



TO: Joint MTC Planning Committee with the  
ABAG Administrative Committee

DATE: July 7, 2017

FR: MTC Deputy Executive Director, Policy

RE: Final Environmental Impact Report for Plan Bay Area 2040, MTC Resolution No. 4299 and ABAG Resolution No. 09-17

MTC and ABAG staff have prepared the Proposed *Final Environmental Impact Report for Plan Bay Area 2040* (Final EIR) in accordance with the California Environmental Quality Act (CEQA). In general, the purpose of the Final EIR is to disclose the significant environmental effects of implementing the proposed Plan Bay Area 2040 (proposed Plan), identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan. As a program EIR, the Final EIR will not relieve individual project sponsors (land use or transportation) of the responsibility for complying with CEQA and/or NEPA requirements. Prior to implementation, individual projects may be required to prepare a project-level analysis to fulfill CEQA and/or NEPA requirements.

The Final EIR responds to comments addressing the Draft EIR, which was released for a 45-day public review period starting on April 17, 2017, and ending on June 1, 2017. MTC and ABAG held three public hearings on the proposed Plan, and three additional public hearings on the Draft EIR, as well as hosted nine open houses on the proposed Plan during the public comment period. The revisions, refinements, and responses to comments help to clarify and amplify the analysis in the Draft EIR. However, no significant new information was added that would trigger recirculation of the Draft EIR under CEQA. Furthermore, there were no new significant environmental impacts, or a substantial increase in the severity of any impact, identified in the comments or responses that were not already identified in the Draft EIR.

The components of the Final EIR are as follows:

1. **Comments on the Draft EIR** lists all agencies, organizations and individuals who submitted either written or oral comments on the Draft EIR.
2. **Responses to Comments** provides responses to written and oral comments, including “Master Responses” which respond to frequently raised issues referenced by multiple commenters.
3. **Revisions to the Draft EIR** lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR.
4. **Mitigation Monitoring and Reporting Program** establishes a mitigation monitoring program for the proposed Plan.
5. **The Draft EIR** and all of the appendices thereto.

The **Draft CEQA Findings and Fact in Support of Findings and Statement of Overriding Considerations** (Findings) is an additional document attached to this staff report in support of the Final EIR. The Findings are to be adopted with the approval of the proposed Plan and state

MTC and ABAG's conclusions regarding the significance of the potential environmental effects of the proposed Plan after all feasible mitigation measures have been adopted. The Findings sets forth the specific reasons supporting MTC and ABAG's action in approving the proposed Plan, based on the Final EIR and other information in the record.

The Final EIR is available online at <http://2040.planbayarea.org/reports> and at The Hub @ 375 Beale, San Francisco, CA 94105, as well as on USB flash drives at select Bay Area libraries. For a list of library locations, visit <http://www.planbayarea.org/2040-plan/access-plan>.

#### **Comments on the Draft EIR**

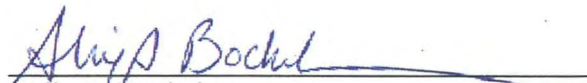
A number of comments were received during the 45-day comment period. Although several comments were received late, all letters received through June 9, 2017, are included in the Final EIR. Comments included written comment letters, email correspondence, and oral and written comments from public hearings.

Where appropriate, the information and revisions suggested in these comment letters have been incorporated into the Final EIR. As noted above, no information or revisions warrant changing the findings or conclusions of the environmental assessment.

MTC and ABAG staff will provide proposed written responses to comments submitted by public agencies 10-days prior to MTC's and ABAG's certification of the Final EIR scheduled for July 26.

#### **Action**

Staff requests that the committees refer the Final EIR to the MTC Commission and ABAG Executive Board for joint approval later this month.

  
Alix A. Bockelman

#### **Attachments:**

- Attachment A: MTC Resolution No. 4299 and ABAG Resolution No. 09-17
- Attachment B: Draft CEQA Findings and Fact in Support of Findings and Statement of Overriding Considerations

AAB:AN

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Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

ABSTRACT

MTC Resolution No. 4299

ABAG Resolution No. 09-17

This resolution certifies the Final Environmental Impact Report prepared for Plan Bay Area 2040 (which includes both the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area) (SCH# 2016052041), and adopts environmental findings pursuant to the California Environmental Quality Act; a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program.

Further discussion of this subject is contained in the Joint MTC Planning Committee and ABAG Administrative Committee memorandum dated July 7, 2017.

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Re: Certification of the Final Environmental Impact Report prepared for Plan Bay Area 2040 (which includes both the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area) (SCH# 2016052041), and adoption of environmental findings pursuant to the California Environmental Quality Act; a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4299

ASSOCIATION OF BAY AREA GOVERNMENTS  
EXECUTIVE BOARD  
RESOLUTION NO. 09-17

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 *et seq.*; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Part 450 of Title 23 of the Code of Federal Regulations (CFR), requires MTC as the MPO to prepare and update a long-range Regional Transportation Plan (RTP) every four years; and

WHEREAS, the Association of Bay Area Governments (ABAG), a joint exercise of powers entity created pursuant to California Government Code Sections 6500 *et seq.*, is the Council of Governments and the regional land use planning agency for the San Francisco Bay Area; and

WHEREAS, California Government Code Section 65080 requires ABAG and MTC to prepare a sustainable communities strategy (SCS) for the San Francisco Bay Area; and

WHEREAS, the Plan Bay Area 2040 (“Plan”) constitutes the RTP and SCS for the San Francisco Bay Area; and

WHEREAS, the Plan, contains an integrated set of strategies and fiscally-constrained investments to maintain, manage, and improve the transportation system in the San Francisco Bay Area through the year 2040 and calls for development of an integrated intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

WHEREAS, MTC and ABAG served as joint lead agencies in preparing a Programmatic Environmental Impact Report (Program EIR) (SCH# 2016052041) with the assistance of MTC staff and consultants pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*) for the Plan; and

WHEREAS, the Program EIR provides full disclosure and programmatic analysis of the potentially significant environmental effects of the Plan; and

WHEREAS, MTC and ABAG issued a Notice of Preparation (NOP) of a Draft Program EIR on May 16, 2016, and circulated the NOP for a period of 30 days pursuant to State CEQA Guidelines §§ 15082(a), 15103 and 15375; and

WHEREAS, pursuant to State CEQA Guidelines §§ 15206 and 15082, MTC and ABAG publicly noticed and held three (3) public scoping meetings between May 26, 2016, and June 2, 2016, for the purpose of soliciting comments from the public and potential responsible and trustee agencies, including details about the scope and content of the environmental information related to the responsible and trustee agencies’ areas of statutory responsibility, as well as the significant environmental issues, reasonable alternatives, and mitigation measures that the responsible and trustee agencies would need to have analyzed in the Program EIR; and

WHEREAS, MTC and ABAG received responses to the NOP from state, regional and local agencies, organizations, and individuals, which assisted MTC and ABAG in narrowing the issues and alternatives analyzed in the Draft Program EIR; and

WHEREAS, the Draft Program EIR was completed and filed with the State Office of Planning and Research (OPR) on April 14, 2017; and

WHEREAS, MTC and ABAG commenced a 45-day review period to solicit comments on the Draft Program EIR, which ended on June 1, 2017; and

WHEREAS, pursuant to State CEQA Guidelines § 15087, MTC and ABAG also provided a Notice of Availability (NOA) to all organizations and individuals who previously requested such notice and published a NOA for the Draft Program EIR on April 14, 2017, in a newspaper of general circulation. In addition, copies of the Draft Program EIR were made available at public libraries and at the offices of MTC and ABAG and electronic links to the Draft Program EIR were provided on their websites; and

WHEREAS, during the comment period on the Draft Program EIR, MTC and ABAG consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines § 15086; and

WHEREAS, during the public review period for the Draft Program EIR, MTC and ABAG held three public hearings on the Draft Program EIR and three public hearings on the Plan; and

WHEREAS, during the public review period for the Draft Program EIR, MTC and ABAG received written comment letters, email correspondence, and oral and written comments from public hearings, which are included in the Final Program EIR; and

WHEREAS, after the public review period for the Draft Program EIR ended, MTC and ABAG received additional written comment letters; and

WHEREAS, MTC and ABAG staff evaluated all comments on environmental issues received during the administrative process including all comments received during the public comment period and, after the close of the public comment period, has continued to review additional comments submitted upon receipt; and

WHEREAS, MTC and ABAG staff evaluated all comments on environmental issues received during the comment period on the Draft Program EIR and prepared written responses to these comments; and

WHEREAS, pursuant to Public Resources Code § 21092.5 and CEQA Guidelines § 15088, MTC and ABAG provided written responses to all public agencies that submitted comments on the Draft Program EIR on July 14, 2017, more than ten days prior to certification of the Program EIR; and

WHEREAS, MTC and ABAG staff prepared the Final Program EIR, consisting of: (1) comments and recommendations received from state, regional and local agencies, organizations, and individuals on the Draft Program EIR; (2) responses by MTC and ABAG to significant environmental points raised in the review and consultation process including Master Responses to comments; (3) revisions to the Draft Program EIR; (4) all appendices to the Final Program EIR; and (5) the Draft Program EIR, including all appendices and revisions thereto; and

WHEREAS, no comments made in the public hearings conducted by MTC and ABAG, or any additional information received by MTC and ABAG, have produced significant new information requiring recirculation or additional environmental review under State CEQA Guidelines § 15088.5; and

WHEREAS, State CEQA Guidelines § 15090 provides that lead agencies shall certify that the decision-making body of the lead agency has reviewed and considered the information presented in the Program EIR prior to approving a project; and

WHEREAS, State CEQA Guidelines § 15090 further provides that lead agencies shall certify that an EIR prepared for a project has been completed in compliance with CEQA; and

WHEREAS, State CEQA Guidelines § 15090 further provides that lead agencies shall certify that an EIR prepared for a project reflects their independent judgment and analysis; and

WHEREAS, certification of the Final Program EIR was placed on the agenda for the July 26, 2017, Joint MTC Commissioner and ABAG Executive Board meeting, and public notice of the meeting was circulated to the public on July 21, 2017;

WHEREAS, MTC and ABAG have prepared CEQA Findings in compliance with Public Resources Code §§ 21081 and 21081.5, and CEQA Guidelines § 15091, which are entitled “CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations” (CEQA Findings) (attached hereto as Attachment A and incorporated herein as though set forth at length); and

WHEREAS, all of the findings and conclusions made by MTC and ABAG pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole not based solely on the information provided in this Resolution; and

WHEREAS, the Plan will have significant impacts that cannot be fully mitigated to less than significant, and MTC and ABAG have prepared a Statement of Overriding Considerations in compliance with Public Resources Code § 21081 and CEQA Guidelines § 15093, included in Section 3 of CEQA Findings, which concludes that specific economic, legal, social, technological, and other benefits of the Plan outweigh the potentially significant and unavoidable impacts identified in the Final Program EIR; and

WHEREAS, each of the specific economic, legal, social, technological, and other benefits of the Plan included in the Statement of Overriding Considerations is independently sufficient to justify approval of the Plan; and

WHEREAS, MTC and ABAG have prepared a Mitigation Monitoring and Reporting Program in compliance with Public Resources Code § 21081.6 and CEQA Guidelines § 15097, included as Attachment B, to ensure compliance with the mitigation measures identified in the Final Program EIR during Plan implementation to the extent feasible; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and



WHEREAS, prior to taking action on the Final Program EIR, MTC and ABAG have heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final Program EIR, and all oral and written evidence presented to it during all meetings and hearings; now, therefore, be it

RESOLVED, that MTC and ABAG hereby certify that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, MTC and ABAG staff prepared the Final Program EIR, consisting of: (1) the Draft Program EIR, including all appendices and revisions thereto; (2) comments and recommendations received on the Draft Program EIR, a list of persons, organizations, and public agencies commenting on the Draft Program EIR; (3) responses by MTC and ABAG to significant environmental points raised in the review and consultation process including Master Responses to comments; (4) revisions to the Draft EIR; (5) all appendices to the Final Program EIR; and (6) the Draft Program EIR, including all appendices thereto; and be it further

RESOLVED, that MTC and ABAG find the Final Program EIR satisfies all the requirements of CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that MTC and ABAG find the Final Program EIR sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Plan's potentially significant environmental impacts and a reasonable range of alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that MTC and ABAG find that the Plan will have significant impacts that cannot be fully mitigated to less than significant; and be it further

RESOLVED, that MTC and ABAG certify that the Final Program EIR (attached hereto as Attachment B and incorporated herein as though set forth at length) represents the independent judgment and analysis of MTC and ABAG; and be it further

RESOLVED, that MTC and ABAG, as the decision making bodies, certify the Program EIR (Attachment B) was presented to them and that they reviewed and considered the information in the Final Program EIR prior to approving the Plan; and be it further

RESOLVED, that MTC and ABAG adopt the Mitigation Monitoring and Reporting Program as required by CEQA Guidelines § 15097, which is attached hereto as Appendix A of Attachment B and incorporated fully by this reference; and be it further

RESOLVED, that MTC and ABAG make and adopt the CEQA Findings required in CEQA Guidelines § 15091, which are attached hereto as Attachment A; and be it further

RESOLVED, that MTC and ABAG adopt the Statement of Overriding Considerations as required by CEQA Guidelines § 15093, which describes numerous specific economic, legal, social, technological, and other benefits of the Plan each of which is independently sufficient to justify approval of the project, and is attached hereto as Section 3 of the CEQA Findings (Attachment A) and incorporated fully by this reference; and be it further

RESOLVED, that MTC and ABAG direct staff to immediately (within five working days): (a) file a Notice of Determination documenting these decisions (CEQA Guidelines § 15094); (b) retain a copy of the certified Final Program EIR as a public record; and (c) provide a copy of the certified Final Program EIR to the planning agencies of all member jurisdictions and each responsible agency (CEQA Guidelines § 15095).

METROPOLITAN TRANSPORTATION COMMISSION

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Jake Mackenzie, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in San Francisco, California on July 26, 2017.

The foregoing was adopted by the Executive Board this 26<sup>th</sup> day of July, 2017.

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Julie Pierce  
President

**Certification of Executive Board Approval**

I, the undersigned, the appointed and qualified Clerk of the Board of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Executive Board of the Association at a duly called meeting held on the 26<sup>th</sup> day of July, 2017.

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Frederick Castro  
Clerk of the Board

**Approved as To Legal Form**

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Adrienne D. Weil  
Legal Counsel

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Attachment A  
MTC Resolution No. 4299  
ABAG Resolution No. 09-17  
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**CEQA Findings and Facts in Support of Findings and  
Statement of Overriding Considerations**

The CEQA Findings and Facts in Support of Findings and  
Statement of Overriding Considerations is on file in the offices of the  
Metropolitan Transportation Commission, Bay Area MetroCenter,  
375 Beale Street, Suite 800, San Francisco, CA 94105.

Date: July 26, 2017  
W.I.: 1121  
Referred by: MTC Planning /  
ABAG Administrative

Attachment B  
MTC Resolution No. 4299  
ABAG Resolution No. 09-17  
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**Program Environmental Impact Report (EIR)**

The Program Environmental Impact Report (EIR)  
(with Mitigation Monitoring and Reporting Program) is on file in the offices  
of the Metropolitan Transportation Commission, Bay Area MetroCenter,  
375 Beale Street, Suite 800, San Francisco, CA 94105.

## **Agenda Item 7b**

**MTC Resolution No. 4299 / ABAG  
Resolution No. 09-17 – Attachment A**

**CEQA Findings and Facts in Support of  
Findings and Statement of Overriding  
Considerations**

**Is Available On The Handout Table**