

**Metropolitan Transportation Commission
Association of Bay Area Governments**

October 21, 2021

Agenda Item 6a - 21-1148 – HANDOUT 2

Final Plan Bay Area 2050: Handout Summarizing Comments Received in October 2021

The table below is a summary of comments received after the release of the Final Plan Bay Area 2050 and Final Environmental Impact Report for Plan Bay Area 2050, between October 20, 2021 at 5:00 PM to October 21, 2021 at 3:00 PM.

#	Commenter Name / Agency / Date	Topics	Summary of Comments
1	Greg Schmid 10/20/2021	Growth Pattern, Public Process	The commenter asks whether the Plan Bay Area 2050 jobs and housing projections can be publicly challenged over the next eight years due to shortcomings in the planning process, including data-related issues and lack of sufficient public discussion.
2	Jason Bezis Alameda County Taxpayers' Association 10/20/2021	Transportation Project List; MTC/ABAG Planning Authority	The commenter raises the following concerns: inclusion of the Valley Link rail extension project in the Plan's transportation project list; inclusion of new revenues; and MTC's role in BAHFA.
3	Arthur Feinstein 10/21/2021	Sea Level Rise Adaptation	The commenter asks for MTC/ABAG to enhance staffing in resilience efforts and increase collaboration with SFEP, to plan beyond infrastructure resiliency for Bay habitat adaptation and resilience. The commenter also raises two additional concerns: adaption planning must be done for 3.5ft of sea level rise, and planning for adaption may be contradictory

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			with other concepts such as transit-rich areas in some instances.

Attachments:

- Comments Received between October 20, 2021 at 5:00 PM to October 21, 2021 at 2:00 PM

Letter for October 21 meeting

Greg Schmid <[REDACTED]>

Wed 10/20/2021 5:18 PM

To: MTC-ABAG Info <info@bayareametro.gov>

External Email

Metropolitan Transportation Commission and the Association of Bay Area Governments
Executive Board

Before you approve Plan Bay Area 2050 please ask your attorney to make a public legal statement as to whether the Plan Bay Area 2050 jobs and housing projections can be publicly challenged over the next eight years.

Your approval of the draft of Plan Bay Area 2050 before you is a significant step Half way through the current eight year cycle of Plan Bay Area 2040 (in 2017) MTC/ABAG decreed that the jobs and housing numbers projected by that Plan could not be lowered during its eight year RHNA cycle: "an alteration that reduces household or job projections relative to the proposed Plan would not be consistent with Federal or State regulations nor to MTC/ABAG's settlement agreement with the Building Industry Association of the Bay Area and is therefore not appropriate for consideration" (MTC, "Comments and Responses on the Draft EIR", July 10, 2017, p 2-16).

Are you thus, again, claiming that after your vote on October 21, 2021 your jobs and housing projections cannot be "considered" for reduction over the next eight years? You are particularly vulnerable because a number of documented claims have been made that you have excluded the public from key decisions. In fact, the Plan Bay Area 2050 decision-making body was a small 'technical committee' dominated by MTC and ABAG staff with participation by members of the State Departments of HCD and DOF. There was no effective public participation in the group's deliberations and decisions Further the group depended upon in house models (REMI and Urban Sim) that were not open to public use or scrutiny.

The results were not surprising but deeply disturbing

1. California Government Codes were ignored that called for public discussion that "will promote an improved intraregional relationship between jobs and housing" (CA Code Section 65584 (d) (3)) and that HCD will publish a guidebook that will provide incentives to "facilitate an improved balance between employment generating land use and residential land use" (CA Code Section 65890.5).
- 2 There was no public assessment of the serious issues arising out of Plan Bay Area 2040's failure to come close to achieving its interim goals in the period 2010-2018 despite clear public documentation of such problems
3. The Horizon project (2018-2019) recommended a strategy that would explore the possible benefits of jobs caps in jobs rich cities was rejected within a month of approval of Plan Methodology without public discussion (October 2019).
- 4 The Technical Committee set an early "Priority Strategy" of concentrated job growth in already jobs-rich areas, relying on transit solutions despite clear evidence that transit ridership

was falling pre pandemic

Because of the COVID crisis that started in 2019, census numbers through the ACS (for 2019 and 2020) and the Census 2020 were seriously delayed. These numbers were critical in assessing pre-pandemic trends for modeling purposes.

6. The COVID crisis resulted in a huge expansion of remote working (fostered by Silicon Valley technologies). This could result in significant adaptations in jobs and housing locations. This issue was not addressed in the Plan Bay Area 2050's public discussions or models.

7. Recent Bay Area water shortfalls will be a critical element in future planning. How will this be integrated into longer term jobs and housing growth projections?

8. There was no public discussion of who benefits and who pays for future strategies. The total cost of the recommended new initiatives came to well over a trillion dollars with the bulk of funds targeted to the work of MTC (in transit initiatives) and ABAG/HCD (in housing) that would fund most of the recommended strategic initiatives. The costs of implementation will fall primarily on local governments that get the bulk of their funding from residents not businesses.

Before you vote on October 21, make sure that you have addressed directly the rules mandated by the California Government Codes and that you take on October 21 do not forbid open public discussion and a flexible decision process as updated data becomes available.

Greg Schmid

[REDACTED]

[REDACTED]

From: [Jason Bezis](#)
To: [MTC-ABAG Info](#)
Subject: Special Joint Meeting of MTC/ABAG: October 21, 2021: Additional Public Comment on Plan Bay Area 2050 by Alameda County Taxpayers' Association
Date: Wednesday, October 20, 2021 7:52:32 PM

External Email

Additional Public Comment on Plan Bay Area 2050 by Alameda County Taxpayers' Association:

The Alameda County Taxpayers' Association, Inc. (ACTA) submits this additional public comment against Plan Bay Area 2050 to MTC and BATA for consideration at the October 21, 2021 special joint meeting.

ACTA objects to the inclusion of the Valley Link project in Plan Bay Area 2050. Like the California high-speed rail project, which Plan Bay Area 2050 ridiculously touts despite its fundamental flaws (see, e.g., *East Bay Times* editorial of October 15, 2021 ("End California bullet train boondoggle, once and for all," <https://www.eastbaytimes.com/2021/10/15/editorial-13/> and Dan Walters' October 13, 2021 column: <https://calmatters.org/commentary/2021/10/california-bullet-train-money-newsom/>), and the notorious Bay Bridge Eastern Span project, which MTC/BATA notoriously mismanaged, Valley Link is spiraling out of control into another needless "megaproject," multi-billion dollar boondoggle – with MTC's irrational, full-throated endorsement and complicity.

ACTA objects to MTC's and BATA's diversion of tens of millions of dollars of AB 1171 "toll bridge seismic retrofit" bridge toll revenues to support development of the Valley Link project, which would be constructed far away from the nearest toll bridge, has nothing to do with seismic retrofit of toll bridges, and is largely located outside of MTC's territory in the nine-county Bay Area. Your "partner" MPO in Valley Link, the San Joaquin Council of Governments (SJCOG), has paid relatively little, despite the fact that San Joaquin County would benefit much more from the Valley Link project than the Bay Area would. Bay Area taxpayers should not be subsidizing real estate development schemes in San Joaquin County (e.g., River Islands Station).

ACTA contends that inclusion of Valley Link in Plan Bay Area 2050 violates MTC Resolution No. 4399 (Interregional Project Funding) because the Valley Link project does not comply with that resolution. ACTA demands that as part of the approval of Plan Bay Area 2050, MTC commissioners, Executive Director McMillan, and her staff must justify precisely how the Valley Link project (including BATA's/MTC's overgenerous use of discretionary funds to support it), complies with MTC Resolution No. 4399.

Validity of the Valley Link project is challenged in pending litigation in Alameda County Superior Court (*Alameda County Taxpayers' Association, Inc. et al. v. Tri-Valley San Joaquin Valley Regional Rail Authority et al.*, case no. RG21110126.) ACTA requests that the Valley Link project be removed from the regional transportation plan, for the reasons expressed above and in the papers filed in that lawsuit, which ACTA incorporates into this Plan Bay Area 2050 comment by reference.

ACTA also finds the "New Revenues on the Horizon" section (pp. 153, et seq.) of the regional transportation plan ironic, given MTC's and BATA's complicity in the campaign for Regional Measure 3, which is now under review by the California Supreme Court (*Howard Jarvis Taxpayers Association, et al. v. Bay Area Toll Authority, et al.; Whitney v. MTC* (S263835)) and under investigation by the state Fair Political Practices Commission (FPPC No. 2019-00913).

ACTA reminds MTC commissioners that a majority of voters in many majority-minority communities voted "no" on Regional Measure 3 in June 2018, including: Suisun City (Commissioner Spering's hometown, 71.2% NO), Fairfield (69.1% NO), Vallejo (67.5% NO), Antioch (64.2% NO), Newark (63.8% NO), American Canyon (62.7% NO), Pittsburg (Commissioner Glover's hometown, 60.6% NO), Concord (60.2% NO), San Pablo (58.3% NO), Hayward (56.6% NO), Rohnert Park (Commissioner Mackenzie's hometown, 55.3% NO), San Leandro (53.7% NO), and Richmond (52.3% NO). Yet MTC Commissioners Spering and Glover, among others, choose to be willfully blind to the voices of their

own marginalized, socioeconomically-disadvantaged constituents who protest their exploitation. So much for Plan Bay Area 2050's purported concern for "equity."

ACTA generally disapproves of the "Housing" components of Plan Bay Area 2050 and strenuously objects to the improper and detestable roles that MTC and ABAG played in advancing the CASA Compact and its enormously destructive legislative progeny. ACTA especially takes displeasure with AB 1487 (2019) and its creation of the new Bay Area Housing Finance Authority (BAHFA) bureaucracy, operated by none other than MTC. As ACTA stated in its comment on Plan Bay Area 2050 earlier this week, MTC commissioners "shall be selected for their special familiarity with the problems and issues in the field of transportation." (Government Code sec. 66504.) Housing is an entirely different field than transportation (despite their overlaps). MTC has mismanaged transportation in the Bay Area for decades, so the Legislature's and Governor Newsom's entrustment of regional housing policy to MTC is baffling and disturbing (but possibly is explained by piles of campaign cash from AB 1487/CASA Compact beneficiaries). Given MTC's sordid history of seeking new taxes in its unholy alliance with the Bay Area Council, Silicon Valley Leadership Group, SPUR, the real estate development industry, and allied construction labor unions, ACTA is fearful that MTC/BAHFA again will abuse its new taxing authority under AB 1487, Government Code sec. 64600 et seq., to ram down more new taxes and "housing mandates" upon the Bay Area, despite the unheard pleas from marginalized communities like Richmond, Vallejo, Antioch, and Hayward in the 2018 RM3 election for MTC to please stop.

From: Feinstein Arthur [REDACTED]
Sent: Thursday, October 21, 2021 12:45 PM
To: Tregub Igor [REDACTED]
Cc: Arreguin, Jesse L. <JArreguin@cityofberkeley.info>
Subject: Re: Sea Level Rise comments for Plan Bay Area 2050

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Mayor Arreguin and Igor – I really appreciate the opportunity to provide some insights on how the 3-Chapter Sea Level Rise (SLR) committee views PBA 2050 (PBA). And I apologize for not getting this to you as quickly as I hoped. It is a complex issue. Please see the attachment since its 3 pages.

yours,
Arthur

On Oct 19, 2021, at 8:20 AM, Igor Tregub [REDACTED] wrote:

Hi Arthur,

You mentioned you had some lingering concerns re: SLR. Mayor Arreguin says he's happy to hear your concerns and will strive to incorporate changes into the plan. Can you please reach out to him at this email with your comments ASAP?

Best,
Igor

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Igor A. Tregub (he/him)
Mobile | [REDACTED]

"The arc of history is long, but it bends towards justice." - Martin Luther King, Jr.

Hi Mayor Arreguin and Igor – I really appreciate the opportunity to provide some insights on how the 3- Chapter Sea Level Rise (SLR) committee views PBA 2050 (PBA). And I apologize for not getting this to you as quickly as I hoped. It is a complex issue. Please see the attachment since its 3 pages.

So I'll start with the Adapting to Rising Tides process. Many of us were surprised to see MTC-ABAG (I'm going to abbreviate this as MTC), along with BCDC, take a leadership position in this process since MTC has not traditionally been responsible for environmental/ecological issues.

And this was apparent in the ART process. It was largely focused on SLR threats to infrastructure with Bay habitats a somewhat peripheral issue. When adaptations to SLR were discussed PCAs (Planned Conservation Areas) were the primary tool for Bay ecological resiliency despite the fact that PCAs were not traditionally used for Bay ecological purposes. Many of us, and not just environmentalists, stated that PCAs were a very poor tool to use for SLR adaptation purposes in terms of preserving the health of the Bay.

Nonetheless, and despite some recognition from staff that this might be true and suggestions that they are looking for other ways to address the need to make the Bay resilient to SLR, no changes were ultimately made.

When PBA came out we were not surprised to see that once again PCAs were proposed as the tool to use for Bay resiliency. It was clearly stated so in initial texts, especially in the Implementation Chapter.

It was only after environmental groups (as far as I know – other state agencies may have also commented on this) asked for a special meeting with MTC staff that we were able to start convincing them of the weakness of suggesting PCAs as a resilience tool.

We are, of course, very appreciative that staff has come to recognize this problem and have included statements in the PBA such as:

These geographies are one of the key regional policy tools available to support the implementation of Plan Bay Area 2050's environmental strategies, including Strategy EN5, to protect and manage high-value conservation lands. **Discussions with stakeholders through the development of the Implementation Plan unearthed interest in revisiting the program structure in order to prioritize data-driven and science-based approaches. MTC and ABAG will engage with a variety of stakeholders and partners to provide guidelines and resources to support future conservation work, while also broadening the scope of the PCA program to promote climate resilience and equity.** Work on the PCA program update will occur over the next two years, providing an opportunity for the revised framework to be applied during the next long-range planning cycle.

But our concerns remain especially since there was no indication of who the stakeholders might be in this reevaluation of PCAs nor any suggestion of what the actual goal of that process might be. "Future conservation work" is a very vague term as are resilience and adaptation. After all a sea wall and levee can

be considered resilience and adaptation tools. And for this PBA, PCAs remain a flawed resilience tool.

Returning to a constant theme concerning PBA is its emphasis on infrastructure, not Bay health. This is not surprising or inappropriate for what was originally a transportation entity, but if MTC is going to hope to be a leader in Bay adaptation and resilience it needs to be a little more explicit in why the Bay is important and that preserving the health of the Bay is essential to the health of our communities (and since the SF Estuary is a habitat of international importance, essential to the world's health).

For example, in the Environment Chapter (Section 5), the introduction to resiliency, "Planning for Resilience to Environmental Uncertainty" speaks of only three issues

1. Expand access to parks and open space
2. Reduce climate emissions from vehicles
3. Reduce risks from hazards:

In item 3 the last sentence, after several other hazards, the text does state, Finally, Plan Bay Area 2050 would fund adaptation measures that protect communities from the dangers of sea level rise.

And in its more detailed explanation of why we should want to address SLR it states the following:

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. Plants growing in marshes or on ecotone levees also pull carbon dioxide from the air, contributing to lower climate emissions, not to mention their scenic and recreational value. Plan Bay Area 2050 adds its efforts to an existing regional goal of restoring 100,000 acres of marsh.⁶

We do appreciate the emphasis on nature-based "interventions" (we usually use the term nature-based solutions —I'm not sure about the implication of using the term "intervention"). But if MTC wants to generate \$19 billion for SLR resilience it needs a little more emphasis of why this issue is important.

So where does all of my kvetching lead. What can be done? I'm not sure that PBA itself can be amended at this late date but in moving forward, I believe that MTC needs to recognize that its staff are primarily planning and transportation staff and that they have a significant lack of staff who can work on the ecological issues inherent in addressing Bay resiliency. Increased staffing in this area would be very helpful.

On the other hand, MTC/ABAG has the SFEP in its house and a greater integration of SFEP into the PBA process as it moves forward (e.g., the PCA issue) would be a great step forward (a disclaimer –I am a member of the SFEP Implementation Committee). If MTC is really going to raise the \$19 billion it needs to work towards Bay resiliency it must be able to knowledgeably present its case not only for infrastructure resilience but for Bay habitat adaptation and resilience.

Two other issues and I'll be done:

1) PBA cites a 2-Foot SLR by 2050 as the standard it is working on. Yet, the State Ocean Protection Council has asked all agencies to plan on a 3.5-foot SLR by 2050. Science suggests that post 2050 the sea level will continue to rise with a potential of 6 feet or more by 2100. If you plan for 2 feet of SLR, and you plan for infrastructure and development that has a 70-year lifetime you will face huge flooding and inundation issues well before that 70 years is over (and then you have to deal with buildings and infrastructure that can no longer be occupied and may even be sources of pollution for an encroaching Bay). Using a 3.5-foot standard would make it more likely that development within a 70-year timeframe might survive SLR for that period of time.

2) The sudden inclusion of SLR resiliency into PBA has resulted in significant contradictions between traditional PBA programs and the new resiliency emphasis. For example, the PBA designates, in Redwood City, an area across Redwood Creek from the Bair Island Unit of the Don Edwards National Wildlife Refuge as a "Transit Rich Area" and also a Transit Priority Area. Yet this area is vulnerable to inundation as sea levels rise. And it is a completely inappropriate as most of the Redwood City shoreline provides important wetland habitats and putting massive development in the middle of it will be very harmful to any attempts at resilience since the lands in question would provide nature-based solutions for resilience to SLR in this area.

In this new world of climate change and SLR all planning needs to broaden its perspective and actively address SLR and in the planning process not only look at direct environmental impacts but also consider how projects might interfere with present and future resiliency and adaptation efforts.

Finally, I do want to include an expression of appreciation for MTC staff being willing to meet several times with many of us from the environmental community to discuss the SLR adaptation/resilience component of PBA and for actually listening and incorporating some of the thoughts we presented.