waters (i.e., wetlands and other waters of the United States or State), project designs shall be configured, whenever possible, to avoid wetlands and other waters and avoid disturbances to wetlands and riparian corridors to preserve both the habitat and the overall ecological functions of these areas.

Mitigation Measure BIO-2 also states specifically that the 1:1 ratio is a minimum but that this ratio “shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs) or in project-specific permitting documentation.” Setting a minimum requirement in the Draft EIR ensures that mitigation ratios will never be less than 1:1, and in some cases, project-specific permitting or locally applicable plans will require ratios greater than 1:1. Where required by applicable plans or permits, project will comply with “no net loss” requirements.

The comment also states that only full creation and maturation of mitigation wetlands would reduce the significance of wetland loss. However, compensatory mitigation is an accepted method for mitigating impacts on biological resources by State and federal resource agencies, permissible under CEQA Guidelines section 15307, subdivision (e).

130-20

This comment states that Essential Connectivity Areas are not adequate to address impacts on wildlife movement corridors. Because the analysis in the Draft EIR is programmatic, evaluation of connectivity impacts on a programmatic level is appropriate. ECAs are mapped on a Statewide level and should be considered areas identified at a coarse scale that can inform land-planning efforts, but which do not include more detailed linkage designs developed at a finer resolution based on the needs of particular species and ecological processes. This level of analysis is appropriate when project level review is undertaken and will more fully capture appropriate streams, riverbanks, and shorelines of the Bay than depicted in Figure 3.5-5, page 3.5-23

The comment also states that the Draft EIR should address repairing or at minimum ensuring corridors are not degraded further and asserts that the mitigation cannot reduce the impact to less than significant. Mitigation Measures BIO-3(a) and BIO-3(b) are proposed to address impacts to connectivity. In part, Mitigation Measure BIO-3(a), on pages 3.5-53 and 3.5-54 of the Draft EIR, requires projects be designed to minimize impacts to migratory corridors and analysis of opportunities to preserve or improve habitat linkages with areas on- and off-site. Implementation of Mitigation Measures BIO-3(a) and BIO-3(b) by local agencies would render impacts less than significant. As discussed on page 3.5-55, these mitigation measures would require assessing whether significant wildlife corridors are present in project areas, minimizing wildland conversions in identified wildlife

corridors, implementing wildlife friendly design features, and complying with regulations and policies to protect wildlife corridors and wildlife nursery sites. However, because MTC and ABAG lack authority to require this (see “Master Response 6: MTC and ABAG Roles and Authority”), the Draft EIR concludes that the impacts would be significant and unavoidable.

130-21

This comment states that planting native trees would have a positive effect on air quality and recommends the inclusion of a mitigation measure to ensure that native trees are planted in all communities. Mitigation Measure AQ-4(a) provides measures to reduce TACs or PM_{2.5} emissions from mobile and area sources. It specifically includes planting trees and/or vegetation between sensitive receptors and pollution source. (Draft EIR, p. 3.5-55.) Mitigation Measure AQ-4(d) requires the implementation of strategies identified in the CARB Technical Advisory (CARB 2017) to reduce air pollution exposure near high-volume roadways. The Technical Advisory also identifies the use of tree barriers to increase dispersion and improve air quality. (CARB 2017, pp. 32-35.) Planting trees and vegetative ground cover are also included in Mitigation Measure AQ-2 to mitigate construction related air quality impacts. (Draft EIR, p. 3.5-40.) These strategies would be consistent with what the commenter suggests. However, the Draft EIR undertakes programmatic analysis. Decisions as to how a specific project can feasibly mitigate its impacts on air quality are appropriately made at the project level. Further, MTC and ABAG lack authority to require that native trees be planted in all communities. (See “Master Response 6: MTC and ABAG Roles and Authority.”)

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



Letter
131

July 20, 2021

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street
 Suite 800, San Francisco, CA, 94105
 Submitted via email: eircomments@bayareametro.gov

Re: Draft Environmental Impact Report for Plan Bay Area 2050

To Whom It May Concern,

On behalf of the Midpeninsula Regional Open Space District (Midpen), I respectfully submit this letter regarding the Plan Bay Area 2050 Draft Environmental Impact Report (DEIR). Midpen preserves nearly 65,000 acres of open space on the San Francisco Peninsula and is one of the largest regional open space districts in California. Our mission is to acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education. On the San Mateo County Coast, Midpen has an expanded mission to also acquire and preserve agricultural land of regional significance, preserve rural character, and encourage viable agricultural uses of land resources.

On October 28, 2020, Midpen submitted a comment letter in response to the Notice of Preparation (NOP) for the DEIR. This letter included several requests pertaining to (1) minimizing wildfire hazards in local communities within the wildland-urban interface, (2) ensuring wildlife connectivity and preventing further habitat fragmentation, and (3) emphasizing bicycle/pedestrian improvements and improving trail access. Midpen appreciates how these comments were addressed in the DEIR analysis and mitigation measures.

The Plan Bay Area 2050 strategy of promoting compact urban communities aligns with Midpen’s mission to *preserve a regional greenbelt of open space* and is consistent with statewide planning efforts, including Executive Order N-82-20, which aims to conserve at least 30% of California’s natural spaces by 2030. Based on our review of the DEIR alternatives, **Alternative 1: Transit Rich Area (TRA) Focus Alternative** – the environmentally superior alternative – is a growth strategy that maximizes protection of our natural and working lands.

Alternative 1 promotes compact urban growth, focusing development within built communities and avoiding sprawl into open space lands to preserve critical natural resources that perform ecological services (water recharge, carbon sequestration, flood protection, etc.) for our growing population. By focusing growth in urban areas, Alternative 1 minimizes development pressure within the wildland-urban interface to avoid exacerbating wildland fire risk and associated

131-1

impacts. Alternative 1 also reduces development pressure in agricultural areas to sustain local food production. All together, these benefits protect the remaining habitat corridors throughout our Bay Area region to sustain wildlife populations that are continuously stressed by human-made barriers such as exurban roadways and development.

Of ever-growing importance given the dramatic rise in climate-related impacts, the compact development strategy envisioned under Alternative 1 would reduce vehicle miles traveled and greenhouse gas (GHG) emissions – a key consideration that must be prioritized now and into the future.

Midpen strongly encourages the Association of Bay Area Governments and the Metropolitan Transportation Commission to adopt Alternative 1 as the future vision for the Bay Area.

We appreciate the opportunity to submit comments on the Plan Bay Area 2050 DEIR. Please contact Jane Mark, Planning Manager (jmark@openspace.org) and Alex Casbara, Planner III (acasbara@openspace.org) if you have questions regarding this letter.

Sincerely,



Ana M. Ruiz
General Manager

cc:
Midpeninsula Regional Open Space District Board of Directors

131-1
cont.

Letter 131
Midpeninsula Regional Open Space District
Ana M. Ruiz, General Manager
July 20, 2021

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

131-1

This is a comment expressing appreciation for the incorporation of the Midpeninsula Regional Open Space District's NOP comments and support for Alternative 1. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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

Letter
132

From: [Raavan Zarandian Mohtashemi](#)
To: [Plan BayArea Info](#)
Cc: info@planbayarea.org
Subject: Re: Public Comment on Draft Plan Bay Area
Date: Wednesday, July 21, 2021 9:34:38 AM

External Email

Thank you.

In that case, additional comment is to adopt the policy from Alternative 1: Eliminate all freeway capacity-increasing projects and divert funding toward core capacity transit upgrades, while modifying all capacity-increasing express lane projects to general-purpose lane conversions.

132-1

On Wed, Jul 21, 2021 at 9:01 AM Plan Bay Area Info <planbayareainfo@bayareametro.gov> wrote:

Hello,

Thank you for your comments on Draft Plan Bay Area 2050, the long-range regional plan for transportation, housing, the economy and the environment.

Your comments specifically cite Strategies T6 and T12, which total \$20 billion out of the \$579 billion in overall transportation investments (3% of all transportation spending), all part of the overall \$1.4 trillion plan or 1% of total spending. These two strategies fund a suite of capacity-increasing (e.g., addition of a vehicle lane) and non-capacity-increasing (e.g., interchange safety improvements) investments in highways, express lanes and express buses. In total, capacity-increasing road investments would only increase lane-mileage in the Bay Area by 2% over the next three decades—with much of that new capacity reserved for carpools, express buses and toll-paying single-occupant vehicles.

While we agree that expanding freeway capacity can contribute to long-term increases in greenhouse gas emissions (GHG), GHG increases associated with Strategies T6 and T12 would be fully mitigated through implementation of all-lane tolling (Strategy T5) starting in 2030. Furthermore, GHG reduction is just one of the many objectives associated with our long-range plan. Furthermore, limited strategic investments in our region’s highways also can contribute toward important regional mobility and economic goals.

Concurrent with the review of the Draft Plan Bay Area 2050 document, the accompanying Draft Environmental Impact Report (EIR) was also out for public review. The Draft EIR studied an alternative known as Alternative I (TRA Focus Alternative), which does exactly what is proposed in your letter—eliminate all freeway capacity-increasing projects and diverting funding toward core capacity transit upgrades, while modifying all capacity-increasing express lane projects to general-purpose lane conversions. This alternative was identified by MTC and ABAG as the Environmentally-Superior Alternative. The Commission and ABAG Executive Board will determine whether to approve the Draft Plan, or one of the EIR alternatives, as the Final Plan this fall, likely in October.

Lastly, with regards to freeway teardowns, MTC and ABAG solicits transportation project ideas from local public agencies, such as the cities of San Francisco and Oakland, and from the public at-large, and then conducts a rigorous Project Performance Assessment to

understand the costs and benefits associated with those investments. In 2018 and 2019, when this phase of the planning process was conducted, neither city advanced the concept of freeway teardown to MTC for consideration, as such discussions presumably remain in the preliminary stages at the local level. Please note that the long-range plan is updated every four years, and MTC and ABAG would certainly consider such projects for future iterations of Plan Bay Area if and/or when one or more cities bring forward such a proposal for consideration in the regional planning process.

Thank you again for your feedback and engagement in the Plan Bay Area 2050 process.

The Plan Bay Area 2050 Team

Letter 132
Raayan Zarandian Mohtashemi
July 20, 2021

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

132-1

This is a comment expressing support for modified strategies included in Alternative 1. It does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

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



Letter
133

July 19, 2021

Metropolitan Transportation Commission
Attn: Draft Plan/Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA 94105
Submitted via email to: info@planbayarea.org & eircomments@bayareametro.gov.

Comments Re: Plan Bay Area 2050 Draft Plan and Draft EIR

These comments on the Draft Plan Bay Area 2050 main document (“Draft Plan”) and on the Draft Environmental Impact Report for Plan Bay Area 2050 (“DEIR”) are respectfully submitted on behalf of the Pacific Merchant Shipping Association. PMSA represents ocean carriers, marine terminal operators, and other stakeholders in the maritime transportation system which operate at California’s public seaports.

Our comments are submitted to make two observations:

PMSA supports the proposed policies in the Draft Plan, including Strategy #EC6, to protect and enhance investment and utilization of key industrial lands and to fund infrastructure improvements for industrial lands.

133-1

However, the Draft Plan fails to adequately identify freight industry PPAs and labels maritime industrial lands for conversion to PDAs even though they are designated for Seaport Priority Use under the maritime element of the Regional Transportation Plan. Specifically, the Draft Plan and DEIR mis-designate and mis-identify large swaths of industrial acreage and entirely omit recognition of the regional planning law – the BCDC Seaport Plan - which protects seaport industrial properties. This inconsistency with existing law results in significant and unavoidable negative impacts which are unidentified and unaddressed in the DEIR.

The Draft Plan Policies to Protect and Enhance Key Industrial Lands Are Critical and Important to Protect Long-term Economic Health of the Bay Area

PMSA supports the proposed policies in the Draft Plan, including Strategy #EC6, to protect and enhance investment and utilization of key industrial lands and to fund infrastructure improvements for industrial lands.

133-2

The preservation of industrial lands that include seaports and marine terminals, including all of the uplands properties necessary to facilitate the trucking, rail, and warehousing operations which support seaport operations, are critical to the ongoing health of the regional economy. Without ongoing protection of these properties it will be nearly impossible to preserve the Bay Area’s leadership in global trade, and to protect the region’s industrial base from the encroachment of non-compatible land uses which threaten industrial uses, jobs, and benefits.

We support the designation of Priority Production Areas (PPAs) in the Plan Bay Area process. This is an important policy designation and it is imperative that this policy be protected, enhanced, and thoroughly integrated into other components of the Draft Plan. To that end, PPA’s cannot just be a planning afterthought and they should receive specific focus and

PMSA Comments on Draft Plan Bay Area 2050 and Draft EIR
 July 19, 2021
 Page 2

protection. PMSA supports the comments submitted by the Port of Oakland on the Draft Plan and Draft EIR which requests that MTC work with industrial stakeholders to preserve core industrial lands. Likewise, PMSA supports the comments of the Port of Oakland with respect to Mitigation Measure AQ-4(a) that PDA's should not be extended into existing industrial areas or placed along current industrial truck routes.

133-2
 cont.

The Draft Plan Fails to Designate PPAs and Actually Misidentifies Industrial Property as PDAs Instead; DEIR Fails to Identify Significant Impacts As a Result of these Omissions

It is not enough for the Draft Plan to adopt a policy of protecting industrial properties for such protections to be effective. It is also imperative that the actual designation of PPAs be clear, unambiguous, and significant. The Draft Plan has not adequately designated port industrial and transportation related PPAs, and this under-designation leaves industrial properties vulnerable.

Furthermore, the Draft Plan actually does the opposite of protecting industrial properties when it mistakenly identifies or shows current industrial properties as part of a "Priority Designation Area" for housing and other non-industrial urban development.

PMSA supports the comments submitted by the Port of Oakland on the Draft Plan and Draft EIR which requests that MTC work with industrial stakeholders to preserve core industrial lands. Likewise, PMSA supports the comments of the Port of Oakland with respect to Mitigation Measure AQ-4(a) that PDA's should not be extended into existing industrial areas or placed along current industrial truck routes.

The DEIR is inadequate because the under-designation of Seaport industrial property as a "PPA" or the mis-designation specifically of Seaport industrial property as a "PDA" is contrary to regional planning law and therefore must be identified as a significant impact. As the current DEIR fails to include an analysis of whether or not the Draft Plan conforms to the Regional Transportation Plan (see below), it must be corrected such that it identifies the project's inconsistencies with local and regional plans and policies because such inconsistencies constitute significant impacts under CEQA. *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777.

133-3

With respect to under-designation of freight and seaport industrial properties as PPAs, Draft Plan [Map 1.1 ("Plan Bay Area 2050 Growth Geographies")] fails entirely to list any of the current maritime and waterfront properties with seaport operations at the Port of Redwood City, the Port of Richmond, the Port of Benicia, any of the private marine terminal operations of liquid bulk commodity terminals affiliated with petroleum refinery, and only a portion of the operational footprint of the Port of San Francisco. These freight and industrial transportation activities are all either designated as "Seaport Priority Use" under the BCDC Bay Plan or by local zoning ordinances and plans or both. *Failure to designate these industrial properties in a manner consistent with local and regional plans is a significant impact under CEQA.*¹

¹ While not Seaport specific, we would also note that the Draft Plan obviously omits other important transportation industrial operations, such as rail freight facilities, including the BNSF yard in the City of Richmond, and air freight facilities, such as those at SFO.

PMSA Comments on Draft Plan Bay Area 2050 and Draft EIR
July 19, 2021
Page 3

This is especially important with respect to the fact that the BCDC Seaport Plan “constitutes the maritime element of MTC’s Regional Transportation Plan” and because of the direct relationship of the MTC to the existing Bay Plan and its Seaport Plan derivative, must be viewed as a component of “managing the metropolitan transportation system” as explained in the Introduction to the current Seaport Plan (at page 1):

The San Francisco Bay Area Seaport Plan is the product of a cooperative planning effort of the Metropolitan Transportation Commission (MTC) and the San Francisco Bay Conservation and Development Commission (BCDC). The Seaport Plan constitutes the maritime element of MTC’s Regional Transportation Plan, and is incorporated into BCDC’s San Francisco Bay Plan, where it is the basis of the Bay Plan port policies. The MTC uses the Seaport Plan to assist in making project funding decisions and managing the metropolitan transportation system, and BCDC uses the Seaport Plan to help guide its regulatory decisions on permit applications, consistency determinations, and related matters.

The Seaport Plan promotes the following goals:

1. Ensure the continuation of the San Francisco Bay port system as a major world port and contributor to the economic vitality of the San Francisco Bay region;
2. Maintain or improve the environmental quality of San Francisco Bay and its environs;
3. Provide for the efficient use of finite physical and fiscal resources consumed in developing and operating marine terminals through the year 2020;
4. Provide for integrated and improved surface transportation facilities between San Francisco Bay ports and terminals and other regional transportation systems; and
5. Reserve sufficient shoreline areas to accommodate future growth in maritime cargo, thereby minimizing the need for new Bay fill for port development.

To achieve these goals, the Seaport Plan employs land use designations and enforce-able policies that MTC and BCDC use in their funding and regulatory decisions, and that local governments use in their land use and regulatory decisions. Areas determined to be necessary for future port development are designated as *port priority use areas* and are reserved for port -related and other uses that will not impede development of the sites for port purposes. Within port priority use areas, *marine terminals* are identified and are reserved specifically for cargo handling operations. The number of marine terminals (measured by marine terminal berths and amount of land needed for marine terminal use) is derived from an analysis of the Bay Area waterborne cargo demand in 2020 and the capability of existing marine terminals to handle the forecast cargo.

133-3
cont.

PMSA Comments on Draft Plan Bay Area 2050 and Draft EIR
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 Page 4

The Draft EIR fails to identify the Draft Plan's proposal to identify the Howard Terminal at the Port of Oakland as part of a PDA as a Significant Impact, despite such a designation being facially inconsistent with its "Seaport Priority Use" designation in the BCDC Bay Plan. The Howard Terminal designation as a PDA is not only inconsistent with the BCDC Bay Plan as a "Seaport Priority Use" but it also is inconsistent with the related public trust restrictions imposed on the site under state law, the current Land Use Covenants which exist at this property between the state Department of Toxic Substances Control and the Port of Oakland which restrict uses on site to industrial and non-residential activities, the recently adopted West Oakland Community Air Plan policies on separation of industrial and residential activities, and the City of Oakland general plan. *The designation of the Howard Terminal at the Port of Oakland as a "Priority Development Area" is a significant impact under CEQA.*

- Public Trust Restrictions and BCDC Seaport Plan

The Howard Terminal PDA designation is facially inconsistent with both the site restrictions imposed by the Tidelands Trust underlying the property and the BCDC Seaport Plan restrictions overlaying the property. Without any future approval by the State Lands Commission, required by recently adopted statutes specific to this property for development of housing, the Howard Terminal Project remains a location where a PDA designation conflicts with public trust restrictions under current law. Moreover and consistently, the PDA designation conflicts with the San Francisco Bay Plan and Seaport Plan land use policies which identify the Howard Terminal as a Priority Seaport Use area. These conflicts are Significant Impacts under CEQA.

While there is a project application pending at the City of Oakland for Howard Terminal, the presence of an application by a private developer or the possibility that existing laws may change in the future is not the CEQA standard for this analysis. The point of an EIR's disclosure of significant impacts with respect to land use conflicts is to identify the conflicts which exist, not to speculate that it may be removed at some point in the future. Reference to the existing plans and statutes makes it clear to policymakers that a PDA designation for Howard Terminal is a facial and unavoidable conflict with the existing law, and the identification of these as significant impacts is necessary in order to adequately provide the disclosures required under CEQA.

- Department of Toxic Substances Control Land Use Covenant

The Howard Terminal PDA designation is facially inconsistent with the site restrictions which are imposed through a Land Use Covenant (LUC) agreed to by the Port of Oakland and the state Department of Toxic Substances Control (DTSC). The hallmark of a PDA is that it is an area which the Draft Plan identifies as a potential location for residential in-fill development. However, the LUC which governs all future activities at Howard Terminal explicitly prohibits the utilization of the site for housing and other related activities, including schools and day care facilities. A copy of the LUC for the Howard Terminal location can be found at:

https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=01440006

The conflict of the proposed PDA designation for housing to be built on site is a fundamental conflict with the legal restrictions imposed on this property. This is yet another basis for the PDA designation to be identified as a significant impact under CEQA, but which the DEIR fails to do.

133-3
 cont.

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- West Oakland Community Air Plan

The Howard Terminal PDA designation exists in an area located in the West Oakland Community Action Plan (WOCAP)². Adopted in 2019, the WOCAP plan adopted a series of Strategies related to the reduction of impacts on West Oakland residents from air pollution and emissions from Port, transportation, and other industrial sources, including the Howard Terminal PDA property. These Strategies are intended to further buffer and separate industrial and transportation source emissions away from residential areas (WOCAP, pages 6-2 and 6-3):

... These Strategies include lowering emissions from the most important sources in West Oakland, reducing exposure by filtering pollutants, and moving pollution sources away from residents.

Land Use Strategies

The Steering Committee identified air pollution issues closely tied to land use decisions. Nonconforming or incompatible land uses can result in increased exposure, particularly when industrial facilities or truck routes are sited near residences. The City of Oakland adopted the West Oakland Specific Plan to facilitate development in West Oakland. Consistent with the West Oakland Specific Plan, the City plans to identify locations to relocate heavy industrial businesses currently in West Oakland (Strategy #4). Relocating two recycling companies (California Waste Solutions and CASS, Inc.) to the former Oakland Army Base has been the subject of community concerns. Relocating these two firms by the end of 2024, if not sooner, will reduce exposure from both their onsite operations and from trucks traveling and idling on local streets within Zones 1 and 6 (Strategy #1). In addition to relocating polluting businesses out of residential areas, the Steering Committee also identified strategies to relocate truck yards and truck routes away from residences (Strategy #5). Exposure from trucks can be reduced by shifting and enforcing truck routes and hours within the community and enforcing existing restrictions on truck parking, truck idling (Strategy #9). ...

133-3
 cont.

The Howard Terminal PDA designation would do the exact opposite of the WOCAP strategy of moving pollution sources further away from residents and creating larger buffer zones; instead of helping to reduce exposures by limiting interaction between industry and residential uses in West Oakland, the Howard Terminal PDA would instead move high density residential uses into areas immediately contiguous to heavy industry, directly downwind of all Port activities, and in an area already impacted by existing pollution sources.

The DEIR must also identify this land use conflict as significant under CEQA Guideline § 15126.2(a) which requires an "EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected." This provision requires that the effects of environmental conditions upon a project's future residents or users be considered where the project may exacerbate

² <https://www.baaqmd.gov/community-health/community-health-protection-program/west-oakland-community-action-plan>

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existing environmental hazards. See *California Building Industry Assoc. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

In addition to the separation of industrial and residential uses, the WOCAP also specifically recommends "Action 26. The City and Port of Oakland will work to establish permanent locations for parking and staging of Port related trucks and cargo equipment, i.e., tractors, chassis, and containers. Such facilities will provide long-term leases to parking operators and truck owner-operators at competitive rates. Such facilities will be at the City or Port logistics center or otherwise not adjacent to West Oakland residents."

Howard Terminal is currently the principal and largest staging area and parking area that meets the criteria of WOCAP Action 26. In this regard as well, the Howard Terminal PDA designation is a facial conflict with the WOCAP and a significant impact. No analysis has occurred of these trucking displacements to quantify or measure their related emissions, the scope of this significant impact is unknown.

The goals of the WOCAP are set in terms of targets for reduced average additional localized Cancer Risk by 2025 and 2030. The 2025 Target is excess cancer risk of no greater than 200 per million in the most impacted areas of West Oakland, which is West Oakland's average air quality, and the 2030 Target is for all areas of West Oakland to reach an excess cancer risk of no greater than 110 per million, which is West Oakland's best air quality. (WOCAP, at Figure 4-4). The WOCAP has established that the "Baseline conditions in West Oakland in the year 2017 for excess cancer risk resulting from exposure to local air pollution is 204 per million.

The current City of Oakland published DEIR for the proposed development of a Howard Terminal ballpark by the Oakland A's, at Figure 4.10-8a, projects that "On-site Cumulative Cancer Risk (2024)" on the Howard Terminal Project site will more often than not be well in excess of both the 2017 West Oakland cancer risk baseline and the 2025 WOCAP targets. Of the 163 data points detailed in Figure 4.10-8a, 57 were in the cancer risk zone of "0.0 – 290 per million" – which means these could be at, above, or below the WOCAP targets. This analysis cannot confirm whether those data points on Howard Terminal exceed the West Oakland baseline or not. But of the remaining 106 data points in Figure 4.10-8a, all of them exceeded an excess cancer risk of 290 per million, including 9 with a risk of over 355 per million. Therefore, per the City of Oakland's Ballpark DEIR, at least 65% of the Howard Terminal project site is projected to be at a cancer risk of at least 290 per million in 2024, while the WOCAP target for 2025 is intended to be 200 per million. And, for at least 5% of the project site, excess cancer risk is approximately double the current (2017) West Oakland baseline and nowhere near the WOCAP target.

As such, the City of Oakland Ballpark DEIR concedes that "high background (existing) levels of pollutants and TACs at the Project site pose health risks to proposed on-site sensitive receptors, and ... under cumulative conditions, **impacts to on-site sensitive receptors would be significant and unavoidable**. Mitigation Measures ... are identified to reduce air quality impacts under cumulative conditions to the extent feasible." (at 4.10-45)

133-3
 cont.

PMSA Comments on Draft Plan Bay Area 2050 and Draft EIR
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- Current City of Oakland General Plan and Zoning

The Howard Terminal PDA designation is facially inconsistent with both the City of Oakland's own General Plan and its zoning, which for this property is Industrial. We also understand that the original basis for the inclusion of the Howard Terminal in this PDA designation was during the Plan 2040 because, at the time, the City of Oakland had originally proposed to include Howard Terminal within the boundaries of its proposed Downtown Oakland Specific Plan. At the present time, however, this is no longer the case as the City has removed Howard Terminal from the boundaries of its latest Downtown Oakland Specific Plan. Strictly speaking, this leaves no basis for the inclusion of this property in the Draft Plan as a PDA.

Moreover, if the intention of the designation of Howard Terminal as a PDA is indeed to specifically facilitate the Oakland A's ballpark project, independent of its removal from the Downtown Oakland Specific Plan, then it is even more imperative that the Draft Plan and DEIR identify significant impacts and analyze any effective mitigation for these impacts, which will result from designation of Howard Terminal as a PDA for the purposes of building a ballpark complex. These include many significant and unavoidable impacts which are not part of the stated and intended purpose of the Draft Plan and DEIR.

The creation of housing and industrial conflicts is an outcome which would equally exist with respect to designation of Howard Terminal as a PDA for housing in general or under the Ballpark DEIR (see WOCAP discussion, above) and is therefore also inconsistent with the City of Oakland's General Plan Air Quality objectives and policies. This includes "Policy CO-12.1: Land Use Patterns Which Promote Air Quality," which requires the City to "[p]romote land use patterns and densities which help improve regional air quality conditions by ... (c) separating land uses which are sensitive to pollution from the sources or air pollution..."

Thank you for the opportunity to submit these comments on the Draft Plan Bay Area 2050 and on the Draft Environmental Impact Report. Please do not hesitate to contact me regarding any of these comments at mjacob@pmsaship.com or (510) 987-5000.

Sincerely,



Mike Jacob
 Vice President & General Counsel

133-3
 cont.

Letter 133
Pacific Merchant Shipping Association
Mike Jacob, Vice President and General Counsel
July 20, 2021

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

133-1

The Draft EIR provides a discussion of proposed Plan growth geographies, including Priority Production Areas (PPAs), on page 2-34, under Section 2.3.4 of Chapter 2, “Project Description.” The boundaries of PPAs are designated by local jurisdictions. As a result, the areas noted in the comment would be identified as a PPA only if it had been nominated by the local jurisdiction in which it is located. Similarly, the boundaries of Priority Development Areas are defined by local jurisdictions.

The designation of an area as a growth geography in the proposed Plan does not by itself result in the allocation of future development—either for commercial or for residential development. Rather than applying a blanket density across the entire area, the UrbanSim 2.0 land use model simulates development on a parcel by parcel basis up to a maximum assumed density, taking into account features such as public parks, open spaces, schools, and public rights of way. Approval of the proposed Plan would not affect the independent land use authority of local jurisdictions. Rather, CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See “Master Response 6: MTC and ABAG Roles and Authority” for a discussion related to this comment.

Land use designations included in the proposed Plan do not negate land use restrictions such as the BCDC Seaport Plan. While the commenter is correct in characterizing PDAs as locations for “infill development”, the entirety of an area that meets PDA designation criteria see ABAG Resolution 19-02) is not required to be planned for residential development. The land uses envisioned by local jurisdictions for PDAs are not limited to residential or commercial uses and may include light industrial activities such as clean technology which, if appropriately designed and if necessary mitigated, can be part of a mixed-use district that supports reduced greenhouse gas reduction, housing affordability, and ladders to middle-wage careers for low-income residents. This approach is substantiated by PDAs such as Warm Springs in Fremont, which include a range of uses planned to function as a well-connected district that, in its totality, will reduce auto trips and increase affordable housing production.

Please see Response to Comment 103-5 for a discussion of the Seaport Plan, including changes to the text of the Draft EIR.

See Response to Comment 7-1, for a discussion related to the comment.

133-2

This comment expresses opinions and recommendations related to the proposed Plan. Regarding the location of PDAs near truck routes, please see Response to Comment 134-5. This comment does not raise any further issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR.

133-3

See Response to Comment 133-1, for a discussion related to the comment.

The comment states that the Howard Terminal PDA designation would move high density residential uses into an area already impacted by existing pollution and states this must be identified as a land

use conflict under CEQA Guidelines Section 15126.2(a) and cites *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369 (CBIA). CBIA distinguished between requirements that consider the environment's effects on a project and those that contemplate the project's impacts on the existing environment. (CBIA, *supra*, 62 Cal.4th at pp. 388-390.) The Supreme Court in that case concluded "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." (*Id.* at p. 386.) However, it did find that where a project may exacerbate existing conditions, it is appropriate to evaluate how worsened conditions could affect future users. (*Id.* at pp. 388-390.) Here, the comment states the proposed Plan would move residents into an area with high industrial pollution, but it does not explain how the proposed Plan would exacerbate those existing conditions. The example provided by the Supreme Court in the CBIA case to illustrate "exacerbation" is instructive. According to the Court, locating a new development next to an abandoned gas station site that pumped gasoline containing contaminants capable of seeping into soil and groundwater would not by itself be an impact for purposes of CEQA. But if by virtue of the proposed location the project threatens to disperse the settled contaminants and thus exacerbate the existing contamination, that would be an impact requiring environmental review "[b]ecause this type of inquiry still focuses on the project's impacts on the environment—how a project might worsen existing conditions . . ." (*Id.* at p. 389.)

Nonetheless, the Draft EIR does disclose and analyze the potential for future residents to be exposed to substantial pollutant concentrations. (Draft EIR, pp. 3.4-47 to 3.4-57.) It discusses that the proposed Plan could locate sensitive receptors in TAC Risk Areas (areas where TACs or PM_{2.5} concentrations result in cancer risk levels greater than 100 in a million or a concentration of PM_{2.5} greater than 0.8 µg/m³), or where TACs or PM_{2.5} concentrations are in noncompliance with an adopted Community Risk Reduction Plan. The Draft EIR also quantifies the overlap between the proposed Plan's land use growth footprint and TAC Risk Areas. It then analyzes TAC and PM_{2.5} exhaust emissions. Overall, implementation of the proposed Plan would result in a decrease in TAC and PM_{2.5} exhaust emissions from diesel and gasoline vehicles throughout the Bay Area. Importantly, reductions would be greater in CARE communities than non-CARE Communities. On a regional basis, total PM_{2.5} emissions would increase over existing conditions, but total PM_{2.5} emissions would decrease in all CARE Communities except for the Santa Clara CARE Community. (Draft EIR, Table 3.4016, p. 3.4-52.) In Alameda County, exhaust-only PM_{2.5} emissions are projected to decrease 74 percent county-wide and 89 percent in the Alameda CARE Community; while total PM_{2.5} emissions would increase 7 percent, they would decrease 18 percent in the Alameda CARE Community. Additionally, the Draft EIR analyzes impacts related to criteria pollutant emissions and provides mitigation measures to address impacts related to criteria pollutant as well as TAC emissions. (Draft EIR, pp. 3.4-41 to 3.4-47, 3.4055 to 3.4-57.) Thus, the Draft EIR analyzes impacts related to locating sensitive receptors in polluted areas and analyzes the impacts of the proposed Plan on air quality and sensitive receptors.

The comment expresses concerns related to consistency of the Howard Terminal PDA with BCDC's Bay Plan as a "Seaport Priority Use" and public trust restrictions, DTSC's Land Use Covenants, and the West Oakland Community Action Plan. Consistency with BCDC land use policies is addressed in Impact LU-2. As noted in the first paragraph on page 3.11-24 of the Draft EIR:

Generally, implementation of the proposed Plan is intended to result in development of communities that would complement transportation systems; however, some of the proposed uses in the projected development area may conflict with BCDC land use policies. In cases where the projected development area overlaps a PUA, the uses within the PUA must be consistent with Bay Plan requirements. Land use compatibility would be further addressed during subsequent environmental review as individual projects are implemented and detailed project design or specific plans resolve land use inconsistencies. This would include consideration of zoning and land use designation

amendments, as appropriate, to allow for implementation of a specific project. However, conflicts could occur between specific projects and the Bay Plan.

Impact LU-2 is considered to be significant and unavoidable because there may be instances in which conflicts with land use plans, policies, and regulations would occur because of the regional nature of the analysis and MTC's lack of authority to ensure consistency with local and regional plans. Regarding specific future projects in the Plan area, the programmatic analysis in the Draft EIR does not allow for a precise description of the details of project-specific impacts, because details related to the location, size, design, or setting of specific projects are unknown and therefore a meaningful evaluation could not occur at this time. The EIR appropriately does not address the impacts of individual projects in detail. In addition, the redevelopment of a site with a DTSC Land Use Covenant for a mix of land uses has precedent throughout the state. Major redevelopment projects often involve removal actions and mitigation measures that enable a site to be cleared by DTSC for a wide range of future development.

The plan for significant housing growth and/or housing and employment growth is reflected by the local jurisdiction's general plan or zoning ordinance and adoption of a PDA plan must be completed by 2025 (<https://mtc.ca.gov/planning/land-use/priority-development-areas-pdas>). MTC and ABAG have not required the local planning to be in place before designation as a PDA.

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

Letter 134



July 20, 2021

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105
 eircomments@bayareametro.gov

via email

**Subject: Port of Oakland Comments to Notice of Availability of the Draft Program
 Environmental Impact Report for Plan Bay Area 2050**

To Whom it May Concern:

The Port of Oakland (“Port”) appreciates the opportunity to provide comments on the Metropolitan Transportation Commission’s (“MTC”) Plan Bay Area 2050 Draft Program Environmental Impact Report (“DEIR”) (June 2021; SCH #2020090519).

Since its founding in 1927, the Port has been a major driver of the Bay Area’s economy, with three revenue lines of business: Maritime, Aviation, and Commercial Real Estate. Business at the Port supports over 84,000 jobs, creates \$5.6 billion in total personal income and local consumption, and generates \$698 million in annual state and local tax revenue.¹ These benefits accrue not just from activity on Port property, but also from a network of associated industrial land uses throughout the region. Because of the importance of industrial uses to the Bay Area economy, it is imperative that MTC plan for the stability and growth of industrial jobs and preservation of the related industrial lands and industrial transportation corridors.

The Port submits the following comments on the Plan Bay Area 2050 (“Draft Plan”) and the environmental analysis presented in the accompanying DEIR for your consideration.

- The Priority Development Areas (“PDAs”) shown in the Draft Plan and on the MTC website² appear to include areas within the Port’s jurisdiction and/or ownership and that are subject to restrictions that generally preclude the type of development, especially housing, proposed for the PDAs. For example, the area bounded by Oakport Street (along I-880), Edgewater Drive, Damon Slough, and Hegenberger Road is subject to the land use restrictions detailed in the Port’s *Oakland Airport Business Park Land Use and Development Code*, which does not permit residential or certain commercial uses. In addition, Port-owned properties along the Oakland-Alameda Estuary are subject to the public trust pursuant to various state legislative grants and/or

¹ *The Economic Impact of the Port of Oakland*, prepared for the Port of Oakland by Martin Associates, October 9, 2018

² [Metropolitan Transportation Commission: Priority Development Areas \(Plan Bay Area 2050\): Priority Development Areas \(Plan Bay Area 2050\) \(ca.gov\)](#)

134-1

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 Port of Oakland Comments on Plan Bay Area 2050 DEIR
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- state law, which prohibit residential and certain commercial uses. We recommend that MTC work with the Port identify areas with such restrictions so that the PDA designation may be removed.

134-1
cont.
- The City of Oakland has initiated work to update its industrial lands policy as part of its General Plan update, to identify and preserve Oakland’s core industrial land supply in recognition of its importance to local and regional jobs and economy. To this end, MTC should not identify existing core industrial areas of the City of Oakland as residential and commercial priority uses that the City intends to maintain as industrial lands.

134-2
 - The DEIR air quality analysis has a focus on Seaport emissions. The Port of Oakland recognizes the importance of improving air quality in the Bay Area region. To that end, the Board of Port Commissioners approved the *Seaport Air Quality 2020 and Beyond Plan* (“2020 and Beyond Plan”) in June 2019. The 2020 and Beyond Plan is the Port’s master plan for achieving its vision of a zero emissions Seaport. It builds on the Port’s Maritime Air Quality Improvement Plan (“MAQIP”), approved in 2009. The MAQIP established a vision, goals, strategies, and targets to reduce emissions from Seaport-related equipment sources. The MAQIP set a 12-year time frame—from 2009 to 2020—for implementation. As a result of actions under the MAQIP, DPM emissions at the Port have decreased 80 percent since 2005, according to the Port’s 2017 Seaport Emissions Inventory; Port truck diesel emissions have been reduced by 98 percent since 2005. The 2020 and Beyond Plan should be added to “Regional and Local Regulations” in DEIR Section 3.4 Air Quality. We also note that the only non-Air District plans discussed in “Regional and Local Regulations” are Port of Oakland plans. The Port recommends confirming that there are no other applicable regional or local regulations that should be included.

134-3
 - Mitigation Measure AQ-3(b) states “MTC and ABAG, in partnership with BAAQMD and the Port of Oakland, and other agency partners, shall work together to secure incentive funding to reduce mobile PM emissions from mobile exhaust and entrained PM sources such as tire wear, brake wear, and roadway dust.” It is unclear why the Port of Oakland is specifically identified in this way in the mitigation measure. For example, regarding the Seaport, the West Oakland Community Action Plan, prepared by Bay Area Air Quality Management District (“BAAQMD”) in collaboration with the West Oakland Environmental Indicators Project and adopted in 2019, determined that emissions from Seaport drayage trucks contribute only 2% to the cancer risk from all air emissions in West Oakland. Non-port trucks contribute 38% to the cancer risk. In addition, the Port’s jurisdiction over roadways is limited to just a few roads within the Port. To meaningfully address the PM emissions impacts identified, this mitigation measure should be expanded to address all diesel trucks in the region and to support more comprehensive programs to reduce entrained dust (e.g., funding for more frequent cleaning of roadways).

134-4
 - Mitigation Measure AQ-4(a) includes a strategy to “[r]educe emissions from diesel trucks by establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations, such as hospitals, schools, and child care centers. A truck route program, along with truck calming, parking and delivery restrictions, shall be implemented to direct traffic activity at non-permitted sources and large construction projects.” It should be noted that extending the PDAs into existing industrial areas places residential uses along long-standing truck routes. This

134-5

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strategy would further reduce the already-constrained options for truck routes. For example, nearly all roadways between the Port of Oakland and nearby freeways include or are planned to include residential uses. This strategy is not practical near core industrial areas.

We appreciate the opportunity to comment on the Plan Bay Area 2050 DEIR and support MTC in this important endeavor. Please do not hesitate to contact me at rsinkoff@portoakland.com or (510) 627-1182 to discuss these comments further.

134-5
cont.

Sincerely,


Richard Sinkoff (Jul 20, 2021 14:10 PDT)

Richard Sinkoff
Director of Environmental Programs & Planning

CC: Danny Wan, Executive Director
Michele Heffes, Port Attorney
Matthew Davis, Director of Governmental Affairs

Letter 134
Port of Oakland
Richard Sinkoff, Director of Environmental Programs and Planning
July 20, 2021

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

134-1

See Response to Comment 133-1, for a discussion related to the comment.

134-2

See Response to Comment 133-1, for a discussion related to the comment.

134-3

The comment recommends that air quality plans for ports in the Bay Area in addition to the Port of Oakland be discussed in the “Regional and Local Regulations” section in Section 3.4, “Air Quality.” There are three ports within the Bay Area in addition to the Port of Oakland: Port of San Francisco, Port of Richmond, and Port of Redwood City. The summary of the plans addressing air quality at these ports has been revised in this final EIR in response to this comment. This change is presented in Chapter 3, “Revisions to the Draft EIR.” The correction does not alter the conclusions with respect to the significance of any environmental impact, because the proposed Plan would not conflict with the implementation of these additional plans.

Page 3.4-17 is revised as follows (new text is underlined):

Seaport Air Quality 2020 and Beyond Plan – Port of Oakland

The Port of Oakland (Port) published the Seaport Air Quality 2020 and Beyond Plan in 2019 as the Port’s master plan to becoming a zero-emissions seaport. This plan focuses on reducing GHG, criteria air pollutant, and toxic air contaminant emissions, with a focus on reducing diesel PM to improve public health in the surrounding community. The plan evaluates measures to reduce emissions through 2050. The Port intends to regularly update the plan with the first plan update anticipated in 2023. The goals and strategies in the plan build upon the framework for air quality efforts set forth in the MAQIP, focusing on the MAQIP’s goal to reduce diesel PM emissions and achieve or exceed the State’s 2030 and 2050 GHG reduction targets and zero-emissions initiatives. The strategies included in the plan include: continued reduction of emissions, promotion of the pathway to zero emissions, developing infrastructure, building and strengthening partnerships, engaging stakeholders, and pursuing external funding.

Maritime Air Quality Improvement Plan – Port of Oakland

In collaboration with a task force of diverse stakeholders, the Port of Oakland (Port) developed the Maritime Air Quality Improvement Plan (MAQIP) to guide its efforts to reduce criteria pollutants, notably diesel PM, associated with maritime (seaport) activities at the Port. The MAQIP is the Port’s master plan to reduce air pollution from both mobile and stationary on/near-shore and off-shore sources at the seaport. It not only supports current and future State and local emission reduction requirements but enhances these requirements through early implementation goals and by targeting emission reductions that exceed legally mandated requirements.

The MAQIP builds upon the Port Maritime Air Quality Policy Statement (Port Air Quality Statement), adopted by the Board of Port Commissioners in March 2008. The Port Air Quality

Statement sets a goal of reducing the excess community cancer health risk related to exposure to diesel PM emissions associated with the Port's maritime operations by 85 percent from 2005 to 2020, through all practicable and feasible means. It also commits the Port to implement early action emissions reduction measures to reduce the duration of the public's exposure to emissions that may cause health risk, through all practical and feasible means.

Comprehensive Truck Management Plan - Port of Oakland

The Port of Oakland initiated development of the Comprehensive Truck Management Plan (CTMP) in early 2007 through the establishment of a technical advisory committee. The purpose of the CTMP is to address air quality, safety and security, business and operations, and community issues associated with drayage trucks serving the Port. As part of implementing the CTMP, the Port has developed a truck registry for trucks serving the seaport, supported compliance with truck-related regulations to reduce emissions of air pollutants, increased safety and security domain awareness, improved operational efficiencies, reduced traffic and congestion, and involved and educated stakeholders.

Waterfront Plan Update - Port of San Francisco

The Port of San Francisco's Waterfront Plan, last updated in 2016, addresses environmental sustainability at the port in areas of air, climate, water, land, community, energy, transportation, and buildings. With respect to air quality, the plan identifies multiple strategies and active programs that would reduce emissions from the port. These include implementing shoreside power projects that provide zero-emission power for large ships, using renewable diesel fuel in the port's heavy-duty fleet and equipment, and encouraging port employees to use alternative modes of transportation for commuting. The plan targets sustainability goals through 2020 (Port of San Francisco 2016).

Clean Air Action Plan - Port of Richmond

The Port of Richmond published its *Clean Air Action Plan* in 2010. The plan presents the port's emissions inventory and emission reduction measures and identifies the emission reductions from both regulatory and voluntary emission reduction measures (e.g., heavy-duty truck idling rules, vessel speed reduction programs). A 2015 progress report found that SO_x and diesel PM emissions between 2010 and 2014 declined by 95 percent and 90 percent, respectively, primarily resulting from new regulations from CARB requiring the use of very low sulfur fuel in ocean-going vessels (Port of Richmond 2010, 2015).

Vision Plan - Port of Redwood City

The Port of Redwood City completed its 2020 Vision Plan in January 2020. The intent of the plan is to track the port's historical cargo throughput, establish a market forecast of activity at the port, establish land use priorities, prepare for changes in the market, identify operational efficiencies, and achieve sustainability. The plan includes 45 findings and recommendations, two of which could result in air quality improvements:

- ▲ Reduce the number of trucks on the road by recommending a Regional Intermodal Network that would carry cargo within the Bay Area and Stockton/Sacramento River System instead of on the highway. Transporting freight along waterways is more efficient per ton of freight than transporting by truck and would also reduce congestion on roadways.
- ▲ Propose a feasibility study evaluating the potential for ferry service to Redwood City that would reduce on-road congestion and emissions (Port of Redwood City 2020).

134-4

The comment is correct in noting that drayage trucks associated with the Port of Oakland's operations contribute only 2 percent of the cancer risk from all air emissions in West Oakland. However, the Mitigation Measure AQ-3(b) was intended to be focused on on-road mobile source emissions, consistent with the scope of Plan Bay Area. After removing non-road mobile sources emissions reported in the West Oakland Community Action Plan, such as those from ocean going vessels, the Port of Oakland accounts for 10 percent of cancer risk from on-road mobile sources in West Oakland. Mitigation Measure AQ-3(b) has been revised in the final EIR in response to this comment. This change is presented in Chapter 3, "Revisions to the Draft EIR." The correction does not alter the conclusions with respect to the significance of any environmental impact, because the revision does not affect the intent or implementation of Mitigation Measure AQ-3(b).

Mitigation Measure AQ-3(b), on page 3.4-45, is revised as follows (deleted text is shown in ~~strikeout~~):

MTC and ABAG, in partnership with BAAQMD and the Port of Oakland, and other agency partners, shall work together to secure incentive funding to reduce on-road mobile-source PM emissions from heavy duty trucks, ~~diesel train engines, vessels and harbor craft, and cargo handling equipment~~ as well as entrained PM sources such as tire wear, brake wear, and roadway dust.

Maritime and other off-road emissions were excluded from the EIR analyses because MTC does not have jurisdiction over these activities.

134-5

The comment expresses concern that PDAs would be extended into existing industrial areas, which would place residential uses along truck routes. PDAs are designated by local jurisdictions and, thus, were not determined by MTC. Refer to Section 2.3.4 "Proposed Plan Growth Geographies," and ABAG's PDA - Priority Development Areas webpage found at <https://abag.ca.gov/our-work/land-use/pda-priority-development-areas>.

This comment does not raise concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Refer to the analysis under Impact AQ-4 starting on page 3.4-47 in Section 3.4, "Air Quality," for a discussion of the air quality impacts on sensitive receptors. The conclusion on page 3.4-54 states:

Implementation of the proposed Plan's land use development pattern and transportation projects could expose sensitive receptors near TPAs to substantial concentrations of TAC emissions; implementation of sea level rise adaptation infrastructure projects are not anticipated to result in significant impacts to sensitive receptors. Approximately 8,900 acres overall (in the region) and 5,100 acres in TPAs in the region would be exposed to a cancer risk level greater than 100 in a million. Given the limitations of modeling tools and assumptions, sensitive receptor exposure numbers are an indication of relative exposure, and not a precise prediction. Actual exposures potentially could be lower because of the conservative emission modeling assumptions used in the cancer risk analysis.

While exhaust-related emissions would decrease in both CARE communities and non-CARE communities, total PM2.5 emissions would increase in the Plan area as would total PM2.5 emissions in the Santa Clara County CARE community. The projected increase in total PM2.5 emissions in the Santa Clara County community CARE community from 2015 to 2050 would constitute a change in PM2.5 exposure levels that disproportionately affect minority and low-income populations.

For these reasons, this impact would be **potentially significant (PS)** in 2050.

With respect to the effect of trucks on sensitive receptors, Mitigation Measure AQ-4(a) states, on page 3.4-55: “When locating sensitive receptors in TAC risk areas, as identified in Figure 3.4-2, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below...” [emphasis added]. Although implementation of Mitigation Measures AQ-4(a) through AQ-4(d) would reduce risks to sensitive receptors in the Plan area, the paragraph that begins on the bottom of page 3.4-56 and concludes on page 3.4-57 states:

“The mitigation measures identified above would result in reduced emissions and lower exposure levels near sensitive receptors. Projects taking advantage of CEQA Streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above to address site-specific conditions. However, the exact reductions are not known at this time. Therefore, this impact would be **significant and unavoidable (SU)**.”

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



Letter
135

July 20, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

RE: The Draft Environmental Impact Report (Draft EIR) (SCH# 2020090519) for Plan Bay Area 2050

To Whom It May Concern:

I am writing on behalf of the San Francisco Water Emergency Transportation Authority (WETA) regarding the Metropolitan Transportation Commission’s (MTC) Draft Environmental Impact Report (Draft EIR) for Plan Bay Area 2050. The Draft EIR for Plan Bay Area 2050 programmatically assesses and discloses the potential environmental impacts of implementing the Draft Plan Bay Area 2050, including its housing and economic strategies to accommodate forecasted regional growth, its transportation strategies to invest expected forecasted transportation revenues and its environmental strategies to protect the region from expected sea level rise inundation.

WETA has worked collaboratively with MTC over the past few years with the goal of improving and expanding water transit in the San Francisco Bay Area. This collaboration is evident in the Draft Plan’s goal of “invest[ing] in new ferry service and in increases in frequency to existing service to complement investments in regional transit. Such investments include new ferry service to Berkeley, Redwood City, Treasure Island and Mission Bay, alongside frequency boosts across the Golden Gate and WETA systems.” The inclusion of ferry service enhancement and expansion projects highlights the region’s commitment to water transit and the important role WETA will play in the future of Bay Area transportation.

One clarification is needed; on page 2-21 of the Draft EIR, the *Mission Bay Ferry Expansion* project is titled as, “San Francisco – Alameda – Richmond – Vallejo”. To avoid confusion and stay consistent with the DRAFT Plan Bay Area 2050 language, this project should be retitled “San Francisco Mission Bay – Alameda – Richmond – Vallejo” in the DRAFT EIR.

WETA looks forward to continuing to work with MTC and the regions stakeholders to plan, construct, and deliver the vital projects included in the DRAFT EIR for Plan Bay Area 2050.

135-1

Sincerely,

Kevin Connolly
Manager, Planning & Development

Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111 | T. 415.291.3377 | F. 415.291.3388 | www.waterttransit.org

Letter 135
San Francisco Bay Water Emergency Transportation Authority
Kevin Connolly, Manager, Planning and Development
July 20, 2021

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

135-1

In response to this comment, the title of the Mission Bay Ferry Expansion project has been corrected. The text in Table 2-7, of page 2-21 of the Draft EIR is revised as follows (new text is underlined>):

...

T11	Public Transit	Ferry Service Frequency Boost GGBHTD Larkspur-San Francisco	MRN, SF
	Public Transit	Ferry Service Frequency Boost WETA	REG
	Public Transit	Ferry Service Expansion WETA Berkeley-San Francisco	ALA, SF
	Public Transit	Ferry Service Expansion WETA San Francisco <u>Mission Bay</u> -Alameda-Richmond-Vallejo	ALA, CC, SF
	Public Transit	Ferry Service Expansion WETA Redwood City-San Francisco-Oakland	ALA, SF, SM
	Public Transit	Rail Modernization & Electrification Caltrain/High Speed Rail San Francisco to San Jose	SF, SM, SCL
	Public Transit	Rail Service Frequency Boost ACE System	ALA, SCL
	Public Transit	Rail Service Frequency Boost BART System ("Core Capacity")	ALA, CC, SF, SM, SCL
	Public Transit	Rail Service Frequency Boost Caltrain System	SF, SM, SCL

...

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



San Francisco International Airport

July 20, 2021

Therese W. McMillan
Executive Director
Metropolitan Transportation Commission
Attn: Draft EIR Comments
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

TRANSMITTED VIA E-MAIL AND U.S. MAIL
eircomments@bayareametro.gov

Subject: Draft Plan Bay Area 2050 Environmental Impact Report

Dear Ms. McMillan:

The San Francisco International Airport (SFO or the Airport) has reviewed the Draft Plan Bay Area 2050. We appreciate this opportunity to provide our comments to the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC).

According to population and employment forecasts, the Bay Area is projected to have an additional 2 million residents, 1.4 million households, and 1 million jobs between now and 2050. Plan Bay Area 2050 sets forth a vision for future land use and transportation investments through 2050 and will serve as the region's Sustainable Communities Strategy and Regional Transportation Plan under state Senate Bill 375 (Steinberg). Plan Bay Area 2050 includes 35 strategies for improving housing, the economy, transportation, and the environment for the Bay Area's nine counties, with an emphasis for a more equitable and resilient future for Bay Area residents.

Comment #1: Consideration of Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Francisco International Airport

As a long-term and comprehensive land use plan, it is essential that Plan Bay Area 2050 consider land use compatibility with other regional priorities, such as airport operations, as the region decides where and how to grow. SFO is surrounded by water on three sides and U.S. Highway 101 (U.S. 101) to the west. Lands immediately adjacent to the Airport have largely been developed with residential and industrial uses. Within the environs of SFO are major transportation nodes and corridors, including U.S. 101, El Camino Real, and San Francisco Bay Area Rapid Transit (BART) and Caltrain stations and rail lines. Plan Bay Area 2050 includes the following strategies:

- H3. Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas (PDAs), select Transit-Rich Areas (TRAs), and select High-Resource Areas (HRAs).
EC4. Allow greater commercial densities in Growth Geographies. Allow greater densities for new commercial development in select PDAs and TRAs to encourage more jobs to locate near public transit.

136-1

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR

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Ms. McMillan, MTC
July 20, 2021
Page 2 of 4

Plan Bay Area 2050 identifies land west and south of the Airport along the El Camino Real corridor as PDAs.¹

The California Aeronautics Act charges the California Department of Transportation, Division of Aeronautics with adopting noise standards governing the operation of aircraft for airports based on the level of noise acceptable to a reasonable person residing in the vicinity of the airport.² The California Airport Noise Regulations promulgated by the Division of Aeronautics state that “[t]he level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction.”³ Residential uses located in areas above the 65-dB CNEL are incompatible land uses.

The California State Legislature has long recognized the need for land use decisions to take into consideration the operations of an airport and prevent inappropriate land uses that threaten or limit the operations of an airport. In 1967, the Legislature authorized the creation of Airport Land Use Commissions (ALUC) to protect the “public health, safety, and welfare by encouraging orderly expansion of airports and the adoption of land use measures that minimizes exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible land uses.”⁴

The policies of the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) guide compatible development in the lands surrounding SFO with respect to noise, safety, and airspace protection associated with aircraft operations.⁵ The ALUCP recognizes the development pressures faced by the Airport’s neighboring jurisdictions, which must accommodate new housing according to their regional allocations as derived through ABAG’s Regional Housing Needs Allocation (RHNA). Furthermore, commercial and industrial development will likely increase as regional employment grows. While Plan Bay Area 2050 supports such growth within PDAs, including along the El Camino Real corridor west and south of the Airport, the approach must be balanced against compatibility with airport operations and the state’s charge to ALUCs to protect airport environs from land use incompatibilities. For instance, noise compatibility policies limit the types of uses suitable for certain properties, and airspace protection policies impose height restrictions on properties under critical aircraft arrival and departure paths. Much of the land identified as PDAs near the Airport is within the 65-dB CNEL noise contour (i.e., may experience noise greater than 65 dB CNEL), safety zone, or airspace zones. Recognizing the projected employment needs, SFO fully supports commercial and industrial development within the PDAs where consistent with ALUCP guidelines on noise, safety, and airspace; conversely, SFO does not support residential use within the PDAs where inconsistent with ALUCP guidelines on noise, safety, and airspace, especially for vulnerable, disadvantaged, or underrepresented communities that have traditionally been relegated to less desirable locations.

136-1
cont.

¹ These include PDAs named “El Camino Real” in South San Francisco, “Transit Corridors” in San Bruno, “Transit Station Area” in Millbrae, and “Downtown” and “Burlingame El Camino Real” in Burlingame.

² California Public Utilities Code section 21669.

³ Title 21 California Code of Regulations section 5006

⁴ California Public Utilities Code section 21670.

⁵ ALUCP for the Environs of San Francisco International Airport (November 2012) available here: https://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf

Ms. McMillan, MTC
July 20, 2021
Page 3 of 4

ABAG can respond to the growing development pressure faced by SFO’s neighboring communities by adjusting local application of the RHNA, to consider the land use compatibility and environmental impacts due to their proximity to airport operations. As ABAG develops its RHNA allocation methodology in tandem with the Sustainable Communities Strategy, there is an opportunity to consider housing distribution alternatives, while promoting compatible land uses with airports throughout the region. For SFO, the subregion share for San Mateo County will directly influence the housing allocations assigned to the cities within the Airport environs. We believe that sound decisions at the regional level would support compatible land use planning at the local level, which is essential to the sustainability of both future communities and airports. Airport staff are available to share mapping tools showing noise compatibility, airspace protection, and safety areas with ABAG and MTC, to help guide decisions on development in the environs of SFO.

136-1
cont.

The issue of airport land use compatibility is not unique to SFO and applies to all of the region’s airports. The Bay Area’s airports are essential assets to regional transportation infrastructure and the economy, and should be thoroughly considered as ABAG and MTC refine and analyze a preferred scenario for Plan Bay Area 2050.

Comment #2: Support Strategy T12. Build an Integrated Regional Express Lanes and Express Bus Network

The Airport supports transportation strategy RTPID 21-T12-128 for regional express bus service from Vallejo to SFO:

RTPID - 21-T12-128, Express Bus | Service Expansion | ReX (Premium) | Green Line (Vallejo to SFO Airport) - This program includes funding to implement new express bus service along I-80, I-280 and US-101 (on express lanes where available) between Vallejo and San Francisco International Airport. Improvements include high-frequency service (10 min peak headways); capital improvements such as in-line bus stations on freeways and arterials; and station area amenities like upgraded local bus stops, taxi/TNC loading zones, and improved bicycle/pedestrian infrastructure.

136-2

This express bus service would improve transportation options from as far as Vallejo and would be beneficial for Airport workers and for passengers, by reducing the number of transfers that would be needed and reducing the travel time. Without this service, workers and passengers may opt to take automobiles for long distances, adding congestion to the roads and greenhouse gas and other pollutants to the air.

Comment #3 Strategy EN01. Protect Shoreline Communities Affected by Sea Level Rise

The Airport generally supports efforts to protect shoreline communities from sea level rise and flooding. In fact, SFO is embarking on the development our own Shoreline Protection Program to protect the Airport’s assets and operations from flooding and future sea level rise. Plan Bay Area 2050 strategy RTPID 21-EN01-130 addresses sea level rise adaptation infrastructure:

136-3

RTPID - 21-EN01-130, SLR Adaptation Infrastructure | Regional - This program includes funding to implement adaptation infrastructure in locations that are forecasted to be permanently inundated with two feet of sea level rise by 2050, providing protection from king tides and storms. This program includes actions such as the elevation of critical infrastructure and implementation of ecotone levees, traditional levees, sea walls, and

Ms. McMillan, MTC
July 20, 2021
Page 4 of 4

marsh restoration and adaptation. Examples of adapting critical transportation infrastructure include I-880 (ALA), SR- 84 (ALA), I-580/US-101/SMART (MRN), BART (MUL), SR-237/VTA (SCL), and US-101 (SM).

While we applaud Plan Bay Area 2050’s long-term strategies for adaptation to sea level rise, we caution that not all types of protection from flooding and sea level rise are compatible with airport operations. In particular, nature-based solutions such as ecotone levees and marsh restoration and adaptation can be wildlife attractants. As noted in the ALUCP, proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Airport Influence Area B, and may be permitted only if the uses are consistent with Federal Aviation Administration (FAA) rules and regulations.⁶ Ecotone levees and marshes have the potential of attracting wildlife in the area, which is prohibited by the ALUCP. We urge that ABAG and MTC include guidance with this strategy to prohibit the use of nature-based solutions for flooding within five miles of public use airports consistent with FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On or Near Airports.

136-3
cont.

The Airport appreciates your consideration of these comments. If I can be of assistance as ABAG and MTC consider airport land use compatibility in their regional planning efforts, please do not hesitate to contact Nupur Sinha, Acting Planning Director, at (650) 821-9464 or at nupur.sinha@flysfo.com.

Very truly yours,



Ivar C. Satero
Airport Director

cc: Susy Kalkin, Airport Land Use Committee
Amy Choi, Caltrans, Division of Aeronautics, Chief
Audrey Park, SFO, Acting Environmental Affairs Manager

⁶ Characteristics that may create hazards to aircraft in flight and which are incompatible include any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars (ALUCP AP-4, IV-59-60).

136-3
cont.

Letter 136
San Francisco International Airport
Ivar C. Satero, Airport Director
July 20, 2021

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

136-1

Impact HAZ-5, presented in Draft section 3.9, “Hazards and Wildfire,” discusses the potential for the proposed Plan to result in a safety hazard for people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. As discussed in the last paragraph on page 3.9-33 of the Draft EIR:

Implementing agencies would require project sponsors to comply with any applicable [Airport Land Use Compatibility Plan (ALUCP)] requirements, as well as any [Federal Aviation Authority] requirements (14 CFR Part 77). Projects within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport would not be approved by local agencies until project design plans have been reviewed and approved by the appropriate [Airport Land Use Commission (ALUC)].

This text is consistent with concerns in the comment related to the development of land uses that would be inconsistent with San Francisco International Airport’s ALUCP and other airports within the Bay Area. As noted, development within airport land use plans would be reviewed and approved by the appropriate ALUC.

136-2

The comment expresses support for Support Strategy T12 in the proposed Plan, but does not raise a specific issue pertinent to the Draft EIR. The comment is noted for consideration during project review.

136-3

The comment expresses general support for Support Strategy EN01 in the proposed Plan, but notes that not all types of flooding and sea level rise infrastructure are compatible with airport operations. It does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. See Response to Comment 136-1 for a discussion related to compliance with ALUC and FAA requirements.

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



Letter 137

19 July 2021

MTC Public Information
 Attn: Draft Plan/Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA 94105

via email to: eircomments@bayareametro.gov

**re: Sierra Club Comments Regarding Draft Environmental Impact Report (DEIR)
 for Plan Bay Area 2050**

To Whom It May Concern:

On behalf of our nearly 60,000 members in the nine-county Bay Area region, the Sierra Club submits these comments regarding the Draft Environmental Impact Report (DEIR) for Plan Bay Area 2050, (hereinafter PBA or PBA 2050), intended to address the requirements of Senate Bill (SB) 375 (Statutes of 2008) for a Regional Transportation Plan and Sustainable Communities Strategy (SCS). We acknowledge that this is a programmatic DEIR and does not serve as an analysis for any individual project(s) contained within PBA.

Our Sierra Club volunteer transportation experts believe that the “least worst” alternative for the environmental document would be a modification to Alternative 1 (Transit-Rich Area Focus, TRA). We recognize that Alternative 1 has been determined by MTC/ABAG analysts to be the Environmentally Superior Alternative, but we believe that it can be further improved. At a minimum, the recommended modifications would be to:

- * Maintain urban growth boundaries;
- * Re-focus funding removed from highway widening to enhance affordable housing in the corridor;
- * Add funding for the Complete Streets Network from Alternative 2; and
- * Remove Interregional Rail extensions, per Alternative 2.

We would appreciate your consideration of these suggestions as part of the DEIR analysis, and believe that they would help to provide an improved outcome for regional residents.

Several of our members have expressed concern about what has become known as “Reverse CEQA,” the concept that, while the California Environmental Quality Act applies to the effect of a “project” such as PBA 2050 on the environment, it does not

137-1
cont.

3921 East Bayshore Road, Suite 204 Palo Alto, CA 94303 Tel. (650) 390-8411
www.lomapieta.sierraclub.org



apply to the impact of the environment itself on a project, or on humans and communities. This notion, as articulated by the Courts in cases such as *California Building Industry Association v Bay Area Air Quality Management District* and more recently *Newtown Preservation Society v County of El Dorado*, would appear to apply to such natural phenomena as climate change or wildfire issues from Wildland–Urban Interface (WUI) areas. Although these court decisions may form a rationale within MTC/ABAG to not conduct CEQA analysis, common sense should dictate that the prospective climate–change–induced threat to billions of dollars in current and future infrastructure and housing should not escape reckoning by the Bay Area's premier planning agency. Since MTC/ABAG lack any real enforcement authority over such matters, they will need to greatly increase their “powers of persuasion” if the non-statutory elements of PBA 2050 are to be successful.

137-1
cont.

The Sierra Club appreciates your attention to our comments regarding these important regional issues. If you have any questions or desire any further clarification, please contact us via Matt Williams, Chair of the SF Bay Chapter's Transportation & Compact Growth Committee, at [REDACTED].

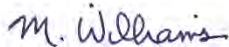
Sincerely,



Mike Ferreira, Member
Executive Committee
Loma Prieta Chapter



Victoria Brandon, Chair
Redwood Chapter



Matt Williams, Chair
Transportation & Compact Growth Committee
San Francisco Bay Chapter

cc: California Air Resources Board
Sierra Club California

Letter 137**Sierra Club****Mike Ferriera, Executive Committee, Loma Prieta Chapter****Victoria Brandon, Chair, Redwood Chapter****Matt Williams, Chair, Transportation and Compact Growth Committee, San Francisco Bay Chapter****July 20, 2021**

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

137-1

This comment expresses a preference for a modification to the TRA Focus Alternative. As described, the proposed alternative is a variation of the TRA Focus Alternative, which also incorporates aspects of Alternative 2. Please also see “Master Response 4: EIR Alternatives” for discussion related to this comment.

This comment also expresses concerns about a legal concept informally known as “reverse CEQA,” and states that common sense should dictate that the prospective climate change-induced threat to infrastructure and housing should not escape analysis by MTC and ABAG. As recognized by the comment, CEQA and CEQA case law do not require analysis of the impact of the environment on the project, including climate change and wildfire. The comment further urges MTC and ABAG to increase their powers of persuasion. In this respect this comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see “Master Response 6: MTC and ABAG Roles and Authority” for information relevant to the comment.

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

Letter
138

From: [Barbara Kelsey](#)
To: [EIR Comments](#); [MTC-ABAG Info](#)
Cc: [Arthur Feinstein Feinstein](#)
Subject: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2050
Date: Tuesday, July 20, 2021 1:15:16 PM
Attachments: [PBA DEIR #9 Grasseti additional Attachment #1.pdf](#)
[PBA DEIR #9 7.20.21.pdf](#)

External Email

July 20, 2021

MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

Dear Commissioners,

The Sierra Club's San Francisco Bay Three-Chapter (Loma Prieta, Redwood and San Francisco Bay) Sea Level Rise Committee respectfully submits the following comments on the Draft Environmental Impact Report (DEIR) on Plan Bay Area 2050 (PBA). The majority of our comments consist of the letter written by Richard Grasseti of Grasseti Environmental Consulting found in our additional Attachment 1.

The letter addresses the general flaws and inadequacies of the subject DEIR. The Table addresses specific issues. Due to the unfortunate limited time period allowed for responses, the Sierra Club's Sea Level Rise Committee has not had time to review all of the issues addressed in Mr. Grasseti's Attachment A and therefore we limit our submittal to Mr. Grasseti's narrative letter and we take no position on the specific comments he has provided in his Attachment A.

We do fully endorse and enclose in our comments Mr. Grasseti's narrative letter.

As stated in Mr. Grasseti's letter, the Sierra Club believes that "Given the above issues, we recommend that the EIR be re-scoped, revised, and re-circulated for public review."

Sincerely yours,

Arthur Feinstein, chair
Sierra Club 3-Chapter San Francisco Bay Sea Level Rise Committee

sent by:

Barbara Kelsey
she/her/hers
Chapter Coordinator
Sierra Club, Loma Prieta Chapter
3921 E. Bayshore Rd, Suite 204
Palo Alto, CA 94303

138-1



Loma Prieta, Redwood and San Francisco Bay Chapters

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105
 Via email to: eircomments@bayareametro.gov
 Cc: info@bayareametro.gov

July 19, 2021

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2050

Dear Commissioners,

The Sierra Club’s San Francisco Bay Three-Chapter (Loma Prieta, Redwood and San Francisco Bay) Sea Level Rise Committee respectfully submits the following comments on the Draft Environmental Impact Report (DEIR) on Plan Bay Area 2050 (PBA).

The majority of our comments consist of the letter written by Richard Grasseti of Grasseti Environmental Consulting found in our additional Attachment 1. The submittal by Mr. Grasseti and the Citizens Committee to Complete the Refuge consists of both a letter and a Table (Attachment A). The letter addresses the general flaws and inadequacies of the subject DEIR. The Table addresses specific issues. Due to the unfortunate limited time period allowed for responses, the Sierra Club’s Sea Level Rise Committee has not had time to review all of the issues addressed in Mr. Grasseti’s Attachment A and therefore we limit our submittal to Mr. Grasseti’s narrative letter, and we take no position on the specific comments he has provided in his Attachment A. We do fully endorse and enclose in our comments Mr. Grasseti’s narrative letter.

Limiting the public review and comment period to 45 days, for a document that is nearly three thousand pages long when all related MTC/ABAG studies and appendices are included, is prejudicial to the public’s ability to respond to such a document. The Club did request 90-days, but that request was rejected without accompanying rationale.

The Sierra Club’s San Francisco Bay-Three Chapter Transportation Committee will also provide comments on this Draft DEIR under separate cover.

138-2

138-3

Please consider the following comments in addition to Mr. Grasseti’s narrative:

1. In PBA Section 7 Implementation Plan, MTC-ABAG declare themselves in a chart the lead agency for sea level rise adaptation/resilience. We find this baffling since MTC’s expertise has been transportation and ABAG, housing. There are other agencies such as BCDC or the SF Bay Regional Water Board that have much greater experience and expertise in addressing sea level rise adaptation and resilience measures. According to the PBA 2050 MTC-ABAG’s role will be a funding role and as such it should identify itself as a partner agency not a lead agency.

138-4

2. We find project objective 6 in Section 4 inadequate:

Section 4.1.2; Project Objectives: 6. Conserve the region’s natural resources, open space, clean water, and clean air with the intent of improving health of Bay Area residents and workers and improving the health of the environment locally and globally.

Statements such as “...improving the health of the environment locally and globally...” are extremely vague. What does environmental health mean? Does it mean healthy for humans? The focus of the other environmental strategies is certainly focused on reduction of risks and hazards to human health. Does it mean healthy ecosystems? How does this relate to a changing world in the sense of climate change and sea level rise?

138-5

Specifically for sea level rise, we believe that the statement should be much more specific, calling for the preservation of San Francisco Bay as a locally and globally essential aquatic ecosystem, including the preservation all of its various habitats such as sub-tidal, intertidal, tidal flats and tidal marshes, transition zones and adjacent uplands wherever possible.

3. In Section 4.2.7 Moratorium on Flood Zone Development Alternative, the DEIR makes the extraordinary statement that:

Conclusion

Implementation of the proposed Plan’s land use development pattern, sea level rise adaptation infrastructure, and transportation projects would have a **less-than-significant (LTS)** impact because existing federal, State, and local regulations and oversight are in place to specify mandatory actions that must occur during project development, which would adequately address potential for construction or operation of projects to result in violation of water quality standards or waste or stormwater discharge requirements. No mitigation is required.”

138-6

This is simply not an accurate statement. Many wetlands in the Bay Area were approved for development despite the regulatory processes identified in the above DEIR statement. The Sierra Club has taken part in litigation and other advocacy exercises that saved many acres of wetlands despite regulatory approval for their destruction. For example, 76-acres of wetlands in San Leandro Bay were saved from destruction by the Port of Oakland as a result of litigation instituted by several environmental organizations after regulatory agencies permitted or took no action regarding the proposed destruction. Those wetlands are now restored to tidal marsh as part of the Martin Luther King, Jr. Regional Shoreline Park in Oakland.

Furthermore, most permitting processes look at the immediate effects of a project on resources such as tidal marshes, e.g., does the project impact/fill existing wetlands. But this does not address the problem that is inherent in sea level rise issues where the impacts will occur in the future. As sea level rises, tidal marshes will drown if they cannot move inland/upland. If new development prevents marsh migration that will be an impact of that development on the marsh and such an impact could have been avoided by not undertaking that development. Clearly this is a CEQA issue. If a berm or seawall is constructed, adjacent tidal marshes will erode due to the wave energy that is reflected back onto the marsh from the berm/seawall. Again, clearly this is an impact on tidal marsh resources that results from a project creating a berm or seawall and thus clearly a CEQA issue that needs to be addresses through avoidance or mitigation. Where these impacts will occur is well known now and documents such as the Adaptation Atlas provide great help in identifying such sites. The PBA 2050 DEIR must address these impacts because relying on other agencies to address them is avoiding the obligations of a programmatic EIR. A programmatic EIR needs to address potential impacts to public trust resources regardless of the existence of other agencies. After all, those other agencies may rely on the programmatic EIR to determine if they need to address certain impacts.

138-6
cont.

As stated in Mr. Grasseti's letter, the Sierra Club believes that "Given the above issues, we recommend that the EIR be re-scoped, revised, and re-circulated for public review."

138-7

Sincerely yours,

Arthur Feinstein

Arthur Feinstein, Chair
Sierra Club 3-Chapter San Francisco Bay Sea Level Rise Committee



MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

July 19, 2021

SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2050

Dear Commissioners;

Grassetti Environmental Consulting (GECO) has reviewed the Draft Environmental Impact Report (DEIR) on Plan Bay Area 2050 (PBA) on behalf of Citizens Committee to Complete the Refuge (CCCR). This letter presents our comments on the CEQA adequacy of that document. Our comments are based on a review of the DEIR and certain supporting documents by Richard Grassetti, GECO's principal. Mr. Grassetti has over 35 years of experience writing, reviewing, and teaching about CEQA documents and procedures. His qualifications are attached to this letter. We understand that CCCR and the Sierra Club also are submitting comments under separate cover. This letter presents our general DEIR comments followed by a table of more specific comments.

138-8

General Comments

Growth Assumptions. The EIR is based on a series of population growth assumptions that apparently emanate from complex black-box models. The problem with these assumptions is that they are impossible for the lay-person to validate, and do not represent a reasonable range of growth possibilities. Further, there are apparent contradictions between growth assumptions within the Plan area and those outside of it. The EIR should explain the assumptions behind the growth projections both in the PBA area and outside of it (in the Cumulative Impacts analysis) in layperson's terms, and discuss the possible range of error of the projections. The Bay Area will become less and less livable and more and more expensive under the Plan's growth assumptions, and, as seen during the Covid pandemic, more and more people may choose to live more in the exurbs and suburbs than in the central cities rather than the other way around, as the Plan assumes. Further, again as evidenced during the pandemic, workers may choose to neither live where they work nor commute, but rather work from home. The plan should address that possibility, as it alters many of its subsequent analyses. The use of a single growth assumption with no disclosed underlying assumptions or range of error calls into question all of the subsequent analyses. Further, the EIR assumes that the relatively minor changes to infrastructure and funding of certain strategies can somehow re-direct growth, while at the same time claiming that it cannot limit or induce growth. Re-directing growth is, by definition, limiting or inducing growth in various sub-regions. If the Plan can re-direct growth, it also can limit or induce growth.

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Therefore, the project cannot be assumed to be solely growth accommodating, and alternatives that have different growth assumptions cannot be disregarded (see Alternatives discussion, below).

Project Objectives. The DEIR and supporting documents state that the project itself would not meet many of its own objectives. Specifically, it would not “house 100% of the region’s projected growth by income level...”, “ensure that all current and future Bay Area residents and workers have sufficient housing options...”, “conserve the region’s natural resources, open space, clean water...”. The numerous “significant and unmitigable impacts” identified in the DEIR confirm this. Given these facts, the DEIR should consider either altering the project to meet its objectives or altering the objectives to align more closely with the proposed project. If the objectives are re-aligned for consistency with the proposed project, then the range of alternatives also can be broadened to consider some of the many additional alternatives identified by agencies and groups that commented on the Notice of Preparation (see Alternatives discussion, below).

Alternatives. Related to the project objectives and growth assumptions is the range of alternatives considered in the DEIR. The DEIR includes only two “action” alternatives, both of which involve minor alterations in transportation funding options to direct growth slightly differently than with the proposed Plan. There are no alternative growth scenarios or major changes in the Plan’s focus, despite those being requested by numerous agencies and organizations in responses to the Notice of Preparation. The result of this minimal range of alternatives is that the impacts associated with them are minimally different, as shown in the Alternatives section of the DEIR. The DEIR impermissibly rejected feasible and reasonable alternatives, including alternatives with different growth scenarios (as discussed above), leading to an inadequate range of alternatives. Therefore the EIR does not comply with CEQA’s requirements that it analyze the comparative effects of a range of reasonable alternatives. The Plan and EIR-assessed alternatives focus on minor changes to transportation infrastructure. As detailed in our specific comments, neither the Plan nor any of the alternatives focus on ecological protection. The strategies in Plan Bay Area 2050 are largely silent on preserving the existence, biodiversity and functions of the Bay’s ecosystems. The DEIR must include Plan Alternatives that incorporate active Environmental Strategies. Without a thriving natural system, the rest of the Plan’s expectations to use nature-based solutions and to enjoy the natural environment are at risk. We propose the following strategy changes for these alternatives (changed text in *Italics*):

Strategy EN-1: Adapt to sea level rise. Protect shoreline communities affected by sea level rise, prioritizing low-cost, high-benefit solutions and providing additional support to vulnerable populations. *Protect vulnerable habitats and ecosystems that are threatened by sea level rise. The use of nature-based solutions (NBS) should be prioritized over that of grey infrastructure. Require a county approved plan for sea-level rise adaptation before building within the FEMA 100-year flood zone.*

Strategy EN5. *Preserve the Bay Area natural environment, biodiversity and ecosystem function.* Provide strategic matching funds to help conserve and maintain high-priority natural and agricultural lands, including but not limited to Priority Conservation Areas and wildland-urban interface areas. *Provide adequate buffers between developed areas and wildlands and implement climate smart techniques for working landscapes. Provide adequate space for migration of tidal wetlands utilizing tools such as the SFEI/San Francisco Regional Water Board’s Adaptation Atlas, the San Francisco Bay Ecosystem Habitat Goals Update, U.S. Fish and Wildlife*

138-8
cont.

Plan Bay Area EIR Comments
July 19, 2021

Page 3

Service Tidal Marsh Ecosystem Recovery Plan, and other available studies to identify appropriate sites for such migration. Support habitat conservation planning, track habitat losses and gains, and monitor habitat quality and ecosystem health. Use scientific input to determine priority conservation areas.

In addition, CCCR is requesting that the Final EIR include one or more alternatives that add robust ecological protection and sustainability to the Plan. That alternative(s) should include, at a minimum, the following elements:

- Maximize the use of work from home, and local work places near where people live, and stop commercial office development in areas that have a shortage of housing relative to employment.
- A moratorium on all development in areas in the currently revised FEMA flood zones until such time as a local jurisdiction has a funded, approved plan to adapt to sea level rise and provides space for tidal marsh inland migration as the sea rises. This could be a condition for a county receiving MTC support.
- Nature-based adaptation of existing transportation infrastructure to sea level rise should be required. Spending on solutions to better protect natural resources should be required if needed in projects such as changing Highway 37 into a causeway. Budgets for necessary projects should include funding for protecting the environment such as allowing for inland migration of marshes under elevated causeways.
- The DEIR should analyze the net new pavement of each alternative to identify and avoid or mitigate impacts to water quality, natural areas, and to avoid exacerbating urban heat island effects.¹

138-8
cont.

Finally, the EIR mis-states CEQA's requirements regarding identification of the Environmentally Superior Alternative, stating that the EIR need not identify that alternative if the no project alternative is not the environmentally superior alternative. CEQA does not eliminate the requirement of this alternative in this situation. To the contrary, the Guidelines (Section 15126a-d) clearly state that an EIR must identify the alternatives that are environmentally superior to the proposed project and that if the environmentally superior alternative is the no-project alternative, then the EIR must identify another superior alternative. In my 35 years of experience writing, teaching, and reviewing CEQA documents, not once have I seen the erroneous interpretation of the Guidelines on this topic that is used in this EIR. This is a substantive error that needs to be corrected in the final EIR.

¹ A recent Green Streets Symposium provides a compelling vision: "Urban areas of the Bay Area are fully integrated into a "no net impact" system with the larger natural environment. This includes an integrated water system that follows the call to "slow it, spread it, sink it" and brings together the planning for storm water drainage, drought concerns, and flood prevention.

Human-caused emissions can be offset by a rich canopy of trees, grasslands, and chaparral in our open spaces surrounding the urban area and integrated throughout our urban areas – gardens but also greening our infrastructure especially our street grids. Air flows are slowed and softened by trees canopies, our soil systems are protected by and enriched with natural compost." (See <http://transportchoice.org>).

Mitigation Measures. The DEIR includes two separate yet integrated actions. One is approval of a series of funding decisions over the next 50 years. The funding is primarily for transportation-related improvements, but also includes lesser appropriations for sea level rise, lands acquisition, housing equity, and economic equity programs. The second component is a Sustainable Communities Strategy (SCS) Plan for the region, which focuses on meeting regional vehicle miles traveled and greenhouse gas emissions criteria. The funding plan is, in part, intended to assist in the implementation of the SCS plan (which is, in fact PBA 2050). However, neither of the agencies proposing the Plan has substantial jurisdiction or implementation authority over most of the Plan. This is clearly stated in ABAG's and MTC's Draft Implementation Plan Briefs (May 2021). The DEIR and Implementation Plan Briefs note that the Plan has minimal ability to assure its own implementation, other than a portion of the funding assumptions (and major portions of the funding rely on future revenue generation actions). This severely constrains the likely implementation and effectiveness of mitigation measures identified in this EIR.

The DEIR includes a range of mitigation measures intended to reduce impacts of the project. However, there is no implementation strategy for most of the measures. Further, many of the measures involve consultation or implementation of actions "if feasible", which do not, in fact, assure any mitigation. The DEIR reflects some of this ineffectual aspect of mitigation in finding many of the Plan's impacts to be Significant and Unavoidable. Additionally, some of the mitigation measures identified in the DEIR would themselves result in other impacts that are not addressed in the EIR. We suggest that the mitigation measures be revised to eliminate vagueness, assure effectiveness, and assure implementation. Because this is a program EIR where other agencies will implement mitigation measures in the future, those measures must be written to assure that they will be effective and enforceable.

Additionally, most measures would require implementation by a city or county in association with approval of a specific project. However, as identified for each Plan policy in the Implementation Brief report, the lead agencies here have no authority to require implementation of most of the plan policies (with the exception of those that would be explicitly funded by these agencies) there's no mechanism to require that implementation. Therefore the EIR cannot assume that these measures would be implemented and, subsequently, certain impacts would in fact be reduced to less-than-significant levels.

Impact "Footprints". The DEIR addresses specific impact footprints associated with areas planned for growth as well as areas to be directly impacted by the infrastructure improvements proposed for funding in the Plan. These would be the "direct impacts" required to be addressed in CEQA documents. However, CEQA also requires that EIRs address "indirect impacts" of the project (Pub. Res. Code, § 21065). The EIR intensely focuses on identifying acreages of direct impacts, but fails to address the vast majority of the Plan's indirect environmental impacts (both those associated with general growth assumptions and specific infrastructure improvements). A major example of this deficiency is addressed under Sea Level Rise, below. This is an issue throughout the EIR, and does not comply with CEQA analytical requirements.

Sea Level Rise. The EIR assumes a 2-foot rise in sea level from global warming by 2050. No further assumptions are presented or considered in the document. Yet the Plan's own Implementation Plan Briefs document states that the assumption should be 2 feet of sea level rise plus another foot of king tide, for 3 feet total flood hazard considerations. More importantly the EIR assumes, by omission, that sea level rise ends at the end of the Plan period, in 2050. So, for example, a building constructed in 2040

138-8
cont.

is fine if constructed assuming 2 feet of sea level rise. Most of the structures and infrastructure constructed during the Plan period would be expected to last until at least 2100, a fact that is entirely ignored in the Plan, which blithely assumes that only 2 feet of rise need be considered. The Plan's own Implementation Plan understood this concern, stating:

*While two feet of inundation is the assumed sea level in 2050 based upon state guidance, it is important to remember the lifespan of assets within the plan. If an asset is anticipated to last until 2100, for instance, it may need to be built for 6.9 feet of permanent inundation (under the medium-high risk aversion scenario) or be designed to be adapted to that level of rise. The rate of sea level rise becomes more and more uncertain the further into the future it is explored. The assumptions for this analysis use the best available science and acknowledge that possibility that sea level rise predictions could escalate in the future, especially with a potential flux with emissions rates and subsequent effects of climate change. It is recommended that local jurisdictions develop advanced adaptation plans that consider sea level rise heights **beyond three feet** (emphasis added) of inundation and incorporate adaptive approaches to accommodate higher water levels.*

Yet the EIR assumes that 2 feet of sea level rise is all that need be considered, even with a 40% increase in Bay Area population. This assumption and the impact analyses based on it are inadequate. At a minimum, the Plan should include (and the EIR should require as mitigation) adequate buffer areas for implementation of long-term (year 2100) sea level rise projections, and prohibit new development in those areas. We suggest that the Plan use mapping conducted in the SFEI's Adaptation Atlas for this purpose (summarized on p. 88 of that document). The Plan (and EIR Alternatives) should include eliminating policies or infrastructure funding that promotes new development in any TRAs, HRAs, or TOD areas subject to year-2100 sea level rise. The Plan and EIR should incorporate the Ocean Protection Council's (OPC) 2020 guidance regarding considering sea level rise in planning documents: "1.1.1 Ensure California's coast is resilient to at least 3.5 feet of sea-level rise by 2050, as consistent with the State's Sea-Level Rise Guidance Document as appropriate for a given location or project."²

138-8
cont.

Wetlands. As described above, the Plan focuses entirely on development footprint in determining impacts and thereby fails to address indirect off-site impacts, such as the flooding of marshes due to the sea walls and levees. When sea waters back up behind sea walls or levees, even transition levees with some habitat space, the marshes slowly shift from tidally flooded to completely flooded areas with deeper water. This eliminates marsh habitat. Seawalls and levees can also result in drowning of wetlands on the outboard sides of the flood protection because wetlands can no longer migrate inland to escape rising waters. CEQA requires that impacts of mitigation measures be assessed in EIRs. Therefore, this EIR must address the indirect impacts of flood protection structures on habitat and, if possible, eliminate any new development in areas requiring these flood protection structures, as well as those of transportation projects and development, assuming 2100 sea level rise conditions.

²<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj08JmL9OHxAhXL854KHaEXAt4QFjABegQIDxAD&url=https%3A%2F%2Fwww.opc.ca.gov%2Fwebmaster%2Fftp%2Fpdf%2F2020-2025-strategic-plan%2FOPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf&usg=AOvVaw3oL8szDiOg7JsnmJNhYBv>

Plan Bay Area EIR Comments
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Page 6

Conclusions

Given the above issues, we recommend that the EIR be re-scoped, revised, and re-circulated for public review. Our detailed comments are provided on the table starting on the following page.

138-8
cont.

Sincerely



Richard Grassetto
Principal
Grassetto Environmental Consulting

Letter 138
Sierra Club, San Francisco Bay Three-Chapter Sea Level Rise Committee
Arthur Feinstein, Chair
July 20, 2021

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

138-1

The comment is an introductory statement. It does not raise specific environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR, but it does introduce a series of comments from the Sierra Club, as well as comments submitted by Grassetti Environmental Consulting (also presented in letter 85), that are addressed in the following responses. See also responses to Comment Letter 85. As noted in response to comment 138-7, recirculation of the EIR is not required under CEQA.

138-2

This comment is similar to comment 138-1. See also responses to Comment Letter 85, submitted by Richard Grassetti.

138-3

Circulation of the Draft EIR met requirements under CEQA Section 21091(a), which states that the public review period for a Draft EIR shall be at least 45 days. As noted at the beginning of this chapter, Section 15088(a) of the CEQA Guidelines directs that lead agencies must prepare written responses to those comments received during the Draft EIR comment period that raise “significant environmental issues.” MTC and ABAG are not required to respond to comments on non-CEQA issues or to respond to late comments. Nevertheless, MTC and ABAG have chosen to respond to late comments received on the Draft EIR up to August 31, 2021 in this Responses to Comments chapter. MTC and ABAG have opted to take this broad approach to facilitate the public process, document the exchange of information, and provide important information about considerations relevant to the proposed project.

138-4

The Draft Plan Bay Area 2050 Implementation Plan proposes a lead role for MTC and ABAG on funding, and a potential lead role –if funding is acquired –for managing technical assistance related to sea level rise. Both roles would be led in a collaborative manner, working closely with partners, including SFEP, BCDC, and BARC.

MTC and ABAG staff expanded on the Draft Plan Bay Area 2050 Implementation Plan and presented potential MTC and ABAG roles for sea level rise adaptation initiatives at the July 2021 Joint MTC Planning Committee with the ABAG Administrative Committee, agenda found at https://mtc.ca.gov/sites/default/files/meetings/agendas/5158_A_Joint_MTC_Planning_Committee_wit_h_the_ABAG_Administrative_Committee_21-07-09_Generic.pdf. The staff memo and presentation highlighted the ongoing regional sea level rise planning efforts and sea level rise roles for MTC and ABAG, including two proposed actions: First, to lead a Sea Level Rise Funding and Investment Strategy to answer key questions on how the region can pay for future adaptation needs; Second, continue advocacy and tracking of the state and federal funding opportunities to enable funding for a potential regional Resilience Technical Assistance program. Each effort would require collaboration, with colleagues and partners, including SFEP, BCDC, and BARC to focus on regional priorities, answer shared funding questions, and improve data and assumptions.

138-5

The commenter addresses a project objective and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. See Response to Comment 85-21 for further discussion of project objectives.

138-6

The comment starts with a reference to Draft EIR section 4.2.7, Moratorium on Flood Zone Development Alternative; however, the text that follows is from the conclusion for Impact HYDRO-1 in Draft EIR section 3.10, "Hydrology and Water Quality." The comment then continues by addressing potential impacts on wetlands in the Bay Area, which are addressed under Impact BIO-2.

Relevant to the Moratorium on Flood Zone Development Alternative, Impact HYDRO-5 determined that impacts related to development in the floodplain would be less than significant. (Draft EIR, p. 3.1-45.) Since this impact was found less than significant, the Moratorium on Flood Zone Development Alternative suggested during scoping comments, and described on Draft EIR page 4-8, it was not considered further because it would not reduce any impact found to be significant and unavoidable. No specific issue related to consideration of this alternative is raised by this comment.

Impact HYDRO-1 addresses water quality standards and provides substantial explanation of existing regulatory and permitting requirements that pertain to water quality. Its relevance to the comment is unclear.

Section 3.5 of the Draft EIR, "Biological Resources," contains a description of the regulations that are pertinent to wetlands, including the Federal Clean Water Act and the Port-Cologne Water Quality Control Act. Impacts related to state- or federally-protected wetlands are addressed under Impact BIO-2. This impact is identified as potentially significant, and Mitigation Measure BIO-2 is included to address potential impacts. Impacts on tidal marshes would be analyzed at the project level for all future projects under the Plan. See Response to Comment 85-8, which includes a text change to clarify that the impact includes indirect effects on wetland habitat.

Chapter 3 of the Draft EIR addresses the impacts of sea level rise infrastructure projects. These discussions are indicated by the use of subheadings throughout the analysis. See "Master Response 5: Sea Level Rise" for a discussion on the effects of sea level rise on the environment.

Please see Response to Comment 85-5 for further discussion on wetland impacts and mitigation measures discussed in the Draft EIR. Please see also Response to Comment 85-8 for a discussion related to the potential impacts of seawall construction on nearby wetland habitats. Please see Response to Comment 108-9 for discussion relevant to laws and regulations relating to development within the 100-year flood zone and the Draft EIR's evaluation of potential impacts related to it. Strategies in the Environment Element help to restore and adapt 100,000 acres of marshlands to achieve Baylands Ecosystem Habitat Goals (Strategy EN01), maintain urban growth boundaries and protect high-priority natural lands to protect ecological functions (Strategy EN04 and Strategy EN05), and provide funding for new parks and open space (Strategy EN6), among other benefits.

138-7

Recirculation of a draft EIR is required when significant new information is added to the EIR. Examples of "significant new information" are defined in the CEQA Guidelines under Section 15088.5(a) as follows:

- (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 environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is required, in summary, when “significant new information” is added to the EIR in a way that would deprive the public of a meaningful opportunity to comment on a substantial adverse impact or a mitigation measure or alternative that mitigates or avoids a substantial adverse impact that the proponent has declined to implement. Examples of such instances include identification of a new significant environmental impact, identification of a substantial increase in the severity of an environmental impact that cannot be mitigated, and consideration of a considerably different feasible alternative or mitigation measure than was considered in the EIR for an unmitigated effect, but that is not adopted. Recirculation is not required when information added to an EIR clarifies, amplifies, or makes insignificant modifications. As explained in this Final EIR chapter, the analyses in the Draft EIR are adequate and supported by substantial evidence. The revisions described in response to this letter (including attachment) merely make insignificant corrections or add and clarify information. They do not change the project impact analysis or conclusions. Because the comments in this comment letter, including the attached letter, do not present any new significant information or substantial evidence of new significant information, recirculation is not required.

138-8

The commenter includes an EIR comment letter from Grasseti Environmental Consulting. See responses to comments 85-1 through 85-9.

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



County of Sonoma
Permit & Resource Management Department

Letter
139

GENERAL PLAN CONSISTENCY DETERMINATION

To: MTC Public Information, Attn: Draft EIR Comments

From: Eric Gage, Planner III

Date: 20 July 2021

Project Applicant: MTC/ABAG

Project Name: Plan Bay Area DEIR (County PPR21-0004)

Project Location: Countywide

Project Description: The proposed Plan is a long-range regional plan that outlines 35 integrated strategies across four key issues—housing, the economy, transportation, and the environment—to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges.

Sonoma County Planning staff have reviewed the Draft EIR and offers the following comments:

The impact analysis should discuss project impacts to unincorporated counties in greater detail. Where environmental impacts are reduced by Plan Strategies, additional discussion of each Strategy should be included in the EIR document.

Greenhouse Gas Regulatory Setting, Pg. 3.6-30. Table 3.6-7 states that Sonoma County has a finalized and adopted Community Climate Action Plan. A Climate Action Plan was adopted in 2017, but was later decertified as the result of a lawsuit and was never implemented. Furthermore, the Climate Action Plan was based on 2020 emissions reduction targets and a horizon year of 2020.

139-1

Impact HYDRO-2, Pg. 3.10-30. The discussion of how groundwater supplies would be affected by the project is incomplete without addressing population growth in unincorporated areas where groundwater is the primary water source. The abstract discussion of the SGMA regulatory framework is insufficient without specifically relating it to the impacts of the project. Please expand the analysis to quantitatively address how residential growth will affect availability of well water in rural areas.

139-2

Impact LU-3, Pg. 3.11-29. This section does not specifically address anticipated growth in rural and unincorporated areas. At minimum, please elaborate on what the implementation of Plan Strategy EN04, “Maintain Urban Growth Boundaries” entails, and how residential growth in rural and unincorporated areas will be geographically distributed. The text defers the minimization of this impact to local plan development and corresponding environmental review. In this case, please elaborate on the authority of rural Counties to locate new growth in areas of existing infrastructure and services.

139-3

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Impact TRA-2, Pg. 3.15-27. Although this section states that implementation of the Plan will reduce VMT on average across the Bay Area region, it does not discuss how trip generation will occur in rural counties. Please address how residential growth in geographically dispersed populations of unincorporated counties will contribute to VMT.

139-4

County Growth Control Measures, Pg. 3.11-17. This section should also discuss community zoning constraints that limit residential densities in rural areas. Sonoma County has applied a Community Separator zoning district to 53,867 acres of land between urbanized communities. These Community Separator areas were adopted by the voters of Sonoma County and would require the passage of a new ballot measure to modify. The Community Separator zoning district encourages city-centered growth by reducing maximum residential densities in these border areas. These and other local zoning-based growth control measures also need to be addressed in the EIR.

139-5

General Plan Consistency Determination: Inconsistent

Discussion

For many years, the County Planning Department has emphasized the importance of city-centered growth through General Plan policy and zoning. Plan Bay Area and the associated RHNA allocation designate substantial residential growth outside of County-designated Urban Service Areas (USA). The USA boundaries delineate the planned extent of sewer and water infrastructure. The Sonoma County General Plan contains numerous policies prohibiting or discouraging the expansion of service infrastructure outside of the USA boundary. This policy position aligns with long-standing LAFCO policy and regulation prohibiting extension of services without annexation into an incorporated city. As noted above, the County has 53,867 acres of land under a Community Separator combining district, a zoning designation intended to focus new growth in urbanized areas by prohibiting high density residential development in areas between urbanized communities. The Community Separators adopted by the voters of Sonoma County, and would require the passage of a ballot measure to modify.

139-6

Plan Bay Area should allocate new growth within existing USAs served by water and sewer, and city spheres of influence for future annexation. The EIR should evaluate and quantify the maximum residential capacity of these relatively small geographic areas within rural counties. The impact analysis and housing allocations should be adjusted accordingly.

Applicable General Plan Policies:

AR-2c: Avoid urban level services within the Urban Service Area surrounding the City of Sebastopol prior to annexation except where consistent with the policies of the Public Facilities and Services Element. Development in that area prior to annexation may be served by rural services and shall be designed to permit realization of the urban potential upon annexation.

139-7

LU-2c: Encourage the retention and production of diverse types of housing within Urban Service Areas in order to provide adequate housing choices for current and future residents.



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LU-3c: Avoid urban sprawl by limiting extension of sewer or water services outside of designated Urban Service Areas pursuant to the policies of the Public Facilities and Services Element.

LU-5a: The County shall neither approve extension of sewer service into any Community Separator nor approve connection of any lot in a Community Separator to existing sewer service except as allowed by the policies of the Public Facilities and Services Element.

LU-5e: Avoid amendments to increase residential density in Community Separators, since these densities were established based upon the policies set forth in other elements of this plan as well as the open space, separation, and visual considerations identified in this section. The integrity of Community Separators cannot be maintained at densities in excess of one unit per ten acres. However, under no circumstances shall this policy be used to justify an increase in density from that designated on the Land Use Map.

LU-6i: Provide expanded opportunities for a mix of residential and commercial or industrial use in Urban Service Areas.

LU-15c: Avoid new Urban Service Areas or entities, except where necessary to resolve water quality problems resulting from failing septic systems.

LU-16p: Redevelopment and/or intensification of existing uses in the Santa Rosa Urban Service Area south of Todd Road is not desirable without the extension of sewer service. Development applications prior to annexation should be limited to uses that can be served by septic systems.

LU-17b: Avoid urban level services within the Urban Service Area surrounding the City of Sebastopol prior to annexation except where consistent with the policies of the Public Facilities and Services Element. Development in that area prior to annexation may be served by rural services and shall be designed to permit realization of the urban potential upon annexation.

OSRC-1j: No lands within a Community Separator should be included in a City’s Urban Growth Boundary or Sphere of Influence, in an Urban Service Area for an unincorporated community, or annexed to a city unless the lands are first removed from the Community Separator.

PF-1f: Avoid extension of public sewer services outside of either a sphere of influence or Urban Service Area. To the extent allowed by law, consider exceptions to this policy only:

- (1) Where necessary to resolve a public health hazard resulting from existing development, or
- (2) Where appropriate to allow farmworker housing or an affordable housing project providing exclusively lower income housing on properties adjoining urban service boundaries.

PF-1h: Avoid extension of public water service to a property that is outside of both the Urban Service Area and sphere of influence of the water provider. Consider exceptions to this policy, to the extent allowed by law, only:

- (1) Where necessary to resolve a public health hazard resulting from existing development such as failing wells or groundwater contamination, or

139-7
cont.



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- (2) Where water service is to be extended for a property which is located within a water district boundary in effect in November, 2003, or
- (3) Where appropriate to allow an affordable housing project providing exclusively lower income housing on properties adjoining Urban Service Boundaries.

139-7
cont.



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Letter 139
Sonoma County
Eric Gage, Planner III
July 20, 2021

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

139-1

The comment explains that while Sonoma County has a finalized and adopted Community Climate Action Plan, it was decertified as the result of a lawsuit and new implemented. Table 3.6-7 in the Draft EIR provides a list of Bay Area jurisdictions that have completed community emissions inventories and finalized and adopted community climate action plans (CAPs). This comment is noted. Decertification of the Sonoma County Community Climate Action Plan is noted and does not change the severity of a significant impact or result in a new significant impact. The text in Table 3.6-7 on Draft EIR page 3.6-30 is revised to read as follows (deleted text shown in ~~strikethrough~~):

Solano County	X	✕
---------------	---	---

139-2

The proposed Plan identifies growth geographies and establishes housing and economic strategies intended to accommodate housing and job growth into existing communities that are well served by the transportation network, as well as communities with well-resourced schools and easy access to jobs, parks, and other amenities. Therefore, implementation of the Plan is not expected to result in greater potential for population growth in unincorporated areas where groundwater is the primary water source than would occur under existing plans.

The discussion in Impact HYDRO-2 about the potential for Plan implementation to substantially decrease groundwater supplies or interfere with groundwater recharge in a manner that impedes sustainable groundwater management is appropriate in the context of the programmatic analysis of a regional-scale plan. The analysis acknowledges the regulatory framework that SGMA provides and indicated that GSPs or alternative plans have not been submitted for most basins in the Plan area. Quantification of groundwater demand and local effects on groundwater wells in rural areas is not feasible at this scale. Such environmental analyses will occur, as appropriate, in response to proposals for specific program implementation or development and infrastructure projects. See also “Master Response 3: Water Supply” for discussion related to this comment.

For additional context, refer to the “Land Use Impacts” discussion on page 3.10-32, which substantiates the impact conclusion as follows:

The land use strategy described in the proposed Plan would accommodate growth forecasted in the Plan area and would not directly increase the potential for growth, associated development, and groundwater demand. Further, by promoting infill development, the proposed Plan would minimize the potential for new impervious surfaces that could impede groundwater recharge. The type of development envisioned under this plan would be served by water purveyors that manage water supplies and generally would not use individual groundwater wells. Any “water demand project,” as defined by Section 15155 of the State CEQA Guidelines, requires preparation of a water supply assessment that must be prepared by the governing body of a public water system, or the city or county lead agency, pursuant to and in compliance with Sections 10910–10915 of the Water Code. Further, as described above, the medium- and high-priority basins in the Plan area are developing GSPs or have submitted alternative plans to comply with SGMA and manage groundwater to conserve supplies. The

GSPs are required to provide mechanisms that allow the sustainable use of groundwater, with growth projections considered. Therefore, the regional impacts of implementation of the Plan on sustainable groundwater management would be less than significant (LTS).

139-3

Strategy EN04 would confine new development within areas of existing development and areas that are suitable for growth, as established by local jurisdictions. Strategy EN04 is discussed under Draft EIR Impact LU-2, which states the following (see Draft EIR page 3.11-22):

Two of the proposed Plan's environmental strategies—Strategy EN04, "Maintain Urban Growth Boundaries," and Strategy EN05, "Protect and Manage High-Value Conservation Lands"—expand access to parks and open space and seek to reduce conflicts with applicable open space protection policies by focusing new growth in existing urban areas to help preserve natural areas.

Strategy EN04 shaped the land use growth footprint, discussed beginning on page 2-10 in Section 2.2.3, which was used throughout the Draft EIR to assess the potential impacts of the Plan. The land use growth footprint is primarily within cities and towns, but also includes more limited development in unincorporated counties mostly within urban growth boundaries. The Plan Bay Area 2050 Draft EIR evaluates and reports conclusions on potential impacts at a programmatic level. More details can be found in Section 3.11 of the Draft EIR.

Approval of the proposed Plan would not result in adoption of the land use strategies by local jurisdictions. Rather, a number of CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See "Master Response 6: MTC and ABAG Roles and Authority" for a discussion related to MTC's role in land use planning. Local control is discussed in the Draft EIR in Section 3.1.5, "Local Control," on page 3.1-6.

139-4

The commenter requests VMT results for residential growth in unincorporated portions of counties from the Plan. As described in Section 3.1.3 of the Draft EIR, "General Methodology and Assumptions," beginning on page 3.1-3, the impacts of the EIR are generally measured at the regional, county, or Transit-Priority Area (TPA) levels. Page 3.15-17 of the Draft EIR begins the discussion of the methodology to quantify VMT in the Draft EIR. VMT is reported as a regional total to account for the full suite of VMT reducing strategies in the Plan, as disclosed in Table 3.15-11 on page 3.15-28 of the Draft EIR. The Draft EIR undertakes a programmatic analysis of the environmental impacts of the proposed Plan and does not undertake project-level environmental analysis, as is appropriate for the proposed Plan's level of planning.

139-5

The commenter states that the "Growth Control Measures" section, on page 3.11-17 of the Draft EIR should include a discussion of community zoning constraints that limit residential densities in rural areas. Approval of the proposed Plan would not result in adoption of the land use strategies by local jurisdictions. Rather, a number of CEQA streamlining benefits would become available to lead agencies that carry out or approve future projects consistent with the Plan. See "Master Response 6: MTC and ABAG Roles and Authority" for a discussion related to MTC's role in land use planning. Local control is discussed in the Draft EIR in Section 3.1.5, "Local Control," page 3.1-6.

Further, proposed Plan Strategy EN0-4, "Maintain Urban Growth Boundaries," incorporates urban growth boundaries and other existing environmental protections to focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions.

139-6

The commenter provides opinions and recommendations on the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts. Proposed Plan Strategy EN04, “Maintain Urban Growth Boundaries” is identified on page 2-10 of Chapter 2, “Project Description,” of the Draft EIR. The strategy identifies the use of urban growth boundaries to focus new development within the existing urban footprint or areas suitable for growth as established by local jurisdictions. This strategy shaped the land use growth footprint, discussed beginning on page 2-10 in Section 2.2.3, which was used throughout the Draft EIR to assess the potential impacts of the Plan. The land use growth footprint is primarily within cities and towns, but also includes more limited development in unincorporated counties mostly within urban growth boundaries, as described above. Please refer to Section 3.13, “Public Services and Recreation,” and Section 3.14, “Public Utilities and Facilities,” of the Draft EIR for conclusions on the Plan’s potential effects on sewer and water infrastructure.

139-7

The comment provides information related to policies included in the Sonoma County General Plan. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. Please see “Master Response 6: MTC and ABAG Roles and Authority” for further discussion relevant to this comment.

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

Letter
140



MEMORANDUM

DATE: July 20, 2021

TO: Brian Oh

FROM: Connie Barton

PROJECT: Metropolitan Transportation Commission & Association of Bay Area Governments Draft EIR

SUBJECT: PUBLIC COMMENTS ON THE PLAN BAY AREA 2050

The Sonoma County Water Agency (Sonoma Water) has reviewed the Draft Environmental Impact Report for the above mentioned project. In response, we submit the following comments.

General Comment:

Please update Water Supply Tables 3.14-2 and 3.14-3 with Sonoma Water's 2020 Urban Water Management Plan. 140-1

For Table 3.14-2, current supply is 77,300, current demand is 51,330 acre-feet, and future demand is projected to be 68,725 acre-feet in 2035. 140-2

Table 3.14-3, for a single dry year, due to updated modeling assumptions of implementing FIRO for Lake Mendocino, the new hydrologic index, and new minimum instream flow requirements, Lake Mendocino does not reach these depleted storage levels in the current Plan in any of the single dry year scenarios. Lake Sonoma, however, is projected to reach a storage level under 2030 modeling of a single dry year that would trigger a mandatory 30% reduction in production from the Russian River. For multiple year drought the results of the model analysis indicate that adequate water supplies are available in Lake Mendocino and Lake Sonoma to meet in-stream flows, system losses, and demands for average and multiple dry year scenarios through 2045. All model scenarios assume that the Potter Valley Project will continue operations under current guidelines. 140-3

For reference: <https://www.sonomawater.org/uwmp>

Specific Comments:

Page 3.14-7, under Sonoma Water, first sentence. We suggest the following edit: T 140-4

The Sonoma County Water Agency (Sonoma Water) is a water wholesaler that provides drinking water to nine cities and special districts and to more than 630,000 residents in portions of Sonoma and Marin counties.

Page 3.14-16 Table 3.14-4: Wastewater Treatment Facilities in the Region, under Sonoma County.

Please replace Sonoma Water with Sonoma Valley County Sanitation District.

Also, it is not clear if Table 3.14-4 identifies all treatment facilities in each county or if it only includes the treatment that flows in the San Francisco Bay.

If it the former, please add:

- Occidental County Sanitation District
- Russian River County Sanitation District
- South Park County Sanitation District
- Airport/Larkfield/Wikiup Sanitation Zone
- Geyserville Sanitation Zone
- Penngrove Sanitation Zone

If it is the latter, please include:

- Sonoma Valley County Sanitation District
- Penngrove Sanitation Zone

Thank you for the opportunity to provide comments. For questions regarding water supply please contact Todd Schram at Todd.Schram@scwa.ca.gov

S:\Clerical\Pinks\

140-4
cont.

140-5

Letter 140
Sonoma Water
Connie Barton
July 20, 2021

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

140-1

The Draft EIR's evaluation of regional water supply is adequate under CEQA. The analysis is appropriately based on existing conditions and available information at the time that preparation of the Draft EIR began and the NOP for the Draft EIR was released. As explained on page 3.14-36 of the Draft EIR under the subheading "Method of Analysis:"

The baseline for the following analysis reflects existing conditions when the EIR NOP was released in September 2020. 2015 UWMPs were the best available source for water supply analysis in PUF-2, with 2020 UWMP updates expected to be completed following the public release of this Draft EIR.

With respect to Sonoma County Water Agency's (SCWA) 2020 UWMP, it was adopted in June 2021, the same month as the release of the Draft EIR and nine months after the release of the NOP. The Draft EIR relies on SCWA's 2015–2020 UWMP, noting on page 3.14-43 that SCWA "expect[s] demand to exceed supply during a single dry year before 2040," which is still accurate considering the SCWA 2020–2025 UWMP. The SCWA 2020–2025 UWMP also projects shortages prior to 2040, though it also considers a longer planning horizon and projects shortages in 2045 (SCWA 2021:1-3). The conclusion during multiple dry years has changed for the ACWD 2020–2025 UWMP, however, in that it projects no shortages during multiple dry years within the planning scope of 2045 (SCWA 2021:6-4), where the SCWA 2015-2020 UWMP anticipated demand exceeding supply in multiple dry years. The Draft EIR considers a more conservative scenario than is presented in the 2020 UWMP because the UWMP does not project shortages, and the Draft EIR evaluates a scenario where SCWA has less water available. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions. See Response to Comment 76-10 for further information included in the 2020 UWMPs. Please also see "Master Response 3: Water Supply."

140-2

See Response to Comment 76-10 for a discussion related to the need to update the Draft EIR to reflect 2020 UWMPs and "Master Response 3: Water Supply" for discussion of the baseline for the environmental analysis of the proposed Plan as it relates to the 2020 UWMPs. No text change is required.

140-3

See Response to Comment 76-10 for a discussion related to the need to update the EIR to include the 2020 UWMPs and "Master Response 3: Water Supply" for discussion of the baseline for the environmental analysis of the proposed Plan as it relates to the 2020 UWMPs.

140-4

In response to this comment, the first paragraph on page 3.14-7 has been modified to read as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

The Sonoma County Water Agency (Sonoma Water) is a water wholesaler that provides drinking water to nine cities and special districts and to more than 630,000 residents in portions of Sonoma and Marin Counties. ~~Sonoma Water, formerly known as the Sonoma~~

~~County Water Agency, serves a large portion of Sonoma County, as well as the northern portion of Marin County.~~ The primary water source for Sonoma Water is the Russian River. The Russian River originates in central Mendocino County and discharges into the Pacific Ocean near Jenner, about 20 miles west of Santa Rosa, and it is approximately 110 miles in length. Additionally, the Santa Rosa Plain provides groundwater. Groundwater is an important source of water in Sonoma County because it provides the domestic water supply for most of the unincorporated portion of the county and is a primary source of water for agricultural users. Three water agency wells located along the Russian River-Cotati Intertie Pipeline in the Santa Rosa Plain also provide a portion of the agency's water supply. Sonoma Water diverts water from the Russian River and delivers it to customers through a transmission system. The transmission system consists of six radial collector wells at the Wohler and Mirabel production facilities adjacent to the Russian River. In 2015, Sonoma Water provided 44,733 afy to its customers and contractors (including surplus and non-surplus customers) (Sonoma County Water Agency 2016).

This modification clarifies the text but would not result in further changes to the document with respect to the severity of an environmental effect disclosed in the Draft EIR, or the need to discuss a new significant environmental impact.

In response to this comment, Table 3.14-4 is revised as follows (new text is underlined):

Table Error! No text of specified style in document.-1: Wastewater Treatment Facilities in the Region

Treatment Agency	Service Area
Alameda County	
City of Hayward	City of Hayward
City of Livermore	City of Livermore and surrounding unincorporated areas
City of San Leandro, Environmental Services Division	City of San Leandro
Dublin San Ramon Services District	Cities of Pleasanton and Dublin
East Bay Municipal Utility District	Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont
Oro Loma Sanitary District	City of San Leandro, City of Hayward and unincorporated areas San Lorenzo, Ashland, Cherryland, Fairview, and portions of Castro Valley
Union Sanitary District	Cities of Fremont, Newark, and Union City
Contra Costa County	
Central Contra Costa Sanitary District	Cities of Clayton, Concord, Lafayette, Orinda, Pleasant Hill, San Ramon, Walnut Creek, Towns of Danville, Moraga, and unincorporated area of Alamo
City of Brentwood	City of Brentwood
City of Hercules / City of Pinole	City of Hercules
City of Richmond Municipal Services District	City of Richmond
Crockett-Valona Sanitary District	Unincorporated area of Crockett
Delta Diablo Sanitation District	Cities of Antioch, Pittsburg, and unincorporated Bay Point area
East Bay Municipal Utility District	Cities of El Cerrito, <u>and Richmond and unincorporated Kensington</u>
Ironhorse Sanitary District	City of Oakley and unincorporated area of Bethel Island
Mt. View Sanitary Eastern District	City of Martinez and surrounding unincorporated areas
Rodeo Sanitary District	Unincorporated Rodeo area
West County Wastewater District	City of Richmond and unincorporated El Sobrante area

Treatment Agency	Service Area
Marin County	
Central Marin Sanitation Agency	City San Rafael and Towns of Corte Madera and Fairfax Service areas of Sanitary District No. 2, San Rafael Sanitation District, Ross Valley Sanitary District
Las Gallinas Valley Sanitary District	City of San Rafael and surrounding unincorporated areas
Marin County Sanitary District #5	Town of Tiburon
Novato Sanitary District	City of Novato and unincorporated Bel Marin, Ignacio and Hamilton areas
Ross Valley Sanitation District	City of Larkspur, Town of San Anselmo, and surrounding unincorporated areas
Sausalito Marin City Sanitary District	City of Sausalito and unincorporated Marin City area
Sewerage Agency of Southern Marin	City of Mill Valley and surrounding unincorporated areas
Napa County	
City of American Canyon	City of American Canyon
City of Calistoga	City of Calistoga
City of St. Helena	City of St. Helena
Napa Sanitation District	City of Napa and unincorporated surrounding areas
Town of Yountville	Town of Yountville
San Francisco	
San Francisco Public Utilities Commission	City and County of San Francisco
San Mateo County	
City of Burlingame	City of Burlingame, Town of Hillsborough and unincorporated Burlingame Hills area
City of Millbrae	City of Millbrae
City of Pacifica	City of Pacifica
City of San Mateo/ Estero Municipal Improvement District	Cities of San Mateo and Foster City
Cities of South San Francisco and San Bruno	Cities of South San Francisco, San Bruno, Daly City and Millbrae and Town of Colma
North San Mateo County Sanitation District	Cities of Daly City and South San Francisco
Sewer Authority Mid- Coastside	City of Half Moon Bay and unincorporated Granada, Moss Beach and Montero areas
San Francisco Public Utilities Commission	Cities of Brisbane and Daly City
Silicon Valley Clean Water	Cities of Belmont, San Carlos, Redwood City, Menlo Park and Towns of Atherton, Portola Valley, Woodside
Santa Clara County	
City of Sunnyvale Water Pollution Control Plant	City of Sunnyvale
Palo Alto Regional Water Quality Control Plant	Cities of East Palo Alto, Los Altos, Mountain View, Palo Alto, Town of Los Altos Hills and unincorporated Stanford University area
San José/ Santa Clara County Water Pollution Control Plant	Cities of San José, Campbell, Saratoga, Monte Sereno, Cupertino, Milpitas and Town of Los Gatos
South County Regional Waste Water Authority	Cities of Morgan Hill and Gilroy
Solano County	
City of Benicia	City of Benicia
City of Dixon	City of Dixon
City of Rio Vista	City of Rio Vista

Treatment Agency	Service Area
City of Vacaville	City of Vacaville
Fairfield-Suisun Sewer District	Cities of Fairfield and Suisun City
Vallejo Sanitation and Flood Control District	City of Vallejo
Sonoma County	
City of Cloverdale	City of Cloverdale
City of Petaluma	City of Petaluma and unincorporated Penngrove area
Sonoma Water Sonoma Valley County Sanitation District	Town of Sonoma and surrounding unincorporated areas
Santa Rosa Water	Cities of Santa Rosa, Rohnert Park, Sebastopol, Cotati, and surrounding unincorporated areas
Town of Windsor	Town of Windsor
<u>Occidental County Sanitation District</u>	<u>Unincorporated Occidental area</u>
<u>Russian River County Sanitation District</u>	<u>Unincorporated Sonoma County</u>
<u>South Park County Sanitation District</u>	<u>Unincorporated Sonoma County</u>
<u>Airport/Larkfield/Wikiup Sanitation District</u>	<u>Unincorporated Larkfield and Wikiup area</u>
<u>Geyserville Sanitation Zone</u>	<u>Unincorporated Geyserville area</u>
<u>Penngrove Sanitation Zone</u>	<u>Unincorporated Penngrove area</u>

Source: ABAG 2016

This modification clarifies the text but would not result in further changes to the document with respect to the severity of an environmental effect disclosed in the Draft EIR, or the need to discuss a new significant environmental impact.

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

140-5

The commenter notes that the listed Sonoma County treatment agencies in Table 3.14-4 ~~are~~ were incomplete. Table 3.14-4 has been revised in this Final EIR. This change is presented in Chapter 3, “Revisions to the Draft EIR.” The correction does not alter the conclusions with respect to the significance of any environmental impact because it is a minor correction and addition to the environmental setting. The text of Table 3.14-4 is revised to read as follows (new text is underlined, deleted text is shown in ~~strikeout~~):

Sonoma County	
<u>Airport/Larkfield/Wikiup Sanitation Zone</u>	<u>Unincorporated areas of Larkfield and Wikiup</u>
City of Cloverdale	City of Cloverdale
<u>Geyserville Sanitation Zone</u>	<u>Unincorporated Geyserville area</u>
<u>Penngrove Sanitation Zone</u>	<u>Unincorporated Penngrove area</u>
City of Petaluma	City of Petaluma and portions of unincorporated Penngrove area
<u>Occidental County Sanitation District</u>	<u>Unincorporated Occidental area</u>
<u>Russian River County Sanitation District</u>	<u>Unincorporated areas of Guerneville and Rio Nido</u>
Sonoma Water	Town of Sonoma and surrounding unincorporated areas <u>Areas covered by Airport/Larkfield/Wikiup Sanitation Zone, Geyserville Sanitation Zone, Penngrove</u>

	<u>Sanitation Zone, Occidental County Sanitation District, Russian River County Sanitation District, Sonoma Valley County Sanitation District, South Park County Sanitation District</u>
<u>Sonoma Valley County Sanitation District</u>	<u>Town of Sonoma and surrounding unincorporated areas</u>
<u>South Park County Sanitation District</u>	<u>Southern portion of City of Santa Rosa.</u>
Santa Rosa Water	Cities of Santa Rosa, Rohnert Park, Sebastopol, Cotati, and surrounding unincorporated areas
Town of Windsor	Town of Windsor

Source: ABAG 2016



Letter
141

July 20, 2021

Therese McMillan, Executive Director
MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email to: eircomments@bayareametro.gov

RE: Comment Letter on the Plan Bay Area 2050 Draft EIR

Dear Ms. McMillan,

Stanford applauds the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) on the publication of the Draft Environmental Impact Report (Draft EIR) for Plan Bay Area 2050. Thank you for considering Stanford University’s comments on the Draft EIR.

The University is committed to being a living laboratory for sustainability solutions. As a whole, the University’s commitments to sustainable growth are in line with ABAG/MTC’s vision for the region, as the University has successfully built affordable student housing on the campus, is a national leader in Transportation Demand Management, has transformed Stanford’s energy, heating and cooling systems to 100% renewable power, and reduced annual potable water use by 45%.

However, as a member agency of the Bay Area Water Supply and Conservation Agency (BAWSCA), Stanford respectfully notes that the Draft EIR fails to account for the Bay-Delta Plan which was adopted in December 2018 by the State Water Resources Board. Importantly, the Bay-Delta Plan notes a significant reduction in water supply for BAWSCA members, in the growth areas in the Plan Bay Area alternatives that would see the most growth. Growth cannot happen without water supply, and as such, the Plan Bay Area EIR should address this disconnect.

Respectfully submitted,

Lesley Lowe

Transportation and Environmental Planning Manager
Land Use and Environmental Planning
Stanford University

141-1

Letter 141
Stanford University
Lesley Lowe, Transportation and Environmental Planning Manager
July 20, 2021

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

141-1

MTC and ABAG acknowledge and appreciate the comment as well as Stanford's efforts to provide sustainable housing and reduce water use. See responses to Comment Letter 76 for responses to the BAWSCA comment letter.

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



Letter 142

"Small Town Atmosphere Outstanding Quality of Life"

July 20, 2021

Submitted via electronic mail to: circumments@bayareametro.gov

Attn: PBA 2050 Draft EIR Comments
MTC Public Information
375 Beale Street, Suite 700
San Francisco, CA 94105

Subject: Danville Comment Letter on the Plan Bay Area 2050 Draft EIR

To Whom It May Concern:

The Town of Danville appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Plan Bay Area 2050 (PBA 2050) Blueprint, which serves as the Bay Area's third Regional Transportation Plan/Sustainable Communities Strategy that generates population forecasts for the accompanying Regional Housing Needs Allocation (RHNA) cycle.

Based upon our review of PBA 2050 Blueprint, DEIR and accompanying technical documents, the Town would like to submit the following comments:

1. **PBA 2050 Regional Growth Forecast Inconsistent with Department of Finance:** The Draft PBA 2050 Blueprint projects that in the 35-year period between 2015 and 2050, the region's population would grow by 2.7 million people to 10.3 million. However, this appears to be inconsistent with the California State Department of Finance (State DOF) forecast of approximately 8.8 million people by year 2050¹.

142-1

Given that the baseline methodology used in the Regional Housing Needs Allocation (RHNA) effort incorporates future year 2050 household data from the PBA 2050 Blueprint land use model (UrbanSim2), the Town seeks clarification on impact of utilizing a forecast that appears to be 1.5 million people higher than projected by DOF.

2. **Mismatch between Forecasted Growth and Mitigation Timeline:** As it relates to the first comment, it would also appear that the PBA 2050 land use model assumes an accelerated growth pattern during the next 8-year RHNA cycle (2023-2031). In

142-2

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

Administration (925) 314-3388 Building (925) 314-3330 Engineering & Planning (925) 314-3310 Transportation (925) 314-3320 Maintenance (925) 314-3450 Police (925) 314-3700 Parks and Recreation (925) 314-3400

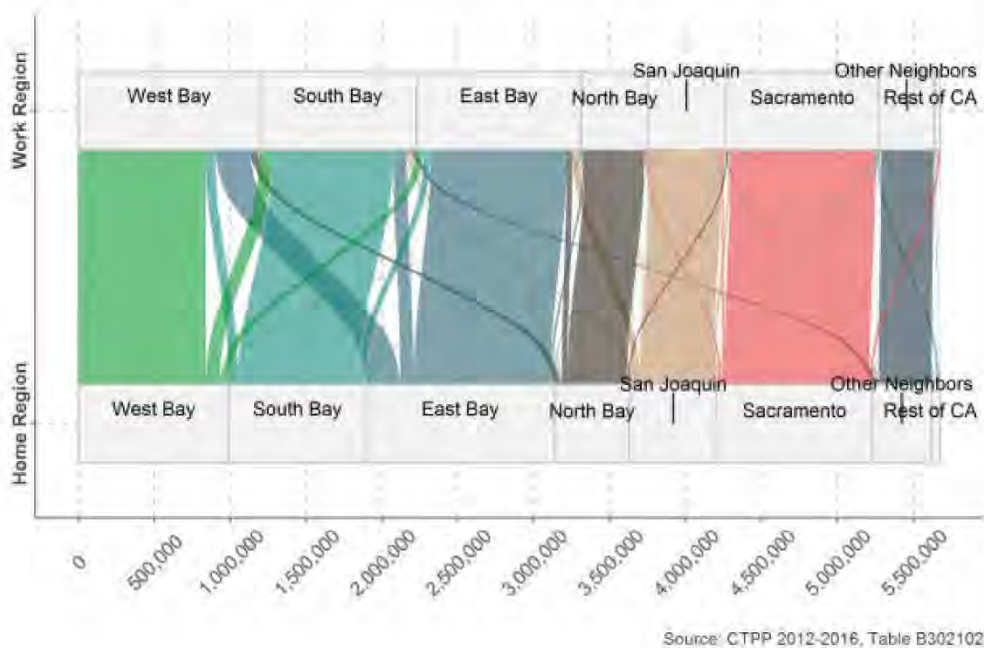
July 20, 2021
Page 2

contrast, it appears that the PBA 2050 Blueprint and its DEIR analysis assumes that nearly all of the transportation mitigation measures would not occur until the end of the horizon period - including \$591 billion in transportation investments² and assumptions of employer-mandated 40% work-from-home policies.

142-2
cont.

Since the next 8-year RHNA cycle mandates much of the projected growth without off-setting mitigation measures being implemented within the same period, it would result in significant cumulative unavoidable impacts for the local cities and counties throughout the greater Bay Area.

- Greenhouse Gas Reduction Targets:** As noted in the Town’s RHNA appeal, according to the Housing Needs Data Report produced by ABAG, the jobs-household ratio in Danville has decreased from 0.82 in 2002 to 0.81 jobs per household in 2018, far below a ‘healthy’ ratio of 1.5 jobs per housing unit advocated by the Building Industry Association. Accommodating the forecasted housing and population growth produced by the land use model used for the PBA 2050 Blueprint, without off-setting jobs growth or other mitigation measures, may necessarily cause cities such as Danville to be unable to meet mandated greenhouse gas (GHG) emissions reduction targets, resulting in another significant unavoidable impact. It would also likely require the conversion of existing limited commercial and office property in Danville for housing development, thereby continuously worsen the perpetual imbalance. Exacerbating the issue is the fact that east bay communities such as Danville continue to be greater exporters of work commuters to other areas of the region.



142-3

July 20, 2021

Page 3

4. **Effects of the Pandemic** have not been adequately studied as it relates to hybrid work and its impact on driving patterns and do not correlate to the assumptions used in the forecast model. ABAG/MTC indicated that certain adjustments were made to address the effects of the pandemic as part of the Plan Bay Area 2050 projections, though it is unclear whether these adjustments reflect short-term or long-term impacts. More critically, it is unclear whether these adjustments or the forecast modeling assumptions used can be validated against post-pandemic conditions.

As an example, while most major technology firms have announced that ‘hybrid’ work would be allowed post-COVID, they have also made it clear that the future involves large numbers of employees working back in the office. As recently reported in the Mercury News and observed by many who commute in the ‘new normal’, flexible work schedules have resulted in dramatic traffic unpredictability where gridlock or free flow patterns can occur at any moment throughout the day.

142-4

These emerging patterns do not correlate to the Draft PBA 2050 Blueprint which includes environmental strategies, modeling assumptions, and conclusions on achieving GHG emission reduction targets which are predicated upon an expectation that in the future “large employers would have to ensure that no more than 40% of their workforce commutes by car on an average workday under the Plan Bay Area 2050 vision” (source: Draft PBA 2050 Blueprint, Chapter 5: Environment, p. 84).

The Town seeks clarification on the data used as the basis to reach a 40% commute-to-work assumption. Further clarification is sought on the ability of the region to meet its GHG emission target reduction.

5. **Water Resources:** Effects of drought events have not been adequately studied as the State of California – along with much of the western U.S. – are now grappling with a limited water supply from reservoirs that have never replenished due to a warm spring and early summer heat that has resulted in the snowpack simply seeping into bone-dry soils or evaporating directly into the atmosphere.

While experts debate whether these are signs of a megadrought or the beginning of a new multi-year drought event, what is clear is that the State has now declared a drought state of emergency for 50 of 58 counties. Danville’s water provider, the East Bay Municipal Utility District (“EBMUD”), has declared its service area to be in Stage 1 Drought conditions and imposed a 10% voluntary demand reduction. Consequently, water supply is now a “constraint” on new development in Danville.

142-5

July 20, 2021
Page 4

Of greater importance to note is that EBMUD’s Draft 2020 Urban Water Management Plan calculates water demand in drought conditions based only on population projections from Plan Bay Area 2040 (PBA 2040), not the forecasted increases in population contained in the Draft PBA 2050 Blueprint.

142-5
cont.

Thank you again for the opportunity to provide input.

Sincerely,
TOWN OF DANVILLE



Joseph A. Calabrigo
Town Manager

C: Danville Town Council, Danville Planning Commission

¹ Source: California State Department of Finance,
<https://www.dof.ca.gov/Forecasting/Demographics/Projections/>

² Draft Technical Assumptions Report (Table 7), May 2021

Letter 142
Town of Danville
Joseph A. Calabrigo, Town Manager
July 20, 2021

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

142-1

See “Master Response 1: Regional Growth Forecast” for a discussion related to the comment.

142-2

See Response to Comment 13-1 for a discussion of RHNA methodology.

The proposed Plan’s transportation strategies, inclusive of capital projects, are fiscally-constrained within two time periods (2021-2035 and 2036-2050) to align expenditures with forecasted revenues. There is more fiscal capacity in the latter half of the revenue forecast because COVID-19 had a substantial effect on funding sources and because new revenues for transportation will be added starting in 2035. However, the proposed Plan does not allocate funds to any specific transportation project or program, nor does it dictate how or when funds would be available for projects and programs. While telecommuting rates are expected to increase over the Plan period, page 84 of the Draft Plan Bay Area 2050 states that “[b]y the year 2035, large employers would have to ensure that no more than 40 percent of their workforce commutes by car on an average workday under the Plan Bay Area 2050 vision.” Regarding the determination of cumulative impacts, regardless of the timing of future land use development buildout, Plan strategy implementation, and transportation projects, the proposed Plan is a cumulative plan by design, as explained in section 5.4, “Cumulative Impacts,” in the Draft EIR. Therefore, the environmental analysis of the proposed Plan presented throughout the Draft EIR is a cumulative analysis based on full buildout of the proposed Plan compliant with the requirements of CEQA and the CEQA Guidelines. See also Response to Comment 115-12. The comment is noted for consideration during project review.

142-3

See Response to Comment 9-1 and 42-5 for a discussion of jobs-housing ratios.

As discussed in the last paragraph on page 3.6-17 of the Draft EIR under the subheading Senate Bill 375 (Chapter 728, Statutes of 2008), “[i]n 2018, CARB revised established per-capita GHG emission reduction targets for MPOs across the state. The Bay Area’s revised targets were set as 10 percent per capita by 2020 and 19 percent per capita by 2035 (CARB 2018), as shown in Table 3.6-6.” Therefore, mandated GHG emission reduction targets are set for the region and not for each local jurisdiction. Please see Draft EIR Impact GHG-2 on page 3.6-43 for detail on how the region meets this GHG emissions reduction target. Please note that achieving the regional target is not anticipated to conflict with any local climate adaptation or GHG reduction plans as shown in Impact GHG-4 on page 3.6-47.

142-4

There are no post-pandemic data against which to validate modeling assumptions at this time. Strategy EN7 would establish a sustainable commute target of 40 percent for large employers; this does not refer to the assumed percentage of workers commuting to work because it could include telecommuters. See “Master Response 2: COVID-19 Pandemic Considerations” for more information related to this comment.

MTC and ABAG use simulation modeling to estimate GHG emission reductions; more information on analysis tools used to forecast emissions reductions can be found in Section 2.3.3 (“Analysis Tools”) and

Section 3.6.3 ("Impact Analysis") of the Draft EIR. Chapter 3 of this Final EIR, "Revisions to the Draft EIR," includes a revised version of the Draft EIR's Table 3.6-15 ("Analysis of Passenger Vehicle and Light Duty Truck CO₂ Emissions Pursuant to SB 375"), which provides more information on the forecasted emissions in 2005 and 2035. The revised Table 3.6-15 shows that the proposed Plan's strategies include reducing per-capita greenhouse gas emissions from mobile-sources ("transportation") by at least 19 percent (the target reduction under Senate Bill 375) when compared to 2005 levels. The commenter requests information related to the proposed Plan and does not raise a specific issue related to the Draft EIR or the analysis of environmental impacts.

142-5

See "Master Response 3: Water Supply" for a discussion related to drought and water supply.

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



Letter
143

Office of 4th District
Supervisor James Gore

July 19, 2021

Therese McMillan, Executive Director
Metropolitan Transportation Commission
Association of Bay Area Governments
375 Beale Street
San Francisco, CA 94105

SUBJECT: Draft *Plan Bay Area 2050* and Draft *Plan Bay Area 2050* Environmental Impact Report Comments

Dear Ms. McMillan:

On behalf of our Northern Sonoma County communities, we are writing to request the modification of your Draft Plan Bay Area 2050 to include SMART to Healdsburg and Cloverdale in the Draft document’s financially constrained transportation network so that SMART can compete for state and federal resources for our region. Our jurisdictions have aggressive goals that are similar to your regional planning goals: creation of affordable housing, reduction of greenhouse gas emissions, climate resiliency, healthy communities, and economic opportunity for all.

The past four years of continuing fires has exacerbated our pre-existing housing shortage. We continue to strive to achieve more housing for all in our communities. In addition to our local goals, the recent 2023-2031 draft Regional Housing Needs Allocation for Sonoma County proposes significant increases for Northern Sonoma County jurisdictions. Windsor would increase 126%, Healdsburg 203%, and Cloverdale 32%. These increases at the more affordable levels are greater and will come with more financing challenges for our jurisdictions. For example, in the case of Healdsburg, the Very Low and Low affordability levels would go up 512% and 354%, respectively. This is generally the most difficult category to finance and build, since it requires a much higher level of funding to close the affordability gap between what households at that income level can afford and what it costs to build and maintain the units. It will be critical for SMART rail service to come north for us to be able to attract transit-oriented development financing, public and private, to be able to build the units allocated to us by the region. Depriving us of the ability to expand SMART north will make the challenge of financing these housing projects more difficult, if not impossible.

SMART provides a lower emission transportation alternative that has demonstrated utility for longer trips. The average passenger trip length on SMART is 25 miles. Northern Sonoma County residents and employees accumulate more vehicle miles traveled per capita than any other part of the county. Providing people who travel greater distances with a time and cost competitive alternative like SMART will result in reducing vehicle miles traveled and emissions.

143-1

Draft Plan Bay Area 2050
Page 2

We are all working to improve our preparation and resilience for whatever the future holds. SMART provides a useful tool in that preparation, whether for greater supply chain redundancy for emergency personnel or equipment delivery during events or for evacuation purposes. SMART will also bring dedicated dark fiber strands for public agencies and schools, providing broadband capacity for our communities now so reliant on this utility for education, health access, and emergency service communications.

And SMART’s role in transporting people to and from work between our communities would be enhanced by our ability to grow a climate friendly economy through transitioning to freight rail for materials and goods transport. This would keep trucks off the highway and make our transportation network more efficient, safe and less harmful to our environment.

Completing the SMART network to Healdsburg and Cloverdale would make the investment in the Santa Rosa and Windsor stations more effective. Our communities are heavily connected, with employees traveling in both directions throughout the day. Truncating the SMART system in Windsor is depriving our communities of the benefit of this publicly owned asset and is depriving the communities where SMART is operating of reaping the full rewards of having the railroad shift people out of their cars.

We request Plan Bay Area 2050 be revised to add SMART to Cloverdale back into the transportation documents and the financially constrained transportation project list. SMART has nearly completed construction of the extension to Windsor and is now the owner of the existing un-rehabilitated railroad tracks through Healdsburg and the Alexander Valley to Cloverdale and the Mendocino County line. It is important to support SMART’s efforts to bring in outside state and federal resources to complete this project so it can be used for passenger rail for longer trips, pedestrian and bicycle access for local trips, freight rail so we can grow our economy in an environmentally friendly way and provide greater broadband access for our communities.

Thank you for providing us the opportunity to comment and we look forward to working with you further to obtain our mutual goals.

Sincerely,



Sam Salmon, Mayor
Town of Windsor



Evelyn L. Mitchell, Mayor
City of Healdsburg



Marta Cruz, Mayor
City of Cloverdale



James Gore, Supervisor
Sonoma County 4th District

143-1
cont.

Letter 143**Town of Windsor, Sam Salmon, Mayor; City of Healdsburg, Evelyn Mitchell, Mayor; City of Cloverdale, Marta Cruz, Mayor; and Sonoma County, James Gore, Supervisor, 4th District****July 20, 2021**

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

143-1

The commenters request that the SMART passenger rail extension project from Windsor to Cloverdale be added to the Plan Bay Area 2050 Transportation Project List. Please see Response to Comment 94-1 regarding the SMART project. See also “Master Response 7: Fiscally Constrained Transportation Project List” for discussion of this issue.

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

Letter
144

From: [Melissa Fels](#) on behalf of [Aaron Baker](#)
To: [EIR Comments](#)
Cc: [Vincent Gin](#); [Kirsten Struve](#); [Jing Wu](#)
Subject: EIR Comments on Draft EIR and Plan Bay Area (PBA) 2050
Date: Tuesday, July 20, 2021 4:34:08 PM
Attachments: [image001.png](#)

External Email

Good Afternoon –

We'd like to provide three comments on the Draft EIR and Plan Bay Area (PBA) 2050:

- Please make a factual correction on the number of reservoirs that Valley Water manages, described in the second paragraph of Page 3.14-6 of the Draft EIR. We manage 10 reservoirs instead of 11.
- The final EIR should use the updated water demand and supply data from the 2020 UWMPs now that they are published.
- The impact of the proposed plan on water supply is identified as significant and unavoidable. The PBA should include strategies and funding for addressing water shortages associated with the projected growth.



We appreciate the opportunities that MTC has provided to the region to review and comment on the draft plans. Please contact me if you have questions on any of these comments.

Best Regards,

AARON BAKER, P.E.
CHIEF OPERATING OFFICER
Water Utility Enterprise
Tel. (408) 630-2135



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

Letter 144
Valley Water
Aaron Baker, PE, Chief Operating Officer
July 20, 2021

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

144-1

In response to this comment, the second paragraph on page 3.14-6 has been modified to read as follows (new text is underlined and deleted text is shown in ~~strikeout~~):

The SCVWD manages groundwater and provides comprehensive water management as authorized by the Santa Clara Valley District Act. SCVWD's water supply system comprises storage, conveyance, recharge, treatment, and distribution facilities that include ~~¶ 10~~ 10 local reservoirs, the groundwater basin, groundwater recharge facilities, treatment plants, imported supply, and raw treated water conveyance facilities. The primary source of water for SCVWD is groundwater and surface water stored in the reservoirs. The reservoirs store up to 25 percent of Santa Clara County's water supply. The capacity of all the local reservoirs of SCVWD is 169,009 acre-feet, with 122, 924 acre-feet of restricted capacity (SCVWD 2016).

This modification clarifies the text but would not result in further changes to the document with respect to the severity of an environmental effect disclosed in the Draft EIR, or the need to discuss a new significant environmental impact.

144-2

See Response to Comment 76-10 for a discussion related to the need to update information to reflect the 2020 UWMPs and "Master Response 3: Water Supply" for discussion of the baseline for environmental analysis of the proposed Plan as it relates to the 2020 UWMPs.

144-3

The Draft EIR discloses under Impact PUF-2 that impacts to water supply result in significant impacts. Mitigation measures are included in the Draft EIR; however, impacts would be significant and unavoidable. The draft Implementation Plan includes Draft Implementation Action 9d: Evaluate the feasibility of expanding BayREN's scope/mission to develop a broader range of program offerings that will support building retrofits and water/energy upgrades. See "Master Response 3: Water Supply" and "Master Response 6: MTC and ABAG Roles and Authority," for discussions related to this comment.

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



100 North Canyons P
 Livermore, CA 94551
 (925) 454-5000

**Letter
 145**

July 20, 2021

MTC Public Information
 Attn: Draft EIR Comments
 375 Beale Street, Suite 800
 San Francisco, CA, 94105

Sent by e-mail to: eircomments@bayareametro.gov

Re: Draft Plan Bay Area 2050, and Draft EIR for Plan Bay Area 2050 (SCH# 2020090519)

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced documents in the context of Zone 7's mission to "Deliver safe, reliable, efficient, and sustainable water and flood protection services" within the Livermore-Amador Valley.

145-1

We 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

Elke Rank
 cc: Carol Mahoney, Amparo Flores, file

- Attachments: (1) Comments on Plan Bay Area 2050
 (2) Comments on Draft EIR for Plan Bay Area 2050





Attachment 1: Comments on Draft Plan Bay Area 2050

Recommended Coordination with Preparation of UWMPs. As a water wholesaler serving the Cities of Dublin, Livermore, and Pleasanton in eastern Alameda County and a portion of the City of San Ramon in Contra Costa County, Zone 7 relies largely on city planning documents for our planning for water supply and flood protection system improvements and expansion. Among other planning documents, our long-term plans for water supply are formally documented in Urban Water Management Plans (UWMPs) (Zone 7’s latest plan is the 2020 Urban Water Management Plan available here: https://www.zone7water.com/sites/main/files/file-attachments/0_final_2020_uwmp.pdf?1624903044). UWMPs are required by the State of California to be prepared every five years and submitted in years ending in 1 and 6 (thus, our 2020 UWMP was submitted in spring of 2021). Zone 7 uses the cities’ latest available General Plans, Specific Plans, and other formal housing projections to inform the UWMP.

145-2

Given the timing of various local and regional planning efforts and release of public documents, there will be inconsistencies in various planning documents related to growth (commercial and housing developments). In particular, the latest housing projections from the Regional Housing Needs Allocation process and Draft Plan Bay Area 2050 have not been incorporated into the cities’ planning documents, and therefore are not reflected in the latest UWMPs. It may be helpful in the future if the Plan Bay Area Updates could be coordinated/synchronized to occur prior to UWMP updates to avoid a disconnect. For our part, we will continue to track developments as they are approved by the cities and incorporate them into our planning efforts.

Lacking Discussion on Climate Change as it relates to water supply and flood resiliency. The Draft Plan states that coordinated action at the regional level is needed to adapt to sea level rise (SLR). Lacking in the Plan, however, is a need for coordinated adaptation to climate change overall. In addition to SLR, climate change in the coming decades (e.g., higher temperatures, change in storm patterns, etc.) may have major effects on the Bay Area’s water supply and flood protection, for example, leading to a need for enhanced land use planning.

145-3

Lacking Discussion on Water and Flood Infrastructure. The Plan is lacking discussion of ageing storm and flood infrastructure in such areas where infill would occur. Also, infrastructure in some areas is already undersized and may not be able to withstand significant additional pressures from new development – not to mention additional pressure from climate change. Major investments may be required to update infrastructure to current standards, not to mention expanded capacity.

145-4



Attachment 2: Comments on Draft EIR for Plan Bay Area 2050

<i>DEIR Topic/Page</i>	<i>Comment(s)</i>	
General		
Preface	<ul style="list-style-type: none"> Consider including in the DEIR an informational preface for users to point out that there will be inconsistencies in various planning documents they may come across. Every local agency likely has multiple planning documents; the respective age of the plan, planning objective(s), available data / resources at the time, and other factors may result in inconsistencies in specific information like population projections or water supply demands. 	145-5
Climate Change		
<p>Page 3.10-2: Table 3.10-1 shows the average monthly precipitation for selected Bay Area sites.</p>	<ul style="list-style-type: none"> This table excludes the East Bay entirely; consider adding one East Bay location for completeness. Consider highlighting the more recent climate trends in the DEIR, perhaps in this table or elsewhere. Some of the wettest and the driest years have all occurred in the last decade; this more recent change in precipitation pattern is important for water resources managers and may require updated water supply planning and/or operations, as well as building new facilities, or replacing ageing ones, to support growth. 	145-6
Groundwater		
<p>Page 3.10-31: "Concentrating development within urban cores, as proposed by the Plan, could reduce the groundwater recharge effects."</p>	<ul style="list-style-type: none"> Groundwater recharge may have varying degrees of importance in terms of supporting population growth, regardless of their proximity to the urban cores; The DEIR should consider that impacts may need to be avoided or further reduced <u>specifically</u> for groundwater basins that are heavily relied upon for water supply and perhaps also those supporting groundwater dependent ecosystems. 	145-7
<p>Page 3.10-32: "The GSPs are required to provide mechanisms that allow the sustainable use of groundwater, with growth projections considered. Therefore, the regional impacts of implementation of the Plan on sustainable groundwater management would be less than significant (LTS)."</p>	<ul style="list-style-type: none"> The analysis relies heavily on implementation of SGMA and LID regulations/projects to protect groundwater resources. However, not all Groundwater Sustainability Agencies (GSA) have local land use authority, and in some cases there is a disconnect between the decision makers for land use development and groundwater management. 	145-8



<p>Page 3.10-14: The Draft EIR states that the SGMA requires preparation of Groundwater Sustainability Plans (GSPs).</p>	<ul style="list-style-type: none"> • Please clarify that Groundwater Sustainability Agencies (GSAs) managing medium- or high-priority groundwater basins may also submit an Alternative to a GSP. Ensure that any requirements or actions specified for a GSP are revised to specify, "GSP or Alternative to a GSP" throughout the Draft EIR. • The project area is situated within the Livermore Valley Groundwater Basin; as such, the underlying groundwater is subject to the management provisions of the basin's Alternative Groundwater Sustainability Plan (GSP), which was prepared by Zone 7 Water Agency and approved by the State Department of Water Resources in 2019. As the designated Groundwater Sustainability Agency (GSA), Zone 7 strives to maintain sufficient groundwater supplies and good groundwater quality within the groundwater basin. To support these goals, the project needs to be consistent with the Alternative GSP and Zone 7's Sustainable Groundwater Management Ordinance, as well as the State's Water Recycling Policy (and associated orders), and the County's Water Wells Ordinance. Links to many of these documents can be found on Zone 7's website at https://www.zone7water.com/. 	<p>145-9</p> <p>145-10</p>
<p>Page 3.10-5: "Groundwater is used for numerous purposes, including municipal and industrial water supply, in the Bay Area; however, it accounts for only about 5 percent of total water consumption."</p>	<ul style="list-style-type: none"> • Some counties or regions are much more dependent on groundwater resources than others, and the statement that it accounts for only about 5 percent of total water consumption may diminish its relative importance for some communities. Further, it's unclear if the assessment of water includes agricultural (irrigation and related domestic) use, which is especially important in areas including Sonoma and Napa counties with major agricultural economies. • The importance of protecting groundwater basins cannot be overstated. More agencies are looking at groundwater basins as a local and drought supply source, and the dependence on groundwater will become more significant in the near future. 	<p>145-11</p> <p>145-12</p>
Public Utilities and Facilities		
<p>Page 3.14-38: DEIR assumes that the infill nature of the proposed Plan's development pattern would</p>	<ul style="list-style-type: none"> • DEIR is lacking discussion of ageing storm and flood infrastructure in such areas where infill would occur. Also, infrastructure in some areas is already undersized and may not be able to withstand significant additional pressures 	<p>145-13</p>



<p>result in less-than-significant impacts on the stormwater capacity of existing systems because much of the growth would occur on already impervious land.</p>	<p>from new development. Major investments may be required to update infrastructure to current standards, not to mention expanded capacity. Those projects, in turn, could have environmental impacts.</p>	<p>145-13 cont.</p>
<p>Page 3.14-43: DEIR states that major water suppliers in the region are projected to be able to supply adequate water for their projected service populations through 2040 during normal years</p>	<ul style="list-style-type: none"> The final Plan Bay Area 2050 should include the most recent 2020 UWMP water supply data and population projections from regional agencies. It may be helpful in the future if the Plan Bay Area Updates could be coordinated/synchronized to occur prior to UWMP updates to avoid a disconnect. 	<p>145-14</p>

Letter 145
Zone 7 Water Agency
Elke Rank
July 20, 2021

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

145-1

The comment is an introductory statement. It introduces a series of comments that are addressed in the following responses. Please see Responses to Comments 145-2 through 145-14.

145-2

The comment provides information related to the timing of UWMP preparation in relationship to planning documents that consider potential growth. As discussed under the first paragraph of Section 1.7.3, “Federal and State Requirements:”

Under the Fixing America’s Surface Transportation Act (FAST Act) (Public Law 114-94) and Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141), the U.S. Department of Transportation requires that MPOs, such as MTC, prepare long-range RTPs and update them every 4 years if they are in areas designated as “nonattainment” or “maintenance” for federal air quality standards.

This prescribed timeline both limits MTC’s ability to time the preparation of the Plan, but also is frequent enough to ensure relative alignment with UWMPs. The Zone 7 Water Agency 2020 UWMP was adopted in June 2021, the same month as the release of the Draft EIR and nine months after the release of the NOP. The Zone 7 Water Agency 2020 UWMP projects no shortages in supply in normal years, single dry years, or multiple dry years through 2045 (Zone 7 Water Agency 2021:ES-3 to ES-4). The Draft EIR states on page 3.14-44 that Zone 7 has “adequate water supplies in regular and single dry years,” and that “Zone 7 would also have adequate water supplies in multiple dry years.” This is consistent with the Draft EIR’s conclusion in Impact PUF-2 that the effect on water supply would be significant and unavoidable. Therefore, the discussion in the Draft EIR is representative of regional water supply conditions (see Draft EIR, pp. 3.14-43 to 3.14-46). Refer to Response to Comment 76-10, which explains further why the analysis in the Draft EIR remains adequate. Please also see “Master Response 3: Water Supply” for discussion related to this comment.

145-3

The comment provides information related to the potential for detrimental effects on the Bay Area related to climate change, and the need to include a coordinated adaptation plan into the proposed Plan. As explained in “Master Response 5: Sea Level Rise” the effects of the environment on a project are generally outside the scope of CEQA.

145-4

The comment expresses general concerns related to the proposed Plan. The Draft EIR discloses that the proposed Plan could result in the need for new or expanded facilities, and it analyzes and provides mitigation for related impacts. (Draft EIR, pp. 3.14-37 to 3.14-43.)

145-5

The comment provides information related to the potential for planning documents throughout the Bay Area to be inconsistent with each other for a variety of reasons. This comment is correct that reported data such as population and water supply and demand could be inconsistent across

different local jurisdictions in planning documents that span many years. The comment is noted for consideration during project review.

145-6

The comment suggests that MTC and ABAG consider highlighting “more recent climate trends” in the Draft EIR because this information is important for water resource managers. Refer to Section 3.6, “Climate Change, Greenhouse Gases, and Energy,” for a general discussion of the effects of climate change on water supply. The proposed Plan is intended to guide growth in a manner that promotes resiliency and equity throughout the region, and in the face of many uncertainties.

Table 3.10-1 of the Draft EIR provides monthly precipitation for nine select sites (averaged over between 19 and 123 years, based on data availability). Two of the sites in the table, Oakland Airport and Richmond, are in the East Bay. The table adequately represents the proposed Plan area and existing conditions. Water resource managers have access to information on precipitation and other relevant data at a greater level of detail than reflected in a regional Program EIR. No changes are necessary in response to this comment.

145-7

The analysis in Impact HYDRO-2 evaluates the potential for implementation of the Plan to substantially decrease groundwater supplies or interfere with groundwater recharge in a manner that may impede sustainable groundwater management at a regional scale. The discussion acknowledges that “development could interfere with groundwater recharge by creating additional impervious surfaces that interfere with infiltration of precipitation, which can result in decreased groundwater supplies” (page 3.10-30) and describes how development that adheres to the growth geographies identified in the proposed Plan affect the impact of forecast development on groundwater supply. Most (69 percent) of growth would occur within already developed areas. The remaining 31 percent of growth will be dispersed across the region and not concentrated in any one area. Thus, it is also not anticipated that new development would result in enough newly impervious surfaces to significantly interfere with groundwater recharge, including in groundwater basins that are heavily relied upon for water supplies or that support groundwater dependent ecosystems. Because no significant impacts are anticipated, the Draft EIR is not required to consider mitigation to avoid or reduce less than significant impacts.

The Draft EIR does not address impacts at a project-specific level, nor does it address impacts of specific programs or projects included within the proposed Plan. Such environmental analyses will occur, as appropriate, in response to proposals for specific program implementation or development and infrastructure projects. The varying importance of groundwater recharge as a mechanism to manage groundwater levels for water supply and ecosystem support is acknowledged. Nonetheless, the cited statement on page 3.10-31 of the Draft EIR is an appropriate characterization of the benefits that could result from concentrating development within urban cores. No changes are necessary in response to this comment.

145-8

The comment notes that the analysis in Impact HYDRO-2 is based, in part, on existing regulatory requirements at the local, State, and federal level, including SGMA, Provision C.3 of the NPDES program, and CALGreen. The comment also states that there can be a disconnect between local decision makers and groundwater management. As explained in the Draft EIR, a water supply assessment must be prepared for any “water demand project,” as defined by CEQA Guidelines section 15155 and in compliance with Sections 10910–10915 of the Water Code. (Draft EIR, p. 3.10-32.) The water supply assessment functions to bridge any disconnect between land use decisions and available

water supply. When the water supply for a project will include groundwater, the water supply assessment must analyze the sufficiency of any groundwater basin to meet the project's demand unless addressed in the applicable UWMP. (See Water Code, § 10910(e).) The commenter does not raise specific issues related to the Draft EIR or the analysis of environmental impacts.

145-9

Regarding clarification of the SGMA requirements for GSPs, please see response to comment 73-2. The text on Draft EIR page 3.10-32 mentions alternative GSPs: "Further, as described above, the medium- and high-priority basins in the Plan area are developing GSPs or have submitted alternative plans to comply with SGMA and manage groundwater to conserve supplies. The GSPs are required to provide mechanisms that allow the sustainable use of groundwater, with growth projections considered."

145-10

The comment provides information related to the status of the approved alternative GSP for the Livermore Valley Groundwater Basin. This information is consistent with the status description provide in Table 3.10-4 on page 3.10-16 of the Draft EIR. The comment also indicates that the Plan would need to be consistent with "the Alternative GSP and Zone 7's Sustainable Groundwater Management Ordinance, as well as the State's Water Recycling Policy (and associated orders), and the County's Water Wells Ordinance" to support the goals of the alternative GSP for the Livermore Valley Groundwater Basin. As articulated throughout the Draft EIR, the analyses assume that subsequent discretionary projects under the Plan would be required to be consistent with local plans and regulations.

The Draft EIR does not address impacts at a project-specific level, nor does it address impacts of the myriad of specific programs or projects affecting the nine counties and 101 cities covered by the proposed Plan, but which could affect implementation of specific development projects. Such environmental analyses will occur, as appropriate, for specific program implementation or development and infrastructure projects. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR that are applicable to the programmatic scope of an EIR on a regional-scale plan. The comment is noted for consideration during project review.

145-11

The comment references text in Section 3.10.1, "Environmental Setting," that is intended to provide an overview of the existing conditions throughout the nine-county Plan area. The text quoted in the comment, from the first sentence of the last paragraph on page 3.10-5 of the draft EIR, has been revised as follows to reflect the most current information available from the San Francisco Bay RWQCB:

Groundwater is used for numerous purposes, including municipal and industrial water supply, in the Bay Area; however, it accounts for only about 5 20 percent of total water consumption (San Francisco Bay RWQCB 2021).

The description that follows appropriately acknowledges the variation in water availability and quality throughout the Plan area; noting, for example, that "some of the larger basins (such as Santa Clara Valley, Napa-Sonoma Valley, and Petaluma Valley) can produce large volumes of groundwater and generally have good water quality" (Draft EIR page 3.10-5). Assessment of the potential for Plan implementation to substantially decrease groundwater supplies or interfere with groundwater recharge in a manner that may impede sustainable groundwater management at a regional scale is provided in Impact HYDRO-2, beginning on page 3.10-30 of the Draft EIR.

Refer also to the discussion of existing water supply sources in Section 3.14, “Public Utilities and Facilities,” which identifies the Santa Clara Valley, Napa-Sonoma Valley, Petaluma Valley, Livermore Valley, and Westside as the groundwater basins most intensively used for water supply. Groundwater is also an important local supply source for ACWD, BAWSCA member agencies, SCVWD, SFPUC, and Sonoma Water (Draft EIR page 3.14-8). Water supply to serve existing demand and implementation of the Plan to accommodate reasonably foreseeable future development is discussed in Impact PUF-2 beginning on page 3.14-43 of the Draft EIR. This assessment is based the projected water supplies and demands from the most recent urban water management plans (as summarized in Table 3.14-2 in the Draft EIR). The proposed Plan is not anticipated to increase demand for agricultural water supply because it has the potential to convert agricultural land to non-agricultural uses (see Impact AGF-1 on Draft EIR pp. 3.3-16 to 3.3-21). For this reason, the analysis of water availability is focused on urban water supply.

145-12

The comment provides information related to the importance of protecting groundwater basins. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the Draft EIR. The comment is noted for consideration during project review.

145-13

The comment repeats Comment 145-4. Please see Response to Comment 145-4.

145-14

See Response to Comment 76-10 for a discussion related to the need to update the Draft EIR to reflect 2020 UWMPs.

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

Letter 146

This letter number is not used.

Letter 147

This letter number is not used.

Plan Bay Area 2050 should be ruled incomplete - Did not consider alternative to Control Job Growth .

**Letter
148**

Bruce Irion [REDACTED]

Mon 8/2/2021 12:45 PM

To: EIR Comments <eircomments@bayareametro.gov>

Cc: [REDACTED]

External Email

The EIR for Plan Bay Area 2050 should be ruled incomplete because it did not consider the viable alternative to control job growth in the region. Failure to control job growth has led to environmental and quality of life deterioration for the region’s residents. Presupposing significant additional growth without addressing the root cause will only lead to further deterioration.

148-1

Plan Bay Area 2050 presupposes the growth of 2.8million new residences, 1.4million new jobs, and 1.4million new households in a region that already has 7.8million residents. This is a 35% growth in a region already suffering from overcrowding. But what if there was an alternative? What if there was a way to pause growth?

148-2

Plan Bay Area 2050 presupposes 35% growth for the region and examines alternatives to manage the problems associated with such growth. But it does nothing to address the root cause which means environmental quality of quality of life for residents of the region will only get worse. The Plan as much as acknowledges that San Francisco and Santa Clara counties have seen significant job growth and will continue to see such growth if left unchecked (The Bay Area has added 700K new jobs in the last decade, a 20% increase).

148-2

The EIR and CEQA processes are designed to protect the environment and quality of life. The job growth in the region did not “just happen”. It was allowed to happen without regard to the consequences EIR and CEQA reviews are designed to review and protect against.

148-3

Letter 148
Bruce Irion
August 2, 2021

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

148-1

See Response to Comment 9-1 and “Master Response 1: Regional Growth Forecast” for a discussion on regional job growth and assumptions used in the Draft EIR.

148-2

See Response to Comment 9-1 and “Master Response 1: Regional Growth Forecast” for a discussion on regional job growth and assumptions used in the Draft EIR. See Master Response 4 for a discussion on alternative growth scenarios.

148-3

The purpose of an EIR is to analyze the potential environmental effects of a proposed project; disclose the environmental impacts of a proposed project to decision makers, responsible and trustee agencies, and members of the public; recommend mitigation measures to mitigate significant adverse impacts; and, analyze a range of reasonable alternatives to a proposed project (see Section 1.2 of the Draft EIR, “Purpose of This EIR”). The subject EIR fulfills these requirements. See Response to Comment 9-1 and “Master Response 1: Regional Growth Forecast” for discussion related to regional job growth and assumptions used in the Draft EIR.

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



MAYOR DARCY PAUL
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Letter
149

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August 19, 2021

Therese McMillan
ABAG/MTC Executive Director
c/o MTC Public Information
Attn: Draft EIR Comments
375 Beale Street, Suite 800
San Francisco, CA, 94105
eircomments@bayareametro.gov

Re: Plan Bay Area 2050 Draft Environmental Impact Report

Dear Ms. McMillan:

On behalf of the Cupertino City Council, I want to thank you for the opportunity to comment on the Draft Plan Bay Area 2050 (“Plan”) and the Plan Bay Area 2050 Draft Environmental Impact Report (“DEIR”). As explained below, the Plan and DEIR rely on a flawed evaluation of the jobs-housing imbalance in the Bay Area, and the DEIR improperly rejects feasible, environmentally superior alternatives. We urge MTC to consider Cupertino’s comments and correct the legal and policy deficiencies in the draft Plan.

149-1

1. The Draft Plan and DEIR Rely on Erroneous Assumptions in Discussing the Jobs-Housing Imbalance in the Bay Area.

The Cupertino City Council strongly supports the stated objectives of the Plan, including the CEQA objective to “[h]ouse 100 percent of the region’s projected growth by income level, and with no increase in in-commuters over the proposed Plan baseline year.” (DEIR, at p. ES-5.) Unfortunately, MTC’s own analysis shows that the Plan will not achieve this objective because it will not adequately address the jobs-housing imbalance in Cupertino and other similarly situated cities in the South and West Bay.

149-2

The Plan acknowledges the importance of addressing the jobs-housing imbalance, and recognizes the impact of the imbalance on transportation, housing and land use, and the quality of life and health of commuters. (Plan, at p. 44.) Yet despite recognizing these impacts, MTC has proposed an alternative that does not adequately address the jobs-housing imbalance. Indeed, the Plan has the potential to make the imbalance worse, as it continues to project massive employment growth in jobs-rich areas, including a 46% increase in employment in Santa Clara County relative to the base year. (DEIR, at p. 2-12.)

MAYOR DARCY PAUL
CITY OF CUPERTINO

While the Plan attempts to balance these aggressive targets for job growth with strategies to “spur housing production for residents at all income levels” (Plan, at pp. 28-30), MTC has failed to consider constraints imposed by poorly designed policies that will interfere with strategies to achieve this goal. For example, Plan Policy H6 identifies the strategy to “[t]ransform aging malls and office parks into neighborhoods . . . with housing for residents at all income levels.” (Plan, at p. vii.) The City of Cupertino supports this goal, but is perplexed as to why MTC staff has pointed to the redevelopment of the Vallco Mall as an example of the successful implementation of this strategy. In fact, that project will exacerbate the existing jobs-housing imbalance in Cupertino. Despite the City’s approval of over 2,000 housing units at the Vallco site (pursuant to SB 35), the housing demand created by the project’s 2.2 million square feet of office and retail space will exceed the amount of housing provided. Vallco’s own estimates predict that the Project would bring 8,719 new jobs to the City of Cupertino while providing only 2,402 new housing units. As a result, the Project results in the need for 3,410 more housing units than it provides.

149-2
cont.

The lack of meaningful local control over this type of massive mixed-use development under the ministerial approval provisions of SB 35 will frustrate attempts to achieve the Plan’s purported goal of addressing the jobs-housing imbalance in jobs-rich communities like Cupertino. MTC staff’s uncritical evaluation of the Vallco project reflects the errors in the assumptions that underlie the Plan and the DEIR. MTC should revise the Plan and DEIR to correct these errors and should acknowledge that turning a large portion of an “aging shopping mall” into an office park will not advance MTC’s stated policy goals. In addition, Plan Policy H6 should be revised to encourage development of residential-focused neighborhoods where housing exceeds the demands created by non-residential development.

2. The DEIR Improperly Rejects Feasible, Environmentally Superior Alternatives.

MTC has also improperly rejected alternatives that will better address the jobs-housing imbalance and the environmental impacts that result from it. The DEIR confirms that the proposed Plan will have significant unavoidable impacts, driven in large part by the jobs-housing imbalance. Those impacts include significant unavoidable impacts on air quality, greenhouse gas emissions, and transportation. (DEIR, at pp. ES-15 to ES-20, ES-32 to ES-34, ES-59 to ES-60; see also DEIR, at p. 3.15-9 [jobs-housing imbalance results in increased per capita vehicle miles traveled].) At the same time, the DEIR concludes that each of the other alternatives evaluated (and in particular, the “Transit-Rich Area (TRA) Focus Alternative”) would do better than the proposed Plan in addressing the jobs-housing balance in jobs-rich areas such as Santa Clara County. (DEIR, at p. 4-19.)

149-3

The DEIR goes on to document why both the TRA Focus Alternative is environmentally superior to the proposed Plan. Specifically, the TRA Focus Alternative would:

- “result in smaller land use growth, sea level rise adaptation, and transportation project footprints, compared to the proposed Plan”;
- “result in fewer acres of Farmland converted to nonagricultural uses and fewer acres of forestland converted to other uses”;

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- “have lower mobile source emissions than the proposed Plan”;
- “result in a lesser degree of impact on special-status species, critical habitat, and acreage of wetlands and ECAs compared to the proposed Plan”; and
- “result in lower mobile source GHG emissions compared to the proposed Plan.”

(DEIR, at p. 4-79.)

The DEIR also concludes that “[r]isk of displacement . . . is lower under the TRA Focus Alternative compared to the proposed Plan because the housing growth pattern enables more low-income residents to continue living in current communities due to an increase in deed-restricted affordable housing.” (DEIR, at pp. 4-80 to 4-81.)

149-3
cont.

The DEIR fails to adequately explain why the TRA Focus Alternative should be rejected and is therefore legally deficient. (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713, 737 [“ . . . “[E]ven if alternatives are rejected, an EIR must explain why each suggested alternative either does not satisfy the goals of the proposed project, does not offer substantial environmental advantages or cannot be accomplished.”].) MTC must consider and implement feasible alternatives, including the TRA Focus Alternative, before adopting the Plan. Its consideration of those alternatives must take into account the significant impacts of the Bay Area region’s jobs-housing imbalance, and MTC must adopt the feasible mitigation measures to reduce those impacts.

3. MTC Must Correct the Legal and Policy Deficiencies in the DEIR and Draft Plan.

Rather than continue to proceed with a legally deficient Plan and EIR, MTC should reevaluate the Plan and DEIR in light of its clearly stated goals, which include providing adequate housing (including affordable housing) for all Bay Area residents and addressing the jobs-housing imbalance. MTC must revise the Plan and DEIR to meet its legal obligation to avoid or mitigate significant environmental impacts, including impacts to air quality, greenhouse gas, land use and housing, and transportation.

149-4

The City of Cupertino looks forward to continuing to engage constructively with MTC as it corrects the legal deficiencies in the DEIR and draft Plan and develops a revised Plan that will achieve the policy goals that the MTC and the City share.

Sincerely,

Darcy Paul
Mayor
City of Cupertino

Letter 149
City of Cupertino
Darcy Paul, Mayor
August 19, 2021

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

149-1

The comment is an introductory statement. See Responses to Comments 149-2 through 149-5.

149-2

See Response to Comment 9-1 and “Master Response 1: Regional Growth Forecast” for a discussion on regional job growth and assumptions used in the Draft EIR. For a discussion of local control over density, housing, and development, refer to “Master Response 6: MTC and ABAG Roles and Authority.”

The commenter provides comments regarding proposed Plan strategies. The MTC Commission and ABAG Executive Board will consider these comments as part of their overall consideration of the proposed Plan.

149-3

The comment correctly identifies some of the significant and unavoidable impacts of the proposed Plan and ways in which the TRA Focus Alternative is environmentally superior to the proposed Plan. See Master Response 4 for a discussion related to the alternatives process under CEQA, including identification of the environmentally superior alternative and how an alternative is adopted.

149-4

See Response to Comment 9-1 and “Master Response 1: Regional Growth Forecast” for discussion relevant to jobs housing balance. For a discussion of local control over density, housing, and development, refer to “Master Response 6: MTC and ABAG Roles and Authority.”

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