

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC Planning Committee with the ABAG Administrative Committee**

October 8, 2021

Agenda Item 5c

**MTC Resolution No. 4484 and ABAG Resolution No. 08-21:
Final Plan Bay Area 2050 Environmental Impact Report**

Subject:

Request referral of MTC Resolution No. 4484 and ABAG Resolution No. 08-21 to the Joint Commission and ABAG Executive Board meeting on October 21, 2021 for adoption.

Background:

MTC/ABAG staff prepared the proposed Final Environmental Impact Report (Final EIR) for Plan Bay Area 2050 in accordance with the requirements of the California Environmental Quality Act (CEQA). The Final EIR discloses the significant environmental effects of implementing the proposed Plan Bay Area 2050, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the proposed Plan. Development of the Final EIR is one of the final steps in the environmental process that commenced in September 2020 when the Notice of Preparation (NOP) was issued for the Plan Bay Area 2050 EIR.

After analyzing the proposed Plan against several EIR alternatives throughout the winter and spring, staff released the Draft EIR on June 4, 2021, initiating a 47-day public comment period through July 20, 2021. During that time, staff held three virtual public hearings to receive comments on the Draft EIR, in addition to public engagement conducted on Draft Plan Bay Area 2050 overall. Comment letters received on the Draft EIR were also reviewed in August and September 2021, with all comments posted online and electronically shared with elected officials and stakeholders in mid-August.

Nearly 150 comments on the Draft EIR received yielded refinements, and responses to commentors are featured in the Final EIR. In addition to being featured in the Final EIR, staff will provide written responses to comments submitted by public agencies 10 days prior to proposed certification of the Final EIR on October 21, 2021. 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.

Final EIR and Findings:

The Final EIR includes all comments and responses on the Draft EIR, including “master responses” that address issues referenced by multiple commenters. The Final EIR also integrates revisions to the Draft EIR and the Mitigation Monitoring and Reporting Program. Last but not least, the Draft EIR and all appendices are included for context purposes. While the Final EIR is too long to attach to this committee memorandum as an attachment, the Final EIR is available for review online on the [Plan Bay Area 2050 website](#); in-person and by appointment at 375 Beale Street in San Francisco; or by emailing info@planbayarea.org or calling (415) 778-6757 to make alternative arrangements to access the document.

The CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations (Findings) will be brought forward to the joint meeting of the Commission and ABAG Executive Board, at which time the Final EIR will be considered for final approval. It is anticipated that the Findings will highlight the following key points:

- The proposed Plan reflects much greater public and stakeholder input than other EIR alternatives from a four-year planning process.
- Unlike new strategies introduced during scoping, proposed Plan strategies were stress-tested against a wide range of conditions in Horizon Futures Planning to advance equity and resilience to uncertainty.
- Unlike some other alternatives explored, the proposed Plan advances all five Guiding Principles and meets all applicable federal and state requirements.
- The proposed Plan identifies 80+ near-term implementation actions to expedite implementation of the 35 strategies, making it more actionable in the near term than other EIR alternatives.

For the reasons identified above, MTC/ABAG staff recommend certification of the Final EIR and adoption of the proposed Plan as the Final Plan Bay Area 2050.

Next Steps:

Staff will finalize the proposed Findings document in advance of the joint Commission and ABAG Executive Board meeting scheduled for October 21, 2021.

Issues:

None identified.

Recommendation:

Refer MTC Resolution No. 4484 and ABAG Resolution No. 08-21 to the Joint Commission and ABAG Executive Board meeting on October 21, 2021 to adopt the Final Plan Bay Area 2050 Environmental Impact Report.

Attachment:

- Attachment A: MTC Resolution No. 4484 and ABAG Resolution No. 08-21



Therese W. McMillan

Date: October 21, 2021
W.I.: 1121
Referred by: MTC Planning /
ABAG Administrative

ABSTRACT

MTC Resolution No. 4484

ABAG Resolution No. 08-21

This resolution certifies the Final Environmental Impact Report prepared for Plan Bay Area 2050, the San Francisco Bay Area's plan for transportation, housing, the economy, and the environment (SCH# 2020090519), 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 October 8, 2021.

Date: October 21, 2021
W.I.: 1121
Referred by: MTC Planning /
ABAG Administrative

Re: Certification of the Final Environmental Impact Report prepared for Plan Bay Area 2050 (SCH# 2020090519), 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. 4484

ASSOCIATION OF BAY AREA GOVERNMENTS
EXECUTIVE BOARD
RESOLUTION NO. 08-21

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; 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 § 65080 et seq. requires MTC to prepare and update a long-range Regional Transportation Plan (RTP), including a Sustainable Communities Strategy (SCS) prepared in conjunction with ABAG, every four years; and

WHEREAS, Plan Bay Area 2050 (“Plan”) will serve as the region’s next-generation plan for transportation, housing, the economy, and the environment, while serving as the Regional Transportation Plan and Sustainable Communities Strategy for the San Francisco Bay Area consistent with federal and state requirements; and

WHEREAS, MTC and ABAG served as joint lead agencies in preparing a Programmatic Environmental Impact Report (Program EIR) (SCH# 2020090519) 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 for purposes of State law requirements; federal law exempts approval of a transportation plan from environmental review (23 U.S.C., § 134 (j)); and

WHEREAS, MTC and ABAG issued a Notice of Preparation (NOP) of a Draft Program EIR on September 28, 2020, 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 a public scoping meeting on October 15, 2020, 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 identifying alternatives to be 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 June 3, 2021; and

WHEREAS, MTC and ABAG commenced a 47-day review period to solicit comments on the Draft Program EIR, which ended on July 20, 2021; 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 June 3, 2021, 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, 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 October 11, 2021, 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 October 21, 2021 Joint MTC Commission and ABAG Executive Board meeting, and public notice of the meeting was circulated to the public on October 14, 2021;

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 the 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 Program EIR; and (5) all appendices to the Final Program EIR; 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 part 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

Alfredo Pedroza, Chair

This resolution was entered into by the Metropolitan Transportation Commission at a special meeting of the Commission held in San Francisco, California and at other remote locations on October 21, 2021.

The foregoing was adopted by the Executive Board this 21st day of October, 2021.

Jesse Arreguin
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 21st day of October, 2021.

Frederick Castro
Clerk of the Board

Approved as To Legal Form

Kathleen Kane
Legal Counsel

Date: October 21, 2021
W.I.: 1121
Referred by: MTC Planning /
ABAG Administrative

Attachment A
MTC Resolution No. 4484
ABAG Resolution No. 08-21
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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: October 21, 2021
W.I.: 1121
Referred by: MTC Planning /
ABAG Administrative

Attachment B
MTC Resolution No. 4484
ABAG Resolution No. 08-21
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Final Environmental Impact Report

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