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Deputy Executive Director, Operations

MTC PLANNING COMMITTEE

July 12, 2013

MINUTES

ATTENDANCE

Chair Sperring called the MTC Planning Committee meeting to order at 9:42 a.m. Planning Committee members in attendance were: Commissioners Aguirre, Azumbrado, Giacopini, Haggerty, Halsted, Kinsey, Liccardo, Luce, and Mackenzie. Commission Chair Rein Worth, and Commission Vice-Chair Cortese was present in his ex-officio capacity. Commissioners' Bates, Campos, and Weiner were also in attendance.

ABAG Administrative Committee members in attendance were: Cortese, Eklund, Gioia, Haggerty, Liccardo, Luce, Mar, Pierce, Pine (Alt.), and Sperring.

CONSENT CALENDAR: a) Minutes of June 14, 2013; b) Prop. 1C – Infill Infrastructure Grants; c) 2013 Congestion Management Plan Guidance, MTC Resolution No. 3000, revised

Commissioner Halsted moved approval of the Consent Calendar, Commissioner Mackenzie seconded. ABAG Administrative Committee member Pierce moved approval of the Consent Calendar, ABAG Administrative Committee member Eklund seconded. Motion passed unanimously.

FINAL PLAN BAY AREA: a) Final Air Quality Conformity Analysis: MTC Resolution No. 4076; b) Final Environmental Impact Report: MTC and ABAG Joint Resolution No. 4110 (MTC) and Resolution No. 05-13 (ABAG); c) Final Plan Bay Area: MTC Resolution No. 4111/ABAG Resolution No. 06-13; and d) 2013 Transportation Improvement Program (TIP): MTC Resolution No. 4075

Ms. Carolyn Clevenger recommended that the committee approve and refer MTC Resolution No. 4075, which adopts the 2013 Transportation Improvement Program (TIP), and MTC Resolution No. 4076, which adopts the Final Air Quality Conformity Analysis, to the Commission for final action to find that Plan Bay Area and the 2013 Transportation Improvement Program are in conformance with the federal air quality plan for the national 8-hour ozone standard, national carbon monoxide standard and national PM2.5 standard, and provide for the timely implementation of TCMs.

Ms. Clevenger also presented the Plan Bay Area Final Environmental Impact Report, and noted that the components of the Final EIR are 1) revisions to the Draft EIR, 2) comments on the Draft EIR, and 3) responses to Comments. Additional documents in support of the Final EIR include: 1) Findings and Facts in Support of Findings, 2) Rejection of Alternatives and the Statement of Overriding Considerations, and 3) Mitigation Monitoring Program.

Ms. Clevenger recommended that the committees refer MTC Resolution No. 4110/ABAG Resolution 05-13 to the Commission and ABAG Executive Board for final action to certify that (1) the Final EIR for Plan Bay Area has been completed in compliance with CEQA; (2) the Commission and ABAG Executive Board reviewed and considered the information in the Final EIR prior to considering the proposed Plan Bay Area; and (3) the Final EIR reflects the independent judgment and analysis of the Commission and ABAG Executive Board.

Mr. Ken Kirkey, MTC, and Ms. Miriam Chion, ABAG, summarized the recommended revisions for the final approval of Plan Bay Area. The Final Plan to be considered by the Commission and Executive Board on July 18, 2013 will consist of the Draft Plan and the revisions to the Draft Plan that the Committees approve. Mr. Kirkey recommended that the MTC Planning Committee and ABAG Administrative Committee refer MTC Resolution No. 4111/ABAG Resolution No. 06-13 to the Commission and the ABAG Executive Board at their joint special meeting on July 18, 2013 for final action to approve the Final Plan.

Public comment:

- Irene Gutierrez, Earthjustice, commented on the EIR and its analysis of the Goods Movement issues and believes it is deficient and not compliant with CEQA. She stated that the EIR needs to have a comprehensive analysis of Goods Movement issues.
- Marybelle Nzegwu, Public Advocates, disagreed with the Final EIR inclusion that regional displacement will have a less than significant impact on the environment. She noted that the EEJ alternative demonstrates the principles that will ensure affordable housing near jobs. She also disagreed with the assertion that the Plan's qualitative threshold of significance is not surpassed. She also noted that the EEJ alternative is mischaracterized because the VMT fee is not an essential part of the alternative.
- Bernie Choden, San Francisco Tomorrow, stated that the EIR does not have adequacy of mitigation regarding cumulative impacts.
- Hiroshi Fakuda, Coalition for San Francisco Neighborhoods, stated that San Francisco is not getting the right type of housing. The city lacks moderate income workforce housing. The Bay Area Plan should enforce that new units should be for all income levels.
- Chris Pareja, Hayward, expressed his opposition of Plan Bay Area.
- Charles Cagnon stated that greenhouse gases in the Bay Area and in California may already be at 1990 levels and that the new light vehicle gas mile standards will enable you to reduce greenhouse gases automatically going forward, so the necessity for the major interventions in the Plan may be unnecessary.
- Tim Frank, Center for Sustainable Neighborhoods, commented on the housing issue and noted that there needs to be a cooperative approach, and among the objectives should be minimizing displacement and maximizing opportunities for workers to live closer to their jobs, and for land owners to develop land near transit.
- Mike Lane, Non-Profit Housing Assoc. of Northern California, expressed his support for Cap and Trade funding becoming available for transit and affordable housing. He also noted that

they think staff chose the wrong bill in terms of Cap and Trade. Lastly, he offered to work with staff on the displacement issue.

- Josh Sonnenfeld, Save The Bay, commented on the revised maps, and expressed concern regarding salt ponds in Redwood City and in Newark being inappropriately labeled as urbanized areas. Both the salt ponds in Redwood City and in Newark are open space areas identified by their city's General Plan. These areas should clearly be identified as Williamson Act properties on the Open Space Map, and the Resource Lands Map, the updated PDAs, and Urbanized Map should not be categorized or identified as urban.
 - Eve Goldstein-Siegel, Low Income Investment Fund, expressed their support on the inclusion of affordable housing as an eligible use of expenditure for potential Cap and Trade revenues.
 - Sam Tepperman-Gelfant, Public Advocates, reiterated messages from the public at Plan Bay Area public meetings that there needs to be more transit running in their communities to take them to their jobs, affordable housing so people can live near their jobs, and real protections against displacement. He urged the committee to take action before adopting the Final Plan.
 - Wanda Warkautin expressed her opposition to the Plan.
 - Clarrissa Cabansagan, TransForm, stated that as staff goes forward in converting HOV lanes to HOT, she asks that staff come up with a timeline to study the impact of the actual rollout of the network and to identify areas where cost savings can occur.
 - Larry Tong, East Bay Regional Park District, requested meaningful financial incentives to protect vital natural resources.
 - Vivian Yi Huang, Asian Pacific Environmental Network, commented on Oakland's Chinatown and many of its residents that work and live there and the high cost of housing. This validates the need for affordable housing and policies that prevent displacement. She also noted that the OneBayArea Grant Program needs to include affordable housing and anti-displacement criteria as part of the eligibility.
 - Chris Lepe, TransForm, commented that staff needs a strategy that will secure more funding for transit operations and direct operating funds moving forward. He stated the HOT lanes are a potential revenue source for operations, and requested language stating that potential study of conversion from HOV lanes to HOT lanes revenue be used for freeing up revenues for transit operations.
 - Gen Fujioka, Equity Collaborative, stated that there is a factual error or inconsistency in the proposed amended language regarding displacement. The approximation of 30,000 households being at risk for displacement should be stricken as being inaccurate and not consistent with the research.
- Kirsten Snow Spalding, San Mateo County Union Community Alliance, commented on the "adds new jobs" language, and noted that staff is to be commended, as they addressed the economic development impact of the Plan. She noted that the language points to prosperity plan and other Bay Area economic development organizations as helping develop standards for area wages and apprenticeship programs and suggested that staff bring that work into the

ABAG and MTC staff project and focus on the implementation phase. She also stated that it's important that there be some language about the policy in this Plan.

- Adam Garcia, Greenbelt Alliance, commented on the maps and noted the importance of fixing the urbanized layer that doesn't show Cargill salt ponds as urbanized. For the Resource maps, it is important to remove the urban growth boundary zones; Natural Resources map – show only those resources that are most important for a functioning ecosystem in the Bay Area, and include wetlands as well as forest biomass to address critical climate plan changes in the future. He also requested staff to acknowledge the displacement concerns in communities of concern. He also requested that staff specify 20% or more of Cap and Trade revenue to go toward affordable TOD housing, and provide a menu of policy options for local agencies to meet their affordable housing production that's linked with the OneBayArea Grant funding, and lastly adopt the HCD RHNA methodology.
- Liz O'Donoghue, The Nature Conservancy, commended staff on the approach of the Plan, and stated that the Plan reflects the public strong support for conserving the Bay Area's parks open space and farm land by focusing growth inside of urban growth boundaries. She appreciates the Priority Conservation Area Grant Program and the commitment to refresh it to reflect local and current values and needs. She also agreed with Adam Garcia's comments on the maps and displacement. She recommended that MTC and ABAG take the recommendation of the Federal Highway Administration to integrate conservation data early in plan and project development. She also recommended a stronger commitment to a regional advance mitigation program both for wetland and species.
- Matthew Owen expressed his opposition to the Plan.
- Steve Woo, CCDC, recommended that to more seriously show the Plan's commitment to alleviating displacement, there needs to be more specific language about the amount of Cap and Trade revenue that will be committed to the TOAH for affordable housing.
- Anthony Federico, EBHD, urged staff to incorporate into the Final Plan key elements of the EEJ plans, specifically those around anti-displacement and affordable housing.
- Fernando Marti, Council of Community Housing Organizations, stated that the preferred alternative will have the greatest negative impact on communities of concern. He recommended that the use of Cap and Trade funds set a particular goal. He also commented on the Displacement Policies, and stated that the Plan does not set a clear process for reaching criteria that makes sense for tying funding to each jurisdiction.
- Catherine Lyons, Bay Area Council, commented on the Statement of Intent, and asked staff to reconsider part of the statement that gives agencies a more formal role in the consistency determination process. She is requesting that be removed.
- Paul Campos, BIA, commented on the State of Intent and expressed his concern with the language which still contemplates a formal role for the regional agencies in making local CEQA consistency determinations. The language should be made clear that the regional agencies will not play a formal role in CEQA determinations.

Committee discussion:

- Commissioner Weiner stated that if the region is not serious about investing, upgrading and expanding the Bay Area transit systems, there is no way the Bay Area will meet the goals in terms of increasing the share of travel that is on public transportation, meeting the greenhouse gas goals and getting cars off the roads. He referred to Page 70 – 71 of the Draft Plan regarding transit capital replacement and rehabilitation, which shows a significant funding shortfall including 40% of capital needs for both BART and MUNI between now and 2040 as unfunded in the Plan, which is \$11b out of approximately \$29b. He expressed his concern with coming anywhere close to filling that shortfall, and asked staff how the region and local jurisdictions can close that gap. Mr. Steve Heminger, MTC, stated that staff just concluded the Transit Sustainability Project which found that the region is investing a lot of money in transit, both operating and capital, but is not getting an equivalent amount of productivity out of those systems. Staff needs to make sure that those systems are operating at a much more cost effective level. Staff also needs to consider the fares charged for and the affordability of those services. On average, in the Bay Area, the riders on the systems pay about 20% of the cost of those systems when through fares. Lastly, staff needs to find new sources of capital funding for public transit.
- Commissioner Haggerty commented that at the June 20th ABAG meeting, changes that were recommended by elected officials, still are not reflected in the draft Plan. He also commented on major corridors in Alameda County. He requested that the following language be added into Item 3c, Attachment A, #64) Goods Movement, and Industrial Lands, which reads, “***MTC and ABAG Commit to undertaking sub regional studies (e.g. Solano County, Tri-Valley) to analyze congestion of truck traffic on I-580 and I-880 corridors and increase the efficiency of trucks serving both commuter trains (Capitol Corridor, ACE) and Union Pacific freight trains by adding passing tracks, fixing curves, etc. in coordination with local jurisdictions, CMAs, ABAG, MTC and the Bay Area Air Quality Management District***”. He also requested to move the paragraph in Item 3c, Attachment A, Page 24 #65) Strengthen Inter-Regional Coordination, to be placed under Item 3c, Attachment A, page 23 #64) Goods Movement, and Industrial Lands.
- ABAG Administrative committee member Gioia recommended the following language change: Item 3c, Attachment A, Page 22: #61, second paragraph: “In addition to the Prosperity Plan, Bay Area economic development organizations are preparing strategies to strengthen the regional economy. MTC and ABAG will ***consider*** these two efforts ***and conduct additional research*** to identify job creation and career pathway strategies, including local best practices on apprenticeship programs, local hire and standard wage guidelines, ***that can be utilized in the implementation of the current Plan Bay Area***, shared with local jurisdictions in the Bay Area and ***considered for*** the next update of Plan Bay Area”.
- ABAG Administrative committee member Gioia also recommended the following language change: Item 3c, Attachment A, Page 22, second paragraph: “Local and regional initiatives will need to recognize the unique qualities of individual neighborhoods and the need for locally-defined policy interventions. ABAG and MTC will work with local and county

agencies to provide a menu of neighborhood stabilization and affordable housing policies for consideration relative to future funding opportunities **and to consider linking OBAG funding to jurisdiction-level approval of affordable housing production, acquisition and rehabilitation**. Best practices from the HUD-funded Bay Area Regional Prosperity Plan including capacity building, knowledge sharing, policy development, and funding, will be an important source of input to a will be considered relative to inform future programs”.

- Commissioner Campos stated that he shared Commissioner Weiner’s concerns regarding the transit shortfalls including transit operating needs. He also commented on displacement and noted that it would be a mistake to move this plan forward without dealing with this issue and the affordability of housing.
- ABAG Administrative committee member Eklund requested 2 changes in the Plan: Page 130 of the Plan, delete the last sentence under “Modernize the California Environmental Quality Act”, which reads, “The CEQA process can be expedited by providing consistent standards and greater certainty to project sponsors, and reducing duplication in environmental impact report requirements – and this can be done without compromising environmental protection”. She also noted that the Plan does not distinguish between potential and planned PDAs, and requested staff to incorporate that as well as in the map. Lastly, she requested a change in MTC Resolution 4111. The last Whereas on Page 3 of the resolution should read as: “WHEREAS, the Legislature did not direct either MTC or ABAG to make Plan consistency determinations on behalf of implementing agencies; MTC and ABAG do not intend to actively participate in the process of determining project consistency with the Plan”.
- Commissioner Bates stated that parks and open space are critical to be maintained in the region, and the Plan needs to make an investment to make sure that happens. He expressed his concern that the Regional Housing Needs Allocation (RHNA) numbers allocate a lot of the development to the PDAs, but there are also areas that are not in PDAs but are close to transit and should be recognized. He agrees that the displacement issue needs to be addressed, and concurs with Commissioner Weiner’s concern on the transit needs. Lastly, he expressed concern about the HOT lanes, and stated that once they are completed he wants to see a certain percentage of HOT lane revenue go back to providing public transportation.
- ABAG Administrative committee member Mar requested that language in Item 3c, Page 24, under Affordable Housing, should be revised: “This funding can affectively leverage local government, private, and foundation resources. Production (reinsert the words that were inadvertently left out) **acquisition and rehabilitation of affordable housing** will also require local planning and entitlement processes that support this effort”. He also requested that the word “potential” be deleted from Item 3c, Page 21, Chapter 6, #60, first paragraph under Displacement. Lastly, he noted that the reference to Cap and Trade revenue needs a stronger commitment of money going towards affordable housing.
- Commissioner Liccardo expressed his concern with the urbanization of the salt pond lands. Ms. Miriam Chion stated that there are two maps – The Open Space Map and the Resource Lands Map. The Open Space Map has five categories where some are legally bound and reported as such. The remaining area is under analysis, but is definitely not an urbanized area

because there are no structures, and is not considered protected open space at this point either. Commissioner Liccardo further noted his concern that the Plan not specify the percentage of Cap and Trade revenue to transit vs. affordable housing.

- Commissioner Cortese also agreed with Commissioner Weiner's comments. He commented on the issue of equity and asked how that is captured in a document that is really intended to deal with greenhouse gases. Mr. Heminger stated that with respect to HOT lanes there will be EIRs on every project that flows from the Plan, and MTC is now involved in an environmental analysis of a couple of the first segments of the regional HOT lane network. The language that is proposed for inclusion is to ensure that each of those EIRs addresses this issue of how the proceeds are disposed of and how the lanes differentially impact people of various income categories.
- ABAG Administrative committee member Pierce commented on Commissioner Haggerty's comments, and stated that she doesn't think this Plan discriminates against the suburbs; however, the CMAs could probably do a better job at looking at geographic equity within their own county boundaries. She also concurred with committee member Eklund's request to strike the sentence in MTC Resolution 4111.
- ABAG Administrative committee member Pine stated that it's critical for staff to get the maps right. He commented on the PDA Map, and stated that he was not sure the reference to urban boundary zone works.
- Commissioner Kinsey also would like to see the maps accurately reflect the resource lands, especially Williamson Act lands. He commented on the modified language at looking at the opportunity to convert mixed flow lanes into express lanes and asked if that will include analysis that looks at where the revenues from that will go. Mr. Heminger stated that the intent of the request is to study the conversion of general purpose lanes to HOV HOT lanes, and then to figure out where the money might go.
- Commissioner Aguirre stated that the salt ponds in Redwood City are zoned as title plains with a small portion of general industrial. She does not expect the Plan to refer to areas as "open space" that are zoned in different ways.

Chair Spering noted that each motion is to include all recommended changes proposed by the committee members, and that staff is to work with Commissioner Weiner and Commissioner Campos on their concern with the transit needs.

Chair Spering called for a motion, from the MTC Planning Committee, to approve and refer the Final Air Quality Conformity Analysis, MTC Resolution No. 4076. Commissioner Haggerty moved approval, Commissioner Luce seconded. Motion passed unanimously.

Chair Spering called for a motion, from the MTC Planning Committee and the ABAG Administrative Committee, to approve and refer the Final Environmental Impact Report, MTC Resolution No. 4110 (MTC) and ABAG Resolution No. 05-13. Commissioner Mackenzie moved approval, Commission Halsted seconded. ABAG Administrative Committee member Pierce

moved approval, ABAG Administrative committee member Spring seconded. ABAG Administrative committee member Eklund abstained. Motion passed.

Chair Spring called for a motion, from the MTC Planning Committee and the ABAG Administrative Committee, to approve and refer the Final Plan Bay Area, MTC Resolution No. 4111/ABAG Resolution No. 06-13 with the amendments proposed in committee discussion. ABAG Administrative committee member Mar clarified the displacement language and requested the following language be removed due to it being a misapplication of the equity analysis by not looking at multiple factors: ***“Approximately 30,000 households (about 1 percent of the total Bay Area households) could be at risk of displacement given their location in areas where the Plan forecasts significant growth and where people already pay more than half of their income in rent.”*** Commissioner Luce moved approval. Commissioner Liccardo seconded. Commissioner Haggerty abstained. ABAG Administrative Committee member Pierce moved approval, ABAG Administrative committee member Mar seconded. ABAG Administrative committee members Haggerty and Eklund abstained. Motion passed.

Chair Spring called for a motion, from the MTC Planning Committee, to approve and refer the 2013 Transportation Improvement Program (TIP), MTC Resolution No. 4075. Commissioner Haggerty moved approval. Commissioner Halsted seconded. Motion passed unanimously.

Public Comment:

- Menti Mitchell, Parents United for Health, stated the Plan Bay Area makes greenhouse gases worse.
- Azibuike Akaba, Regional Asthmas Management and Prevention, encouraged staff to take into consideration the contributions of freight to greenhouse gas emissions.

OTHER BUSINESS/PUBLIC COMMENT

There being no other business, the meeting adjourned at 1:47 p.m. The Committee’s next meeting is scheduled for Friday, September 13, 2013 at 9:30 a.m. in the Lawrence D. Dahms Auditorium, Joseph P. Bort MetroCenter, Oakland, CA.