

Appendix A

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PLAN BAY AREA 2040 EIR

1 INTRODUCTION

This document constitutes the Mitigation Monitoring and Reporting Program (MMRP) for the Environmental Impact Report (EIR) on the MTC/ABAG Plan Bay Area (PBA) 2040 which is the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) for the nine county Bay Area.

The California Environmental Quality Act (CEQA) requires public agencies to report on and monitor measures adopted as part of the environmental review process (Public Resources Code section 21081.6 and CEQA Guidelines sections 15091(d) and 15097). This MMRP is designed to fulfill that requirement.

This MMRP is designed to ensure that the measures identified in the EIR are fully implemented. The MMRP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action. The implementation and monitoring responsibilities, as described in this MMRP, reflect the role of local agencies in making project-level determinations regarding the applicability and feasibility of particular measures based on project-specific circumstances.

As required by Section 21081.6 of the Public Resources Code, the MTC/ABAG “custodian of documents and other material” which constitutes the “record of proceedings” upon which the decision to adopt the PBA 2040 is based is identified below.

MTC Public Information
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, California, 94105
(415) 778-5262

The physical location of this information is:

Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

2 SUMMARY OF THE MMRP

To assist implementation of the mitigation measures, Table A-1 includes the following information:

Mitigation Measure X.X-X(x): The mitigation measures are taken verbatim from the Final EIR

Mitigation Monitoring:

- ▲ **Timing.** This section specifies the point by which the measure should be completed.
- ▲ **Implementation of Measure.** This section describes how the mitigation measure is to be implemented and/or verified.

- ▲ **Oversite Responsibility.** This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.
- ▲ **Implementation Responsibility.** This section identifies the entity that will undertake the required action.

Pursuant to PRC Sections 21155.2(a) and (b)(2) and Section 21159.28(a), in order to take advantage of CEQA streamlining benefits allowed under SB 375, projects that seek to tier from the PBA 2040 EIR must incorporate the mitigation measures identified in this Mitigation Monitoring and Reporting Program or, if the identified mitigation is found to be infeasible based on substantial evidence, the project must incorporate equivalent measures that avoid or mitigate potential impacts to a less than significant level.

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>Transportation</p> <p>Mitigation Measure 2.1-3(a): MTC, in its role as a funding agency, and implementing agencies shall support the advancement of corridor-level plans and implementation of projects located on severely congested (LOS F) facilities.</p>	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in review of and prioritization of projects that support corridor-level plans and that improve existing severely-congested facilities.</p>	<p>Implementing/lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>
<p>Mitigation Measure 2.1-3(b): Transportation demand management (TDM) strategies shall be incorporated into individual land use and transportation projects and plans, as part of the planning process. Local agencies shall incorporate strategies identified in the Federal Highway Administration's publication: Integrating Demand Management into the Transportation Planning Process: A Desk Reference (August 2012) into the planning process (FHWA 2012). For example, the following strategies may be included to encourage use of transit and non-motorized modes of transportation and reduce vehicle miles traveled on the region's roadways:</p> <ul style="list-style-type: none"> ▲ include TDM mitigation requirements for new developments; ▲ incorporate supporting infrastructure for non-motorized modes, such as, bike lanes, secure bike parking, sidewalks, and crosswalks; ▲ provide incentives to use alternative modes and reduce driving, such as, universal transit passes, road and parking pricing; ▲ implement parking management programs, such as parking cash-out, priority parking for carpools and vanpools; ▲ develop TDM-specific performance measures to evaluate project-specific and system-wide performance; ▲ incorporate TDM performance measures in the decision-making process for identifying transportation investments; ▲ implement data collection programs for TDM to determine the effectiveness of certain strategies and to measure success over time; and ▲ set aside funding for TDM initiatives. <p>The increase in per capita VMT on facilities experiencing LOS F represents a significant impact compared to existing conditions. To assess whether implementation of these specific mitigation strategies would result in</p>	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.1-3(b), or comparable measures, into future projects and plans.</p>	<p>Implementing/lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>

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<p>measurable traffic congestion reductions, implementing actions may need to be further refined within the overall parameters of the proposed Plan and matched to local conditions in any subsequent project-level environmental analysis</p> <p>Mitigation Measure 2.1-7: Implementing agencies and/or project sponsors shall implement the following measure, where feasible and necessary based on project- and site-specific considerations that include: Implementing agencies shall require implementation of best practice strategies regarding construction activities on the transportation system and apply recommended applicable mitigation measures as defined by state and federal agencies. Examples of mitigation measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▲ prepare a transportation construction plan for all phases of construction; ▲ establish construction phasing/staging schedule and sequence that minimizes impacts of a work zone on traffic by using operationally-sensitive phasing and staging throughout the life of the project; ▲ identify arrival/departure times for trucks and construction workers to avoid peak periods of adjacent street traffic and minimize traffic affects; ▲ identify optimal delivery and haul routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists; ▲ identify appropriate detour routes for bicycles and pedestrians in areas affected by construction; ▲ coordinate with local transit agencies and provide for relocation of bus stops and ensure adequate wayfinding and signage to notify transit users; ▲ preserve emergency vehicle access; ▲ implement public awareness strategies to educate and reach out to the public, businesses, and the community concerning the project and work zone (e.g., brochures and mailers, press releases/media alerts); ▲ provide a point of contact for residents, employees, property owners, and visitors to obtain construction information, and provide comments and questions; ▲ provide current and/or real-time information to road users regarding the project work zone (e.g., changeable message sign to notify road users of lane and road closures and work activities, temporary conventional signs to guide motorists through the work zone); and ▲ encourage construction workers to use transit, carpool, and other sustainable transportation modes when commuting to and from the site. 	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.1-7 into project-specific environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
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<p>Air Quality</p> <p>Mitigation Measure 2.2-2: When screening levels are exceeded (see Table 2.2-8 or those most currently updated by BAAQMD), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to the following:</p> <p>Construction Best Practices for Exhaust</p> <ul style="list-style-type: none"> ▲ The applicant/general contractor for the project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of project construction, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement: <ul style="list-style-type: none"> ▶ 1) Be zero emissions OR 2) have engines that meet or exceed either EPA or ARB Tier 2 off-road emission standards; and 3) have engines that are retrofitted with an ARB 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. <p>Construction Best Practices for Dust</p> <ul style="list-style-type: none"> ▲ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. For projects over five acres in size, soil moisture should be maintained at a minimum of 12 percent. Moisture content can be verified by lab samples or a moisture probe. ▲ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▲ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping should only be performed in conjunction with thorough watering of the subject roads. ▲ All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph. 	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.2-2 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
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<ul style="list-style-type: none"> ▲ All roadway, driveway, and sidewalk paving shall be completed as soon as possible. Building pads shall be paved as soon as possible after grading. ▲ All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the Lead Agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations. ▲ All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. ▲ Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. ▲ Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. ▲ The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. ▲ All trucks and equipment, including their tires, shall be washed off before leaving the site. ▲ Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. ▲ Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. ▲ These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places (BAAQMD 2010b, BAAQMD 2016). Applicable mitigation measures shall be required at the time grading permits are issued. 	<p>Following Plan approval.</p>	<p>Continue implementing projects related to retrofits and replacement of trucks and locomotives, and develop strategies to seek additional funding to implement BAAQMD and California Air Resources Board (ARB) programs related to retrofits and replacement of trucks and locomotives.</p>	<p>Implementing/ lead agency.</p>	<p>Implementing/ lead agency</p>

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Mitigation Measures		Mitigation Monitoring			Implementation responsibility
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<p>Mitigation Measure 2.2-3(b): 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, break wear, and roadway dust.</p>		Following Plan approval	Develop strategies to secure additional funding to reduce mobile particulate matter (PM) emissions from mobile exhaust and entrained PM sources.	Implementing/ lead agency.	Implementing/ lead agency
<p>Mitigation Measure 2.2-3(c): MTC and ABAG, in partnership with local air districts and implementing agencies shall implement Mitigation Measures 2.1-3(a) and 2.1-3(b).</p>		Same as specified for Mitigation Measure 2.1-3(a) and 2.1-3(b), above.	Same as specified for Mitigation Measure 2.1-3(a) and 2.1-3(b), above.	Implementing/ lead agency.	Implementing/ lead agency
<p>Mitigation Measure 2.2-3(d): When screening levels are exceeded (see Table 2.2-8 or those most currently updated by BAAQMD), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to the following or are updated by BAAQMD or within CalEEMod.</p>		This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.	If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.2-3(d) into project-specific design plans or environmental review including possible inclusion in construction contracts.	Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	Implementing/ lead agency and/or project applicant.
<p>Table 2.2-13 On-Model Measures: CalEEMod's Mitigation Measures are Based on the CAPCOA Measures</p>					
<p>CalEEMod Traffic Tab: Land Use & Site Enhancement Measures (Designated by associated CAPCOA measure)</p>					
LUT-1	Increase Density	Project more dense than typical developments			
LUT-3	Increase Density	Different types of land uses are near each other			
LUT-4	Improve Destination Accessibility	Project close to regional employment or destination center			
LUT-5	Improve Destination Accessibility	Project near high-quality transit			
LUT-6	Integrate Below Market Rate Housing	Incorporates affordable housing			
LUT-9	Improve Walkability Design	Walkable street network			
<p>CalEEMod Traffic Tab: Neighborhood Enhancement Measures (Designated by associated CAPCOA measure)</p>					
SDT-1	Improve Pedestrian Network	On-site pedestrian access network links all of project internally and externally			

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SDT-2	Provide Traffic Calming Measures	Projects streets and intersections feature traffic calming features			
SDT-2	Implement NEV Network	Project provides a viable NEV network			
CalEEMod Traffic Tab: Parking Policy/Pricing Measures (Designated by associated CAPCOA measure)					
PDT-1	Limit Parking Supply	Parking supply below ITE rates			
PDT-2	Unbundle Parking Costs	Parking cost separate from property costs			
CalEEMod Traffic Tab: Transit Improvement Measures (Designated by associated CAPCOA measure)					
TST-1	Provide BRT System	Establish a Bus Rapid Transit line with permanent operational funding stream			
TST-3	Expand Transit Network	Establishes or enhances bus line with permanent operational funding stream			
TST-4	Increase Transit Frequency	Reduces headways of existing transit			
CalEEMod Traffic Tab: Commute Trip Measures (Designated by associated CAPCOA measure)					
TRT-1&2	Implement Trip Reduction Program	TMA membership or other comprehensive services			
CalEEMod Energy Tab: Building Energy Measures (Designated by associated CAPCOA measure)					
BE-1	Exceed Title 24	Use less energy than allowed by Title 24			
CalEEMod Energy Tab: Alternative Energy Measures (Designated by associated CAPCOA measure)					
AE-1	On-site Renewable Energy	Establish on-site renewable energy. (No Ozone Precursor reductions if NO _x intensity is higher than electric utility.)			
<p>Mitigation Measure 2.2-5(a): When locating sensitive receptors in TAC risk areas as identified in Figures 2.2-3 to 2.2-13, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to the following:</p> <ul style="list-style-type: none"> Install, operate and maintain in good working order a central heating, ventilation and air conditioning (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds a minimum efficiency reporting value (MERV) of 13 (MERV-16 for projects located in the West Oakland Specific Plan area) or higher. The HVAC system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either high efficiency particulate air (HEPA) 					
			If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.2-5(a) into project-specific design plans or environmental review including possible inclusion in construction contracts.	Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	Implementing/ lead agency and/or project applicant

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	Timing	Implementation of Measure	
<p>filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) certified 85% supply filters shall be used.</p> <ul style="list-style-type: none"> ▲ Maintain, repair and/or replace HVAC system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HVAC system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the Covenants, Conditions and Restrictions (CC&Rs) for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HVAC system and the filters. ▲ Install passive electrostatic filtering systems with low air velocities (i.e., less than 1 mph). ▲ Individual and common exterior open space and outdoor activity areas proposed as part of individual projects shall be located as far away as possible within the project site boundary, face away major freeways, and shall be shielded from the source (i.e., the roadway) of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants. ▲ Locate air intakes and design windows to reduce PM exposure (e.g., windows nearest to the roadway do not open). ▲ If sensitive receptors are located near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods. ▲ Sensitive receptors within buildings shall be located in areas upwind of major roadway traffic to reduce exposure to reduce cancer risk levels and exposure to PM2.5. ▲ Planting trees and/or vegetation between sensitive receptors and pollution source. Trees that are best suited to trapping PM shall be planted, including one or more of the following species: Pine (Pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), Hybrid poplar (Populus deltoides X trichocarpa), California pepper tree (Schinus molle) and Redwoods (Sequoia sempervirens). ▲ Loading docks shall be required to include electric hookups for visiting trucks. ▲ Idling of heavy duty diesel trucks at these locations shall be prohibited or limited to no more than 2 minutes. ▲ If within the project site, existing and new diesel generators shall meet ARB's Tier 4 emission standards. ▲ Emissions from diesel trucks shall be reduced through 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. 			

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	Timing	Implementation of Measure	Oversight Responsibility	
These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places (BAAQMD 2011, BAAQMD 2016).				
Mitigation Measure 2.2-6(a): MTC/ABAG shall partner with BAAQMD and local lead agencies to develop a program to install air filtration devices in existing residential buildings, and other buildings with sensitive receptors, located near freeways or sources of TACs and PM2.5.	Following Plan approval	MTC, ABAG, BAAQMD and local agencies develop a program, per Mitigation Measure 2.2-6(a)	Implementing/ lead agency.	Implementing/ lead agency and/or project applicant
Mitigation Measure 2.2-6(b): MTC/ABAG shall partner with BAAQMD to develop a program to provide incentives to replace older locomotives and trucks in the region to reduce TACs and PM2.5.	Following Plan approval	MTC, ABAG, and BAAQMD develop a program, per Mitigation Measure 2.2-6(b)	Implementing/ lead agency.	Implementing/ lead agency
Mitigation Measure 2.2-6(c): MTC and ABAG, in partnership with local air districts, and implementing agencies shall implement Mitigation Measures 2.1-3(a) and 2.1-3(b).	Same as specified for Mitigation Measure 2.1-3(a) and 2.1-3(b), above.	Same as specified for Mitigation Measure 2.1-3(a) and 2.1-3(b), above.	Implementing/ lead agency.	Implementing/ lead agency and/or project applicant
Mitigation Measure 2.2-6(d): Implement Mitigation Measure 2.2-5(a).	Same as specified for Mitigation Measure 2.2-5(a), above.	Same as specified for Mitigation Measure 2.2-5(a), above.	Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	Implementing/ lead agency and/or project applicant
Land Use and Physical Development				
Mitigation Measure 2.3-1: Implementing agencies and/or project sponsors shall implement, where feasible and necessary, the mitigation measures described throughout this EIR to address the effects of displacement that could result in the construction of replacement housing, including Mitigation Measures 2.2-2 (air quality); 2.3-2, 2.3-4, and 2.3-5 (land use); 2.5-5 (sea level rise); 2.6-1, 2.6-5, and 2.6-6 (noise); 2.9-1 through 2.9-5 (biological resources); 2.10-1 and 2.10-3 through 2.10-5 (visual resources); 2.11-1 through 2.11-5 (cultural resources); and 2.13-4 (hazards).	See individual mitigation measures, as listed in Mitigation Measure 2.3-1.	See individual mitigation measures, as listed in Mitigation Measure 2.3-1.	See individual mitigation measures, as listed in Mitigation Measure 2.3-1.	See individual mitigation measures, as listed in Mitigation Measure 2.3-1.
Mitigation Measure 2.3-2: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations that include, but are not limited to:	This mitigation measure will be considered by the implementing/ lead	If found to be feasible by the implementing/ lead agency, this measure would result in	Implementing/ lead agency. Compliance will be reflected in subsequent CEQA	Implementing/ lead agency

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
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<ul style="list-style-type: none"> ▲ New transportation projects within urban areas shall be required to incorporate design features such as sidewalks, bike lanes, and bike/pedestrian bridges or tunnels that maintain or improve access and connections within existing communities and to public transit. ▲ Through regional programs such as the One Bay Area Grants (OBAG), MTC/ABAG shall continue to support planning efforts for locally sponsored traffic calming and alternative transportation initiatives, such as paths, trails, overcrossings, bicycle plans, that foster improved neighborhoods and community connections. 	<p>agency for applicability at the project level.</p>	<p>incorporation of the measures listed in Mitigation Measure 2.3-2 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>and/or project applicant</p>
<p>Mitigation Measure 2.3-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations that include, but are not limited to those identified below.</p> <ul style="list-style-type: none"> ▲ require project relocation or corridor realignment, where feasible, to avoid agricultural land, especially Prime Farmland; ▲ maintain and expand agricultural land protections such as urban growth boundaries; ▲ compensatory mitigation 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), as deemed appropriate by the permitting agencies; ▲ require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of agricultural land; and/or ▲ institute new protection of farmland in the project area or elsewhere through the use of long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.). 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.3-4 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.3-5: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project-and site-specific considerations including but not limited to those identified below.</p> <ul style="list-style-type: none"> ▲ require project relocation or corridor realignment, where feasible, to avoid forest land; ▲ maintain and expand forest land protections such as urban growth boundaries; ▲ compensatory mitigation 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), as deemed appropriate by the permitting agencies; and/or ▲ require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of forest land. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.3-5 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>

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	Timing	Implementation of Measure	Oversight Responsibility	
<p>Climate Change and Greenhouse Gases</p> <p>Mitigation Measure 2.5-3: Consistent with the recommendations in the Draft 2017 Scoping Plan, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ MTC and ABAG, in partnership with the BAAQMD, shall work with the counties and cities in the Bay Area to adopt qualified GHG reduction plans (e.g., CAPs). The CAPs can be regional or adopted by individual jurisdictions, so long as they meet the standards of a GHG reduction program as described in CEQA Guidelines Section 15183.5. At the regional level, the cumulative emissions reduction of individual CAPs within the region or a regional CAP should demonstrate an additional Bay Area-wide reduction of 24 MMTCO_{2e} from land uses and on-road transportation compared with projected 2040 emissions levels already expected to be achieved by the Plan. (This is based on the 2015 Bay Area land use and on-road transportation emissions of 52 MMTCO_{2e}, an interpolated statewide GHG reduction target of 60 percent below 1990 levels by 2040, and a two percent increase in statewide emissions between 1990 and 2015). The CAP(s) should also show a commitment to achieving a downward trajectory in emissions post-2040 to meet statewide goals of reducing GHG emissions by 80 percent below 1990 levels by 2050, per S-03-05. <p>These reductions can be achieved through a combination of programs, including ZNE in new construction, retrofits of existing buildings, incentivizing and development of renewable energy sources that serve both new and existing land uses, and other measures so long as the overall 32 MMTCO_{2e} reduction (by 2040) can be demonstrated. This target can be adjusted if statewide legislation or regulations would reduce GHG emissions, so long as a trajectory to achieve this target in the Bay Area is maintained.</p> <p>Implementation of CAPs in the region would help to reduce both GHG and area source emissions from the land use projects that would be constructed under the Plan, as well as reducing GHG emissions from existing uses. However, this may require installation of renewable energy facilities on houses and businesses, construction of community-serving facilities such as small-scale solar farms, or other actions. These additional facilities, if needed, could require in additional land conversion, resulting in similar environmental impacts associated with land use development described throughout this EIR.</p>	<p>Following Plan approval</p>	<p>MTC, ABAG, BAAQMD, and local agencies develop a program, per Mitigation Measures 2.5-3.</p>	<p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.5-5(a): MTC and ABAG shall continue coordinating with BCDC, in partnership with the Bay Area Regional Collaborative and regional agencies and other partners, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC and BCDC's Adapting to Rising Tides Program projects. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted. The Adaptation Strategies (see Appendix F of the Draft EIR) includes a list of potential strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation project or land use development project, and the implementation</p>	<p>Throughout implementation of the Plan and during project-level design or environmental review</p>	<p>MTC, ABAG, San Francisco Bay Conservation and Development Commission (BCDC), Joint Policy Committee, and local agencies continue conducting assessments per Mitigation Measure 2.5-5(a).</p>	<p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents</p>	<p>Implementing/ lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC and BCDC conduct vulnerability and risk assessments for the region's transportation infrastructure, the Adaptation Strategies should serve as a guide for selecting adaptation strategies, and should be expanded as additional strategies are identified.</p> <p>Mitigation Measure 2.5-5(b): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to, coordination with BCDC, Caltrans, local jurisdictions (cities and counties), Park Districts, and other transportation agencies to develop Transportation Asset Management Plans that consider the potential impacts of sea level rise, changes in precipitation and storm events over the life cycle of threatened assets.</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.5-5(b) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>prepared for projects consistent with PBA 2040.</p> <p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.5-5(c): Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise, changes in precipitation and storm events on specific local transportation and land use development projects, where feasible, based on project- and site-specific considerations. Potential adaptation strategies are included in the Adaptation Strategies (see Appendix F of this Draft EIR).</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.5-5(c) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Implement Mitigation Measures 2.5-5(a) through 2.5-5(c) under Impact 2.5-5.</p>	<p>Same as specified for Mitigation Measure 2.5-5(a) through 2.5-5(c), above.</p>	<p>Same as specified for Mitigation Measure 2.5-5(a) through 2.5-5(c), above.</p>	<p>Same as specified for Mitigation Measure 2.5-5(a) through 2.5-5(c), above.</p>	<p>Same as specified for Mitigation Measure 2.5-5(a) through 2.5-5(c), above.</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
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<p>Noise</p> <p>Mitigation Measure 2.6-1(a): Implementing agencies and /or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>To reduce construction noise levels, implementing agencies and/or project sponsors shall:</p> <ul style="list-style-type: none"> ▲ comply with local construction-related noise standards, including restricting construction activities to permitted hours as defined under local jurisdiction regulations (e.g.; Alameda County Code restricts construction noise to between 7:00 am and 7:00 pm on weekdays and between 8:00 am and 5:00 pm on weekend); ▲ properly maintain construction equipment and outfit construction equipment with the best available noise suppression devices (e.g. mufflers, silencers, wraps); ▲ prohibit idling of construction equipment for extended periods of time in the vicinity of sensitive receptors; ▲ locate stationary equipment such as generators, compressors, rock crushers, and cement mixers a minimum of 50 feet from sensitive receptors, but further if possible; ▲ erect temporary construction-noise barriers around the construction site when adjacent occupied sensitive land uses are present within 75 feet; ▲ use noise control blankets on building structures as buildings are erected to reduce noise emission from the site; and use cushion blocks to dampen impact noise from pile driving. <p>Mitigation Measure 2.6-1(b): To reduce construction vibration levels, implementing agencies and/or project sponsors shall comply with the following:</p> <ul style="list-style-type: none"> ▲ to minimize disturbance of receptors within 550 feet of pile-driving activities, implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; and to reduce structural damage, where pile driving is proposed within 50 feet of an older or historic building, engage a qualified geotechnical engineer and qualified historic preservation professional (for designated historic buildings only) and/or structural engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby (i.e., within 50 feet) historic structures that would be exposed to pile-driving activity. If recommended by the pre-construction assessment, for structures or facilities within 50 feet of pile-driving activities, the project sponsors shall require ground vibration monitoring of nearby historic structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary. The pre-construction assessment shall include a monitoring 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-1(a) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency, in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.6-1(b): To reduce construction vibration levels, implementing agencies and/or project sponsors shall comply with the following:</p> <ul style="list-style-type: none"> ▲ to minimize disturbance of receptors within 550 feet of pile-driving activities, implement “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; and to reduce structural damage, where pile driving is proposed within 50 feet of an older or historic building, engage a qualified geotechnical engineer and qualified historic preservation professional (for designated historic buildings only) and/or structural engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby (i.e., within 50 feet) historic structures that would be exposed to pile-driving activity. If recommended by the pre-construction assessment, for structures or facilities within 50 feet of pile-driving activities, the project sponsors shall require ground vibration monitoring of nearby historic structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary. The pre-construction assessment shall include a monitoring 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-1(b) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency, in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities and identify corrective measures to be taken should monitored vibration levels indicate the potential for building damage. In the event of unacceptable ground movement with the potential to cause structural damage, all impact work shall cease and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure.</p> <p>Mitigation Measure 2.6-2: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>For all new development that could be located within the 70 dBA CNEL noise contour of a roadway (within 270 feet of the roadway's centerline based on freeways with the greatest volumes in the region), a site-specific noise study shall be conducted by a qualified acoustical engineer or noise specialist, to evaluate noise exposure at new receptors and recommend appropriate measures to reduce noise exposure. To reduce exposure from traffic-noise, lead agencies and/or project sponsors shall consider mitigation measures including, but not limited to those identified below:</p> <ul style="list-style-type: none"> ▲ 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); ▲ use techniques such as landscaped berms, dense plantings, reduced-noise paving materials, and traffic calming measures in the design of their transportation improvements; ▲ contribute to the insulation of buildings or construction of noise barriers around sensitive receptor properties adjacent to the transportation improvement; ▲ use land use planning measures, such as zoning, restrictions on development, site design, and buffers to ensure that future development is noise compatible with adjacent transportation facilities and land uses; ▲ construct roadways so that they are depressed below-grade of the existing sensitive land uses to create an effective barrier between new roadway lanes, roadways, rail lines, transit centers, park-n-ride lots, and other new noise generating facilities; and <p>maximize the distance between noise-sensitive land uses and new noise-generating facilities and transportation systems.</p> <p>Mitigation Measure 2.6-3(a): To reduce transit-related noise exposure to existing or proposed development within 50 feet of a rail transit line, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-2 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.6-3(a): To reduce transit-related noise exposure to existing or proposed development within 50 feet of a rail transit line, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation</p>	<p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable</p>	<p>Implementing/ lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>When finalizing development project site plans, noise-sensitive outdoor use areas shall be sited as far away from adjacent noise sources as possible and site plans shall be designed to shield noise-sensitive spaces with buildings or noise barriers whenever possible.</p>		Measure 2.6-3(a) into project-specific design plans or environmental review including possible inclusion in construction contracts.	Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	
<p>Mitigation Measure 2.6-3(b): When finalizing development project site plans or transportation project design, sufficient setback between occupied structures and the railroad tracks shall be provided to minimize noise exposure to the extent feasible.</p>	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-3(b) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>
<p>Mitigation Measure 2.6-3(c): Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures (or other technologically feasible measures) to achieve a site-specific exterior noise level of 70 dBA CNEL (or other applicable local noise standard) and interior noise level of 45 dBA CNEL at sensitive land uses, as applicable for transit projects:</p> <ul style="list-style-type: none"> ▲ use of sound reduction barriers such as landscaped berms and dense plantings, ▲ locate rail extension below grade as feasible, ▲ use of damped wheels on railway cars, ▲ use of vehicle skirts, ▲ use under car acoustically absorptive material, and ▲ install sound insulation treatments for impacted structures. 	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-3(c) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>
<p>Mitigation Measure 2.6-4(a): To reduce vibration effects from rail operations, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ When finalizing site plans for a development or transportation project, implementing agencies shall conduct a project-level noise and vibration assessments for new residential or other sensitive land uses to be located within 200 feet of an existing rail line. These studies shall be conducted by a qualified acoustical engineer or noise specialist to determine vibration levels at these projects and recommend feasible mitigation measures (e.g., insulated windows and walls, sound walls or 	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-4(a) into project-specific design plans or environmental review</p>	<p>Implementing/lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents</p>	<p>Implementing/lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
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<p>barriers, distance setbacks, or other construction or design measures) that would reduce vibration noise to an acceptable level.</p> <p>Mitigation Measure 2.6-4(b): Prior to project approval, the implementing agencies shall ensure that project sponsors apply the following mitigation measures to achieve FTA recommended vibration levels of 72 VdB at residential land uses, or other applicable standard, for rail extension projects:</p> <ul style="list-style-type: none"> ▲ use of high resilience (soft) direct fixation fasteners for embedded track; ▲ install ballast mat, or other approved technology for the purpose of reducing vibration, for ballast and tie track; and ▲ conduct regular rail maintenance including rail grinding, wheel truing to re-contour wheels, providing smooth running surfaces. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-4(b) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA in compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.6-5: To reduce exposure to new and existing sensitive receptors from non-transportation noise associated with projected development, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Local agencies approving land use projects shall require that routine testing and preventive maintenance of emergency electrical generators be conducted during the less sensitive daytime hours (per the applicable local municipal code). Electrical generators or other mechanical equipment shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications. ▲ Local agencies approving land use projects shall require that external mechanical equipment, including HVAC units, associated with buildings incorporate features designed to reduce noise to below 70 dBA CNEL or the local applicable noise standard. These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-5 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA in compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.6-6: To reduce exposure from airport-related noise, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Local lead agencies for all new development proposed to be located within an existing airport influence zone, as defined by the locally adopted airport land use compatibility plan or local general plan, shall require a site-specific noise compatibility. The study shall consider and evaluate existing aircraft noise, based on specific aircraft activity data for the airport in question, and shall 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.6-6 into project-specific design plans or</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA in compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or</p>	<p>Implementing/ lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
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include recommendations for site design and building construction to ensure compliance with interior noise levels of 45 dBA CNEL, such that the potential for sleep disturbance is minimized.		environmental review including possible inclusion in construction contracts.	other tiered CEQA documents prepared for projects consistent with PBA 2040.	
<p>Biological Resources</p> <p>Mitigation Measure 2.9-1(a): Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, habitat for special-status plants and wildlife. The assessment shall be conducted by qualified professionals pursuant to adopted protocols and agency guidelines. Where the biological resource assessments establish that mitigation is required to avoid direct and indirect adverse effects on special-status plant and wildlife species, or compensate for unavoidable effects, mitigation shall be developed consistent with the requirements of CEQA, USFWS, CDFW, and local regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ In support of CEQA, NEPA, CDFW, and USFWS review and permitting processes for individual proposed Plan projects, pre-project biological surveys shall be conducted as part of the environmental review process to determine the presence and extent of sensitive habitats and/or species in the project vicinity. Surveys shall follow established methods and shall be conducted at times when the subject species is most likely to be identified. In cases where impacts to state- or federally-listed plant or wildlife species are possible, formal protocol-level surveys may be required on a species-by-species basis to determine the local distribution of these species. Coordination with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or state candidate, proposed, threatened, or endangered species to determine the need for consultation or permitting actions. Projects shall obtain incidental take authorization from the permitting agencies as required before project implementation. ▲ Project designs shall be reconfigured, whenever practicable, to avoid special-status species and sensitive habitats. Projects shall minimize ground disturbances and transportation project footprints near sensitive areas to the extent practicable. ▲ Project activities in the vicinity of sensitive resources shall be completed during the period that best avoids disturbance to plant and wildlife species present to the extent feasible. ▲ Individual projects shall minimize the use of in-water construction methods in areas that support sensitive aquatic species, especially when listed species could be present. 	This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.	If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.9-1(a) into project-specific design plans or environmental review including possible inclusion in construction contracts.	Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	Implementing/ lead agency and/or project applicant

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<ul style="list-style-type: none"> ▲ In the event that equipment needs to operate in any watercourse with flowing or standing water where special-status species may be affected, a qualified biological resource monitor shall be present to alert construction crews to the possible presence of such special-status species. ▲ If project activities involve pile driving or vibratory hammering in or near water, interim hydroacoustic threshold criteria for protected fish species shall be adopted as set forth by the Interagency Fisheries Hydroacoustic Working Group, as well as other avoidance methods to reduce the adverse effects of construction to sensitive fish, piscivorous birds, and marine mammal species. ▲ Construction shall not occur during the breeding season near riparian habitat, freshwater marshlands, and salt marsh habitats that support nesting bird species protected under the Endangered Species Act, Migratory Bird Treaty Act, or California Fish and Game Code (e.g., yellow warbler, tricolored blackbird, Ridgway's rail, etc.). ▲ A qualified biologist shall locate and fence off sensitive resources before construction activities begin and, where required, shall inspect areas to ensure that barrier fencing, stakes, and setback buffers are maintained during construction. ▲ For work sites located adjacent to special-status plant or wildlife populations, a biological resource education program shall be provided for construction crews and contractors (primarily crew and construction foremen) before construction activities begin. ▲ Biological monitoring shall be considered for areas near identified habitat for federal- and state-listed species, and a "no take" approach shall be taken whenever feasible during construction near special-status plant and wildlife species. ▲ Efforts shall be made to minimize the adverse effects of light and noise on listed and sensitive wildlife. ▲ Project activities shall comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of special-status species. ▲ Compensatory mitigation for unavoidable loss of habitat or other impacts to 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), as deemed appropriate by the permitting agencies. 				
<p>Mitigation Measure 2.9-1(b): implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Coordination with the USFWS and/or NMFS shall be conducted early in the environmental review process to determine the need for further mitigation, consultation, or permitting actions. Formal 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable</p>	<p>Implementing/ lead agency and/or project applicant</p>

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	Timing	Implementation of Measure	Oversight Responsibility	
<p>consultation is required for any project with a federal nexus when a species is likely to be adversely affected.</p> <ul style="list-style-type: none"> ▲ Reconfigure project designs to avoid or minimize adverse effects on protected species within designated critical habitats. ▲ Compliance with existing local regulations and policies, including applicable HCP/NCCPs. ▲ Additionally, implementation of Mitigation Measure 2.9-1(a), above, which includes an initial biological resource assessment and, if necessary, compensatory mitigation for unavoidable loss of habitat or other impacts to special-status species. Compensatory mitigation 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 (RAMIP), as deemed appropriate by the permitting agencies. 		Measure 2.2-2 into project-specific design plans or environmental review including possible inclusion in construction contracts.	Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	
<p>Mitigation Measure 2.9-2: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, jurisdictional waters and/or other sensitive or special-status communities. These assessments shall be conducted by qualified professionals in accordance with agency guidelines and standards. ▲ In keeping with the “no net loss” policy for wetlands and other waters, 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. ▲ Where avoidance of jurisdictional waters is not feasible, project sponsors shall minimize fill and the use of in-water construction methods, and place fill only with express permit approval from the appropriate resources agencies (e.g., USACE, RWQCB, CDFW, BCDC, and CCC) and in accordance with applicable existing regulations, such as the Clean Water Act or local stream protection ordinances. ▲ Project sponsors shall arrange for compensatory mitigation in the form of mitigation bank credits, on-site or off-site enhancement of existing waters or wetland creation in accordance with applicable existing regulations and subject to approval by the USACE, RWQCB, CDFW, BCDC, and CCC. If compensatory mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/enhancement (plant palette, soils, irrigation, etc.), specific monitoring 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.9-2 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any wetland compensatory mitigation:</p> <ul style="list-style-type: none"> ▶ Compensation shall be provided at a minimum 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., General plans, HCP/NCCPs, etc.), or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement or offsite restoration, preservation, and/or enhancement. Compensatory mitigation 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), as deemed appropriate by the permitting agencies. ▶ In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established. ▶ In accordance with CDFW guidelines and other instruments protective of sensitive or special-status natural communities, project sponsors shall avoid and minimize impacts on sensitive natural communities when designing and permitting projects. Where applicable, projects shall conform to the provisions of special area management or restoration plans, such as the Suisun Marsh Protection Plan or the East Contra Costa County HCP, which outline specific measures to protect sensitive vegetation communities. ▶ If any portion of a special-status natural community is permanently removed or temporarily disturbed, the project sponsor shall compensate for the loss. If such mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/ enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any compensatory mitigation for special-status natural communities: <ul style="list-style-type: none"> ▶ Compensation shall be provided at a minimum 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., General plans, HCP/NCCPs, etc.), or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement or offsite restoration, preservation, and/or enhancement. Compensatory mitigation may be achieved in advance of impacts through 				

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>the purchase or creation of mitigation credits or the implementation of mitigation projects through Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies.</p> <ul style="list-style-type: none"> ▶ In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established. <p>Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.</p>				
<p>Mitigation Measure 2.9-3: Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting ECA lands to determine what wildlife species may use these areas and what habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open lands, including wildlands and agricultural lands, shall also assess whether or not 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.</p> <p>Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ constructing wildlife friendly overpasses and culverts; ▶ fencing major transportation corridors in the vicinity of identified wildlife corridors; ▶ using wildlife-friendly fences that allow larger wildlife such as deer to get over, and smaller wildlife to go under; ▶ limiting wildland conversions in identified wildlife corridors; ▶ retaining wildlife-friendly vegetation in and around developments; and complying with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures to protect wildlife corridors. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p> <p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.9-3 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>	
<p>Mitigation Measure 2.9-5: Implement Mitigation Measures 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3.</p>	<p>Same as specified for Mitigation Measure 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3, above.</p>	<p>Same as specified for Mitigation Measure 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3, above.</p>	<p>Same as specified for Mitigation Measure 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3, above.</p>	<p>Same as specified for Mitigation Measure 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3, above.</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>Visual Resources</p> <p>Mitigation Measure 2.10-1: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ reduce the visibility of construction staging areas by fencing and screening these areas with low contrast materials consistent with the surrounding environment, and by revegetating graded slopes and exposed earth surfaces at the earliest opportunity; ▲ site or design projects to minimize their intrusion into important viewsheds; ▲ use see-through safety barrier designs (e.g. railings rather than walls); ▲ develop interchanges and transit lines at the grade of the surrounding land to limit view blockage; ▲ design landscaping along 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; and identify, preserve, and enhance scenic vistas to and from hillside areas and other visual resources. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.10-1 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency, in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.10-3: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ minimize impacts of design through compliance with MTC's Station Area Planning Manual; ▲ 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; ▲ contour the edges of major cut and fill slopes to provide a finished profile that is appropriate to the surrounding context, using shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas; and <p>implementing agencies shall require project sponsors to conduct shadow studies for four-story high (and higher) buildings and roadway facilities to identify and implement development strategies for reducing the impact of shadows on public open space, where feasible. Study considerations shall include, but are not limited to, the placement, massing, and height of structures, surrounding land uses, time of day and seasonal variation, and reflectivity of materials. Study recommendations for reducing shadow impacts shall be incorporated into the project design as feasible based on project- and site-specific considerations.</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.10-3 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency, in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.10-4: In addition to Mitigation Measure 2.10-3, the following measure would apply to impacts on visual resources in rural or historic areas.</p>	<p>This mitigation measure will be considered by the implementing/ lead</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in</p>	<p>Implementing/ lead agency, in subsequent CEQA</p>	<p>Implementing/ lead agency</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Conduct project-specific review of new development in rural or historic areas to ensure that new development is compatible in scale and character with the surrounding area by: <ul style="list-style-type: none"> ▶ promoting a transition in scale and architecture character between new buildings and established neighborhoods; and ▶ requiring pedestrian circulation and vehicular routes to be well integrated. ▲ Where sound walls are proposed, require sound wall construction and design methods that account for visual impacts as follows: <ul style="list-style-type: none"> ▶ use transparent panels to preserve views where sound walls would block views from residences; ▶ use landscaped earth berm or a combination wall and berm to minimize the apparent sound wall height; ▶ construct sound walls of materials whose color and texture complements the surrounding landscape and development; ▶ design sound walls to increase visual interest, reduce apparent height, and be visually compatible with the surrounding area; and <p>landscape the sound walls with plants that screen the sound wall, preferably with either native vegetation or landscaping that complements the dominant landscaping of surrounding areas.</p> <p>Mitigation Measure 2.10-5: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Design projects to minimize light and glare from lights, buildings, and roadways facilities. ▲ Minimize and control glare from transportation projects through the adoption of project design features that reduce glare. These features include: <ul style="list-style-type: none"> ▶ planting trees along transportation corridors to reduce glare from the sun; ▶ landscaping off-street parking areas, loading areas, and service areas; and ▶ shielding transportation lighting fixtures to minimize off-site light trespass. ▲ Minimize and control glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include: <ul style="list-style-type: none"> ▶ limiting the use of reflective materials, such as metal; ▶ using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry; 	<p>agency for applicability at the project level.</p>	<p>incorporation of the measures listed in Mitigation Measure 2.10-4 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>and/or project applicant</p>
<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.10-5 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>	

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<ul style="list-style-type: none"> ➤ screening parking areas by using vegetation or trees; and ➤ using low-reflective glass. <p>➤ Impose lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare associated with land use development. These standards include the following:</p> <ul style="list-style-type: none"> ➤ minimizing incidental spillover of light onto adjacent private properties and undeveloped open space; ➤ directing luminaries away from habitat and open space areas adjacent to the project site; ➤ installing luminaries that provide good color rendering and natural light qualities; and <p>minimizing the potential for back scatter into the nighttime sky and for incidental spillover of light onto adjacent private properties and undeveloped open space.</p>				
<p>Cultural Resources</p> <p>Mitigation Measure 2.11-1: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ➤ Realign or redesign projects to avoid impacts on known historic resources where possible. ➤ Require a survey and evaluation of structures greater than 45 years in age within the area of potential effect to determine their eligibility for recognition under State, federal, or local historic preservation criteria. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation should comply with CEQA Guidelines section 15064.5(b), and, if federal funding or permits are required, with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470 et seq.). Study recommendations shall be implemented. ➤ If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. <p>Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.</p> <p>Mitigation Measure 2.11-2: Implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.11-1 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources.</p> <p>Mitigation Measure 2.11-2: Implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p>	<p>This mitigation measure will be considered by the implementing/ lead</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA</p>	<p>Implementing/ lead agency</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>▲ Before construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Project sponsors shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place.</p> <p>▲ In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.</p> <p>Project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.</p>	<p>agency for applicability at the project level.</p>	<p>incorporation of the measures listed in Mitigation Measure 2.11-2 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>and/or project applicant</p>
<p>Mitigation Measure 2.11-3: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>▲ Before construction activities, project sponsors shall conduct a record search using an appropriate database, such as the UC Berkeley Museum of Paleontology to determine whether the project area has been previously surveyed and whether resources were identified.</p> <p>▲ If record searches indicate that the project is located in an area likely to contain important paleontological, and/or geological resources, such as sedimentary rocks which have yielded significant terrestrial and other fossils, project sponsors shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will</p>	<p>This mitigation measure will be considered by the implementing/lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.11-3 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/lead agency and/or project applicant</p>

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Mitigation Measures	Mitigation Monitoring		Implementation responsibility
	Timing	Implementation of Measure	
<p>be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered.</p> <p>▶ If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the implementing agencies and/or project sponsors. The project sponsor will retain a qualified paleontologist for identification and salvage of fossils so that construction delays can be minimized. The paleontologist will be responsible for implementing a recovery plan which could include the following:</p> <ul style="list-style-type: none"> ▶ in the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits; ▶ recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting; ▶ laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens; ▶ cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database; ▶ transfer, for storage, of cataloged fossil remains to an appropriate repository, with consent of property owner; ▶ preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection; and <p>project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect paleontological or geologic resources.</p> <p>Mitigation Measure 2.11-5: If the implementing agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary to address site-specific impacts to avoid or minimize the significant adverse impacts:</p> <ul style="list-style-type: none"> ▶ Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested 			
	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.11-5 into project-specific design plans or environmental review</p>	<p>Implementing/ lead agency, Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents</p>

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>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. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.</p> <p>Public agencies shall, when feasible, avoid damaging effects to any TCR (PRC Section 21084.3 (a)). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3 (b)). Examples include:</p> <ol style="list-style-type: none"> (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: <ol style="list-style-type: none"> (A) Protecting the cultural character and integrity of the resource (B) Protecting the traditional use of the resource (C) Protecting the confidentiality of the resource. (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places. (4) Protecting the resource. 		including possible inclusion in construction contracts.	prepared for projects consistent with PBA 2040.	
<p>Public Utilities and Facilities</p> <p>Mitigation Measure 2.12-1(a): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ol style="list-style-type: none"> For projects that could increase demand for water, project sponsors shall coordinate with the relevant water service provider to ensure that the provider has adequate supplies and infrastructure to accommodate the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements shall be identified in each project's CEQA documentation. 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- 	This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.	If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-1 into project-specific design plans or environmental review including possible inclusion in construction contracts.	Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.	Implementing/ lead agency and/or project applicant

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Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>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).</p> <ul style="list-style-type: none"> ▲ 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. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-1(b) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.12-1(b): implementing agencies and/or project sponsors shall require the construction phase of transportation projects to connect to reclaimed water distribution systems for non-potable water needs, when feasible based on project- and site-specific considerations.</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-1(c) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.12-1(c): Implementing agencies and/or project sponsors shall require transportation projects with landscaping to use drought-resistant plantings or connect to reclaimed water distribution systems for irrigation and other non-potable water needs when available and feasible based on project- and site-specific considerations.</p>	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-2 into project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient wastewater treatment capacity exists for a proposed project. These CEQA determinations must ensure that the proposed development can 	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental</p>	<p>Implementing/ lead agency and/or project applicant</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>be served by its existing or planned treatment capacity, if adequate capacity does not exist, project sponsors shall coordinate with the relevant service provider to ensure that adequate public services and utilities could accommodate the increased demand, and if not, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.</p> <p>Implementing agencies and/or project sponsors shall also require compliance with Mitigation Measure 2.12-1(a).</p>	<p>Same as specified for Mitigation Measure 2.12-1(a), above.</p>	<p>Specific design plans or environmental review including possible inclusion in construction contracts.</p> <p>Same as specified for Mitigation Measure 2.12-1(a), above.</p>	<p>Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p> <p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>MTC shall require implementation of Mitigation Measures 2.12-1(b), and/or 2.12-1(c) listed under Impact 2.12-1, as feasible based on project- and site-specific considerations to reduce water usage and, subsequently, wastewater flows.</p> <p>Mitigation Measure 2.12-3(a): implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient stormwater drainage facilities exist for a proposed project. These CEQA determinations must ensure that the proposed development can be served by its existing or planned drainage capacity. If adequate stormwater drainage facilities do not exist, project sponsors shall coordinate with the appropriate utility and service provider to ensure that adequate facilities could accommodate the increased demand, and if not, 	<p>Same as specified for Mitigation Measures 2.12-1(b), and 2.12-1(c), above.</p>	<p>Same as specified for Mitigation Measures 2.12-1(b), and 2.12-1(c), above.</p> <p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-3 into project-specific design plans or environmental review</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p> <p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p> <p>Implementing/ lead agency and/or project applicant</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>infrastructure and facility improvements shall be identified in each project's CEQA determination. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.</p> <ul style="list-style-type: none"> ▲ For projects of greater than 1 acre in size, reduce stormwater runoff caused by construction by implementing stormwater control best practices, based on those required for a SWPPP. ▲ Model and implement a stormwater management plan or site design that prevents the post-development peak discharge rate and quantity from exceeding pre-development rates. 		including possible inclusion in construction contracts.	prepared for projects consistent with PBA 2040.	
<p>Mitigation Measure 2.12-3(b): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Transportation projects shall incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-3(b) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.12-3(c): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Transportation projects implemented by Caltrans or subject to Caltrans review shall adhere to Caltrans' Stormwater Management Plan, which includes best practices to reduce the volume of stormwater runoff and pollutants in the design, construction and maintenance of highway facilities. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-3(c) into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Mitigation Measure 2.12-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could accommodate the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-4 into project-specific design plans or environmental review</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents</p>	<p>Implementing/ lead agency and/or project applicant</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Implementation responsibility
	Timing	Implementation of Measure	Oversight Responsibility	
<p>relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.</p> <p>Mitigation Measures 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2 would reduce water demand and wastewater generation, and subsequently reduce the need for new or expanded water and wastewater treatment facilities.</p>	<p>Same as specified for Mitigation Measure 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2, above.</p>	<p>including possible inclusion in construction contracts.</p> <p>Same as specified for Mitigation Measure 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2, above.</p>	<p>prepared for projects consistent with PBA 2040.</p> <p>Same as specified for Mitigation Measure 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2, above.</p>	
<p>Mitigation Measures 2.12-3(a), 2.12-3(b), and 2.12-3(c) would mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.</p>	<p>Same as specified for Mitigation Measure 2.12-3(a), 2.12-3(b), and 2.12-3(c), above.</p>	<p>Same as specified for Mitigation Measure 2.12-3(a), 2.12-3(b), and 2.12-3(c), above.</p>	<p>Same as specified for Mitigation Measure 2.12-3(a), 2.12-3(b), and 2.12-3(c), above.</p>	<p>Same as specified for Mitigation Measure 2.12-3(a), 2.12-3(b), and 2.12-3(c), above.</p>
<p>Mitigation Measure 2.12-5: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ providing an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials ▶ maintaining or re-using existing building structures and materials during building renovations and redevelopment ▶ using salvaged, refurbished or reused materials, to help divert such items from landfills ▶ for transportation projects, diverting construction waste from landfills, where feasible, through means such as: <ul style="list-style-type: none"> ▶ the submission and implementation of a construction waste management plan that identifies materials to be diverted from disposal ▶ establishing diversion targets, possibly with different targets for different types and scales of development ▶ helping developments share information on available materials with one another, to aid in the transfer and use of salvaged materials; and applying the specifications developed by the Construction Materials Recycling Association (CMRA) to assist contractors and developers in diverting materials from construction and demolition projects, where feasible (RMC 2006). 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.12-5 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency. Compliance will be reflected in subsequent CEQA compliance documents, including Sustainable Communities Environmental Assessments (SCEAs) or other tiered CEQA documents prepared for projects consistent with PBA 2040.</p>	<p>Implementing/ lead agency and/or project applicant</p>

Table A-1 Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring		Implementation responsibility
	Timing	Implementation of Measure	
<p>Hazards</p> <p>Mitigation Measure 2.13-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ If the project is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the project sponsor shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.13-4 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency and/or project applicant</p>
<p>Public Services and Recreation</p> <p>Mitigation Measure 2.14-1: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include but are not limited to:</p> <ul style="list-style-type: none"> ▲ Prior to approval of new development projects, local agencies shall 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). Compliance may include requiring projects to either provide the additional services required to meet service levels, or pay fees towards the project's fair share portion of the required services pursuant to adopted fee programs and State law. 	<p>This mitigation measure will be considered by the implementing/ lead agency for applicability at the project level.</p>	<p>If found to be feasible by the implementing/ lead agency, this measure would result in incorporation of the measures listed in Mitigation Measure 2.14-1 into project-specific design plans or environmental review including possible inclusion in construction contracts.</p>	<p>Implementing/ lead agency and/or project applicant</p>

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Appendix B

Revised Summary of Impacts and Mitigation Measures Table

Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
2.1 TRANSPORTATION				
Impact 2.1-1: Implementation of the proposed Plan could result in a significant increase in per-trip travel time for commute travel by any mode over existing conditions. A significant increase in per-trip travel time is defined as greater than 5 percent.	LS	No mitigation is required.	LS	LS
Impact 2.1-2: Implementation of the proposed Plan could result in a significant increase in per-trip travel time for non-commute travel by any mode over existing conditions. A significant increase in per-trip travel time is defined as greater than 5 percent.	LS	No mitigation is required.	LS	LS
Impact 2.1-3: Implementation of the proposed Plan could result in a significant increase in per capita VMT on facilities experiencing level of service (LOS) F compared to existing conditions during AM peak periods, PM peak periods, or during the day as a whole (LOS F defines a condition on roads where traffic volumes exceed capacity, resulting in stop-and-go conditions for extended periods of time). A significant increase in LOS F-impacted per capita VMT is defined as greater than 5 percent.	PS	Implementing agencies and/or project sponsors shall implement the following measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to: Mitigation Measure 2.1-3-3(a) MTC, in its role as a funding agency, and implementing agencies shall support the advancement of corridor-level plans and implementation of projects located on severely congested (LOS F) facilities. Mitigation Measure 2.1-3-3(b) Transportation demand management (TDM) strategies shall be incorporated into individual land use and transportation projects and plans, as part of the planning process. Local agencies shall incorporate strategies identified in the Federal Highway Administration's publication: Integrating Demand Management into the Transportation Planning Process: A Desk Reference (August 2012) into the planning process (FHWA 2012). For example, the following strategies may be included to encourage use of transit and non-motorized modes of transportation and reduce vehicle miles traveled on the region's roadways: <ul style="list-style-type: none"> ▲ include TDM mitigation requirements for new developments; ▲ incorporate supporting infrastructure for non-motorized modes, such as, bike lanes, secure bike parking, sidewalks, and crosswalks; ▲ provide incentives to use alternative modes and reduce driving, such as, universal transit passes, road and parking pricing; 	LS-M	SU

* = Significance assuming individual projects adopt and implement the listed mitigation measure, as required for future projects taking advantage of CEQA streamlining provisions of SB 375.

** = Significance assuming some or all of the listed mitigation measure(s) is/are not implemented because MTC/ABAG cannot require local implementing agencies to adopt mitigation measure(s).

LS = Less than significant PS = Potentially significant S = Significant SU = Potentially significant and unavoidable

Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.1-4: Implementation of the proposed Plan could result in a significant increase in per capita VMT compared to existing conditions. A significant increase in per capita VMT is defined as greater than 5 percent.	LS	<ul style="list-style-type: none"> ▲ implement parking management programs, such as parking cash-out, priority parking for carpools and vanpools; ▲ develop TDM-specific performance measures to evaluate project-specific and system-wide performance; ▲ incorporate TDM performance measures in the decision-making process for identifying transportation investments; ▲ implement data collection programs for TDM to determine the effectiveness of certain strategies and to measure success over time; and ▲ set aside funding for TDM initiatives. <p>The increase in per capita VMT on facilities experiencing LOS F represents a significant impact compared to existing conditions. To assess whether implementation of these specific mitigation strategies would result in measurable traffic congestion reductions, implementing actions may need to be further refined within the overall parameters of the proposed Plan and matched to local conditions in any subsequent project-level environmental analysis.</p>	LS	LS
Impact 2.1-5: Implementation of the proposed Plan could result in increased percent utilization of regional transit supply resulting in an exceedance of transit capacity during the AM peak period, PM peak period, or on a daily basis. An exceedance is defined as passenger seat-mile demand for any transit technology being greater than 80 percent of passenger seat-miles supplied by transit operators.	LS	No mitigation is required.	LS	LS
Impact 2.1-6: Implementation of the proposed Plan could cause a disruption to goods movement into or through the Bay Area region.	LS	No mitigation is required.	LS	LS
Impact 2.1-7: Implementation of the proposed Plan could cause a disruption to the ongoing operations of the applicable	PS	Mitigation Measure 2.1-7: Implementing agencies and/or project sponsors shall implement the following measure, where feasible and necessary based on project- and site-specific considerations that include:	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
regional or local area transportation system because of construction activities.		<p>Implementing agencies shall require implementation of best practice strategies regarding construction activities on the transportation system and apply recommended applicable mitigation measures as defined by state and federal agencies. Examples of mitigation measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▲ prepare a transportation construction plan for all phases of construction; ▲ establish construction phasing/staging schedule and sequence that minimizes impacts of a work zone on traffic by using operationally-sensitive phasing and staging throughout the life of the project; ▲ identify arrival/departure times for trucks and construction workers to avoid peak periods of adjacent street traffic and minimize traffic affects; ▲ identify optimal delivery and haul routes to and from the site to minimize impacts to traffic, transit, pedestrians, and bicyclists; ▲ identify appropriate detour routes for bicycles and pedestrians in areas affected by construction; ▲ coordinate with local transit agencies and provide for relocation of bus stops and ensure adequate wayfinding and signage to notify transit users; ▲ preserve emergency vehicle access; ▲ implement public awareness strategies to educate and reach out to the public, businesses, and the community concerning the project and work zone (e.g., brochures and mailers, press releases/media alerts); ▲ provide a point of contact for residents, employees, property owners, and visitors to obtain construction information, and provide comments and questions; ▲ provide current and/or real-time information to road users regarding the project work zone (e.g., changeable message sign to notify road users of lane and road closures and work activities, temporary conventional signs to guide motorists through the work zone); and ▲ encourage construction workers to use transit, carpool, and other sustainable transportation modes when commuting to and from the site. 		

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
2.2 AIR QUALITY				
Impact 2.2-1: Implementation of the proposed Plan could conflict with or obstruct implementation of an applicable air quality plan, including: the primary goals, applicable control measures, or implementation of any control measures.	LS	No mitigation is required.	LS	LS
Impact 2.2-2: Implementation of the proposed Plan could result in a substantial net increase in construction-related emissions.	PS	<p>Mitigation Measure 2.2-2: When screening levels are exceeded (see Table 2.2-8 or those most currently updated by BAAQMD), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to the following:</p> <p>Construction Best Practices for Exhaust</p> <ul style="list-style-type: none"> ▲ The applicant/general contractor for the project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of project construction, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement: <ul style="list-style-type: none"> ▲ 1) Be zero emissions OR 2) have engines that meet or exceed either EPA or ARB Tier 2 off-road emission standards; and 3) have engines that are retrofitted with an ARB 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. <p>Construction Best Practices for Dust</p> <ul style="list-style-type: none"> ▲ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. For projects over five 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
		<p>acres in size, soil moisture should be maintained at a minimum of 12 percent. Moisture content can be verified by lab samples or a moisture probe.</p> <ul style="list-style-type: none"> ▲ All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ▲ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping should only be performed in conjunction with thorough watering of the subject roads. ▲ All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph. ▲ All roadway, driveway, and sidewalk paving shall be completed as soon as possible. Building pads shall be paved as soon as possible after grading. ▲ All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the Lead Agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations. ▲ All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. ▲ Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. ▲ Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. ▲ The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. ▲ All trucks and equipment, including their tires, shall be washed off before leaving the site. ▲ Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. ▲ Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. 		

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** = Significance assuming some or all of the listed mitigation measure(s) is/are not implemented because MTC/ABAG cannot require local implementing agencies to adopt mitigation measure(s).

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.2-3: Implementation of the proposed Plan could result in a net increase of emissions of criteria pollutants from on-road mobile and land use sources compared to existing conditions, including emissions of ROG, NO _x , CO, PM ₁₀ , and PM _{2.5} , as the SFBAAB is in non-attainment for ozone, PM ₁₀ , and PM _{2.5} standards.	PS	These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places (BAAQMD 2010b, BAAQMD 2016). Applicable mitigation measures shall be required at the time grading permits are issued. Mitigation Measure 2.2-3(a): MTC and ABAG, in partnership with BAAQMD, and implementing agencies, shall use existing air quality and transportation funds and seek additional funds to continue to implement BAAQMD and ARB programs (e.g., Carl Moyer) aimed at retrofits and replacements of trucks and locomotives. Mitigation Measure 2.2-3(b): 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, break wear, and roadway dust. Mitigation Measure 2.2-3(c): MTC and ABAG, in partnership with local air districts, and implementing agencies shall implement Mitigation Measures 2.1-3 (a) and 2.1-3 (b). Mitigation Measure 2.2-3(d): When screening levels are exceeded (see Table 2.2-8 or those most currently updated by BAAQMD), implementing agencies and/or project sponsors shall implement measures, where applicable, feasible, and necessary based on project- and site-specific considerations, that include, but are not limited to the following or are updated by BAAQMD or within CalEEMod.	LS-M	SU
Impact 2.2-4: Implementation of the proposed Plan could cause a cumulative net increase in emissions of toxic air contaminants, including diesel PM, 1,3-butadiene, and benzene, from on-road mobile sources compared to existing conditions.	LS	No mitigation is required.	LS	LS
Impact 2.2-5: Implementation of the proposed Plan could result in a net increase in sensitive receptors located in Transit Priority Areas (TPA) where: (a) 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/m ³ ; or (b) TACs or PM _{2.5} concentrations result in noncompliance with an adopted Community Risk Reduction Plan.	PS	Mitigation Measure 2.2-5(a): When locating sensitive receptors in TAC risk areas, as identified in Figures 2.2-3 to 2.2-13, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to the following: <ul style="list-style-type: none"> ▶ Install, operate and maintain in good working order a central heating, ventilation and air conditioning (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds a minimum efficiency reporting value (MERV) of 13 (MERV-16 for projects located in the West Oakland Specific Plan area) or higher. The HVAC system shall include the following features: Installation of a high 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
		<p>efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either high efficiency particulate air (HEPA) filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) certified 85% supply filters shall be used.</p> <ul style="list-style-type: none"> ▲ Maintain, repair and/or replace HVAC system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HVAC system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the Covenants, Conditions and Restrictions (CC&Rs) for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HVAC system and the filters. ▲ Install passive electrostatic filtering systems with low air velocities (i.e., less than 1 mph). ▲ Individual and common exterior open space and outdoor activity areas proposed as part of individual projects shall be located as far away as possible within the project site boundary, face away major freeways, and shall be shielded from the source (i.e., the roadway) of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants. ▲ Locate air intakes and design windows to reduce PM exposure (e.g., windows nearest to the roadway do not open). ▲ If sensitive receptors are located near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods. ▲ Sensitive receptors within buildings shall be located in areas upwind of major roadway traffic to reduce exposure to reduce cancer risk levels and exposure to PM_{2.5}. ▲ Planting trees and/or vegetation between sensitive receptors and pollution source. Trees that are best suited to trapping PM shall be planted, including one or more of the following species: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocypariss leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), California pepper tree (<i>Schinus molle</i>) and Redwoods (<i>Sequoia sempervirens</i>). ▲ Loading docks shall be required to include electric hookups for visiting trucks. 		

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
		<ul style="list-style-type: none"> ▲ Idling of heavy duty diesel trucks at these locations shall be prohibited or limited to no more than 2 minutes. ▲ If within the project site, existing and new diesel generators shall meet ARB's Tier 4 emission standards. ▲ Emissions from diesel trucks shall be reduced through 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. <p>These BMPs are consistent with recommendations in BAAQMD's CEQA guidelines and Planning Healthy Places (BAAQMD 2011, BAAQMD 2016).</p>		
Impact 2.2-6: Implementation of the proposed Plan could result in changes in TAC and/or PM _{2.5} exposure levels that disproportionately impact minority and low-income populations.	PS	<p>Mitigation Measure 2.2-6(a): MTC/ABAG shall partner with BAAQMD and local lead agencies to develop a program to install air filtration devices in existing residential buildings, and other buildings with sensitive receptors, located near freeways or sources of TACs and PM_{2.5}.</p> <p>Mitigation Measure 2.2-6(b): MTC/ABAG shall partner with BAAQMD to develop a program to provide incentives to replace older locomotives and trucks in the region to reduce TACs and PM_{2.5}.</p> <p>Mitigation Measure 2.2-6(c): MTC and ABAG, in partnership with local air districts, and implementing agencies shall implement Mitigation Measures 2.1-3 (a) and 2.1-3 (b).</p> <p>Mitigation Measure 2.2-6 (d): Implement measure 2.2-5(a).</p>	SU	SU
Impact 2.2-7: Implementation of the proposed Plan could result in a substantial emissions of objectionable odors.	LS	No mitigation is required.	LS	LS
2.3 LAND USE AND PHYSICAL DEVELOPMENT				
Impact 2.3-1: Implementation of the proposed Plan could increase the risk of displacement for a substantial number of existing residents, necessitating the construction and preservation of additional affordable housing elsewhere within the region.	PS	Mitigation Measure 2.3-1: Implementing agencies and/or project sponsors shall implement, where feasible and necessary, the mitigation measures described throughout this EIR to address the effects of displacement that could result in the construction of replacement housing, including Mitigation Measures 2.2-2 (air quality); 2.3-2, 2.3-4, and 2.3-5 (land use); 2.5-54 (sea level rise); 2.6-1, 2.6-5, and 2.6-6 (noise); 2.9-1 through 2.9-5 (biological resources); 2.10-1 and 2.10-3 through 2.10-5 (visual resources); 2.11-1 through 2.11-5 (cultural resources); and 2.13-4 (hazards).	LS-M	PSU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.3.2: implementation of the proposed Plan could physically divide an established community.	PS	<p>Mitigation Measure 2.3-2: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ New transportation projects within urban areas shall be required to incorporate design features such as sidewalks, bike lanes, and bike/pedestrian bridges or tunnels that maintain or improve access and connections within existing communities and to public transit. ▶ Through regional programs such as the One Bay Area Grants (OBAG), MTC/ABAG shall continue to support planning efforts for locally sponsored traffic calming and alternative transportation initiatives, such as paths, trails, overcrossings, bicycle plans, that foster improved neighborhoods and community connections. 	LS-M	SU
Impact 2.3-3: Implementation of the proposed Plan could conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plans, specific plans, local coastal programs) adopted for the purpose of avoiding or mitigating an environmental effect.	LS	No mitigation is required.	LS	LS
Impact 2.3-4: Implementation of the proposed Plan could directly or indirectly convert substantial amounts of important agricultural lands and open space (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) or lands under Williamson Act contract to non-agricultural use.	PS	<p>Mitigation Measure 2.3-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project and site-specific considerations that include, but are not limited to those identified below.</p> <ul style="list-style-type: none"> ▶ require project relocation or corridor realignment, where feasible, to avoid agricultural land, especially Prime Farmland; ▶ maintain and expand agricultural land protections such as urban growth boundaries; ▶ compensatory mitigation 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), as deemed appropriate by the permitting agencies; ▶ require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of agricultural land; and/or ▶ institute new protection of farmland in the project area or elsewhere through the use of long-term restrictions on use, such as 20-year Farmland Security Zone contracts 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

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			w/ MM*	w/o MM*
Impact 2.3-5: Implementation of the proposed Plan could directly or indirectly result in the loss of forest land, conversion of forest land to non-forest use, or conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.	PS	(Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.), Mitigation Measure 2.3-5: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project and site-specific considerations including but not limited to those identified below. <ul style="list-style-type: none"> ▲ require project relocation or corridor realignment, where feasible, to avoid forest land; ▲ maintain and expand forest land protections such as urban growth boundaries; ▲ compensatory mitigation 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), as deemed appropriate by the permitting agencies; and/or ▲ require acquisition of conservation easements on land at least equal in quality and size as mitigation for the loss of forest land. 	LS-M	SU
2.4 ENERGY				
Impact 2.4-1: Implementation of the proposed Plan could result in wasteful, inefficient, or unnecessary consumption of energy, during project construction or operation, as evidenced by a failure to decrease overall per capita energy consumption or decrease reliance on fossil fuels such as coal, natural gas, and oil.	LS	No mitigation is required.	LS	LS
Impact 2.4-2: Implementation of the proposed Plan could fail to incorporate feasible renewable energy or energy efficiency measures into building design, equipment use, transportation, or other project features, or otherwise fail to increase reliance on renewable energy sources.	LS	No mitigation is required.	LS	LS

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			w/ MM*	w/o MM*
2.5 CLIMATE CHANGE AND GREENHOUSE GASES				
Impact 2.5-1: Implementation of the proposed Plan could fail to reduce per capita passenger vehicle and light duty truck CO ₂ emissions by seven percent by 2020 and by 15 percent by 2035 as compared to the 2005 baseline, per SB 375.	LS	No mitigation is required.	LS	LS
Impact 2.5-2: Implementation of the proposed Plan could result in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions.	LS	No mitigation is required.	LS	LS
Impact 2.5-3: Implementation of the proposed Plan could substantially conflict with the goal of SB 32 to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030.	PS	<p>Mitigation Measure 2.5-3 Consistent with the recommendations in the Draft 2017 Scoping Plan, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ MTC and ABAG, in partnership with the BAAQMD, shall work with the counties and cities in the Bay Area to adopt qualified GHG reduction plans (e.g., CAPs). The CAPs can be regional or adopted by individual jurisdictions, so long as they meet the standards of a GHG reduction program as described in CEQA Guidelines Section 15183.5. At the regional level, the cumulative emissions reduction of individual CAPs within the region or a regional CAP should demonstrate an additional Bay Area-wide reduction of 24 MMTCO₂e from land uses and on-road transportation compared with projected 2040 emissions levels already expected to be achieved by the Plan. (This is based on the 2015 Bay Area land use and on-road transportation emissions of 52 MMTCO₂e, an interpolated statewide GHG reduction target of 60 percent below 1990 levels by 2040, and a two percent increase in statewide emissions between 1990 and 2015). The CAP(s) should also show a commitment to achieving a downward trajectory in emissions post-2040 to meet statewide goals of reducing GHG emissions by 80 percent below 1990 levels by 2050, per S-03-05. <p>These reductions can be achieved through a combination of programs, including ZNE in new construction, retrofits of existing buildings, incentivizing and development of renewable energy sources that serve both new and existing land uses, and other measures so long as the overall 32 MMTCO₂e reduction (by 2040) can be demonstrated. This target can be adjusted if statewide legislation or regulations would reduce GHG emissions, so long as a trajectory to achieve this target in the Bay Area is maintained.</p>	<p>LS MM</p> <p>SU</p>	SU

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			w/ MMM*	w/o MMM*
		Implementation of CAPs in the region would help to reduce both GHG and area source emissions from the land use projects that would be constructed under the Plan, as well as reducing GHG emissions from existing uses. However, this may require installation of renewable energy facilities on houses and businesses, construction of community-serving facilities such as small-scale solar farms, or other actions. These additional facilities, if needed, could require in additional land conversion, resulting in similar environmental impacts associated with land use development described throughout this EIR.		
Impact 2.5-4: Implementation of the proposed Plan could substantially conflict with local plans or policies adopted to reduce emissions of GHGs.	LS	No mitigation is required.	LS	LS
Impact 2.5-5: Implementation of the proposed Plan could result in a net increase in transportation projects within areas projected to be regularly inundated by sea level rise by midcentury.	PS	Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to: Mitigation Measure 2.5-54(a): MTC and ABAG shall continue coordinating with BCDC, in partnership with the Joint Policy Committee Bay Area Regional Collaborative and regional agencies and other partners, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC and BCDC's Adapting to Rising Tides studies focused in several Bay Area counties program projects. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted. The Adaptation Strategies (see Appendix F of this Draft EIR) includes a list of potential adaptation strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation project land use development project, and the implementation of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC and ABAG-BCDC conduct vulnerability and risk assessments for the region's transportation infrastructure, the Adaptation Strategies should serve as a guide for selecting adaptation strategies, and should be expanded as additional strategies are identified. Mitigation Measure 2.5-54(b): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to, coordination with BCDC, Caltrans, local	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.5-6: Implementation of the proposed Plan could result in an increase in land use development within areas regularly inundated by sea level rise by midcentury.	PS	jurisdictions (cities and counties), <u>Park Districts</u> , and other transportation agencies to develop Transportation Asset Management Plans that consider the potential impacts of sea level rise over the life cycle of threatened assets. Mitigation Measure 2.5-54(c): Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise, <u>changes in precipitation and storm events on specific local transportation and land use development projects, where feasible, based on project- and site-specific considerations.</u> Potential adaptation strategies are included in the Adaptation Strategies (see Appendix F of this Draft EIR).	LS-M	SU
2.6 NOISE				
Impact 2.6-1: Implementation of the proposed Plan could result in exposure of persons to or generation of temporary construction noise levels and/or ground vibration levels in excess of standards established by local jurisdictions or other applicable regulatory agencies.	PS	Mitigation Measure 2.6-1(a): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to: To reduce construction noise levels, implementing agencies and/or project sponsors shall: <ul style="list-style-type: none"> ▲ comply with local construction-related noise standards, including restricting construction activities to permitted hours as defined under local jurisdiction regulations (e.g.; Alameda County Code restricts construction noise to between 7:00 am and 7:00 pm on weekdays and between 8:00 am and 5:00 pm on weekend); ▲ properly maintain construction equipment and outfit construction equipment with the best available noise suppression devices (e.g. mufflers, silencers, wraps); ▲ prohibit idling of construction equipment for extended periods of time in the vicinity of sensitive receptors; ▲ locate stationary equipment such as generators, compressors, rock crushers, and cement mixers a minimum of 50 feet from sensitive receptors, but further if possible; ▲ erect temporary construction-noise barriers around the construction site when adjacent occupied sensitive land uses are present within 75 feet; 	LS-M	SU

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
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Impact 2.6-2: Implementation of the proposed Plan could result in long-term permanent increases in traffic-noise levels that exceed applicable thresholds.	PS	<ul style="list-style-type: none"> ▲ use noise control blankets on building structures as buildings are erected to reduce noise emission from the site; and ▲ use cushion blocks to dampen impact noise from pile driving. <p>Mitigation Measure 2.6-1(b): To reduce construction vibration levels, implementing agencies and/or project sponsors shall comply with the following:</p> <ul style="list-style-type: none"> ▲ to minimize disturbance of receptors within 550 feet of pile-driving activities, implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; and ▲ to reduce structural damage, where pile driving is proposed within 50 feet of an older or historic building, engage a qualified geotechnical engineer and qualified historic preservation professional (for designated historic buildings only) and/or structural engineer to conduct a pre-construction assessment of existing subsurface conditions and the structural integrity of nearby (i.e., within 50 feet) historic structures that would be exposed to pile-driving activity. If recommended by the pre-construction assessment, for structures or facilities within 50 feet of pile-driving activities, the project sponsors shall require ground vibration monitoring of nearby historic structures. Such methods and technologies shall be based on the specific conditions at the construction site such as, but not limited to, the pre-construction surveying of potentially affected historic structures and underpinning of foundations of potentially affected structures, as necessary. The pre-construction assessment shall include a monitoring program to detect ground settlement or lateral movement of structures in the vicinity of pile-driving activities and identify corrective measures to be taken should monitored vibration levels indicate the potential for building damage. In the event of unacceptable ground movement with the potential to cause structural damage, all impact work shall cease and corrective measures shall be implemented to minimize the risk to the subject, or adjacent, historic structure. <p>Mitigation Measure 2.6-2: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>For all new development that could be located within the 70 dBA CNEL noise contour of a roadway (within 270 feet of the roadway's centerline based on freeways with the greatest volumes in the region), a site-specific noise study shall be conducted by a qualified acoustical</p>	LS-M	SU

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.6-3: Implementation of the proposed Plan could result in long-term permanent increases in rail transit noise levels that exceed applicable thresholds.	PS	<p>engineer or noise specialist, to evaluate noise exposure at new receptors and recommend appropriate measures to reduce noise exposure. To reduce exposure from traffic-noise, lead agencies and/or project sponsors shall consider mitigation measures including, but not limited to those identified below:</p> <ul style="list-style-type: none"> ▲ 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); ▲ use techniques such as landscaped berms, dense plantings, reduced-noise paving materials, and traffic calming measures in the design of their transportation improvements; ▲ contribute to the insulation of buildings or construction of noise barriers around sensitive receptor properties adjacent to the transportation improvement; ▲ use land use planning measures, such as zoning, restrictions on development, site design, and buffers to ensure that future development is noise compatible with adjacent transportation facilities and land uses; ▲ construct roadways so that they are depressed below grade of the existing sensitive land uses to create an effective barrier between new roadway lanes, roadways, rail lines, transit centers, park- n-ride lots, and other new noise generating facilities; and ▲ maximize the distance between noise-sensitive land uses and new noise-generating facilities and transportation systems. 	LS-M	SU

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.6-4: Implementation of the proposed Plan could result in long-term permanent increase in transit-vibration levels that exceed applicable thresholds.	PS	<p>Mitigation Measure 2.6-3(c): Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures (or other technologically feasible measures) to achieve a site-specific exterior noise level of 70 dBA CNEL (or other applicable local noise standard) and interior noise level of 45 dBA CNEL at sensitive land uses, as applicable for transit projects:</p> <ul style="list-style-type: none"> ▲ use of sound reduction barriers such as landscaped berms and dense plantings, ▲ locate rail extension below grade as feasible, ▲ use of damped wheels on railway cars, ▲ use of vehicle skirts, ▲ use under car acoustically absorptive material, and ▲ install sound insulation treatments for impacted structures. <p>Mitigation Measure 2.6-4(a): To reduce vibration effects from rail operations, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>When finalizing site plans for a development or transportation project, implementing agencies shall conduct a project-level noise and vibration assessments for new residential or other sensitive land uses to be located within 200 feet of an existing rail line. These studies shall be conducted by a qualified acoustical engineer or noise specialist to determine vibration levels at these projects and recommend feasible mitigation measures (e.g. insulated windows and walls, sound walls or barriers, distance setbacks, or other construction or design measures) that would reduce vibration-noise to an acceptable level.</p> <p>Mitigation Measure 2.6-4(b) Prior to project approval, the implementing agencies shall ensure that project sponsors apply the following mitigation measures to achieve FTA recommended vibration levels of 72 VdB at residential land uses, or other applicable standard, for rail extension projects:</p> <ul style="list-style-type: none"> ▲ use of high resilience (soft) direct fixation fasteners for embedded track; ▲ install ballast mat, or other approved technology for the purpose of reducing vibration, for ballast and tie track; and ▲ conduct regular rail maintenance including rail grinding, wheel truing to re-contour wheels, providing smooth running surfaces. 	LS-M	SU

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			w/ MM*	w/o MM*
Impact 2.6-5: Implementation of the proposed Plan could result in general increases in ambient noise and associated exposure of sensitive receptors to new or additional stationary noise sources in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.	PS	<p>Mitigation Measure 2.6-5: To reduce exposure to new and existing sensitive receptors from non-transportation noise associated with projected development, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Local agencies approving land use projects shall require that routine testing and preventive maintenance of emergency electrical generators be conducted during the less sensitive daytime hours (per the applicable local municipal code). Electrical generators or other mechanical equipment shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications. ▶ Local agencies approving land use projects shall require that external mechanical equipment, including HVAC units, associated with buildings incorporate features designed to reduce noise to below 70 dBA CNEL or the local applicable noise standard. These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. 	LS-M	SU
Impact 2.6-6: Implementation of the proposed Plan could result in exposure of people residing or working in the planning area to excessive noise levels where an airport land use plan is adopted or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip.	PS	<p>Mitigation Measure 2.6-6: To reduce exposure from airport-related noise, implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>Local lead agencies for all new development proposed to be located within an existing airport influence zone, as defined by the locally adopted airport land use compatibility plan or local general plan, shall require a site-specific noise compatibility. The study shall consider and evaluate existing aircraft noise, based on specific aircraft activity data for the airport in question, and shall include recommendations for site design and building construction to ensure compliance with interior noise levels of 45 dBA CNEL, such that the potential for sleep disturbance is minimized.</p>	LS-M	SU
2.7 GEOLOGY AND SEISMICITY				
Impact 2.7-1: Implementation of the proposed Plan could increase the exposure of people or structures to the risk of property loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-	LS	No mitigation is required.	LS	LS

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault.				
Impact 2.7-2: Implementation of the proposed Plan could increase exposure of people or structures to the risk of property loss, injury, or death involving strong seismic ground shaking.	LS	No mitigation is required.	LS	LS
Impact 2.7-3: Implementation of the proposed Plan could increase exposure of people or structures to the risk of property loss, injury, or death involving seismic-related ground failure, including liquefaction.	LS	No mitigation is required.	LS	LS
Impact 2.7-4: Implementation of the proposed Plan could increase exposure of people or structures to the risk of property loss, injury, or death involving landslides.	LS	No mitigation is required.	LS	LS
Impact 2.7-5: Implementation of the proposed Plan could result in substantial soil erosion or topsoil loss.	LS	No mitigation is required.	LS	LS
Impact 2.7-6: Implementation of the proposed Plan could result in locating development on a geologic unit or soil that is unstable, contains expansive properties, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	LS	No mitigation is required.	LS	LS
Impact 2.7-7: Implementation of the proposed Plan could result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State or a locally-important mineral resources recovery site delineated on a local land use plan.	LS	No mitigation is required.	LS	LS
2.8 WATER RESOURCES				
Impact 2.8-1: Implementation of the proposed Plan could result in violation of water quality standards or waste or stormwater discharge requirements.	LS	No mitigation is required.	LS	LS

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Revised Summary of Impacts and Mitigation Measures

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			w/ MM*	w/o MM*
Impact 2.8-2: implementation of the proposed Plan could substantially interfere with or reduce rates of groundwater recharge because of the increased amount of impervious surfaces, such that there could be a net deficit in aquifer volume or a lowering of the groundwater table.	LS	No mitigation is required.	LS	LS
Impact 2.8-3: Implementation of the proposed Plan could increase erosion by altering the existing drainage patterns of a site, contributing to sediment loads of streams and drainage facilities, and thereby affecting water quality.	LS	No mitigation is required.	LS	LS
Impact 2.8-4: implementation of the proposed Plan could increase non-point pollution of stormwater runoff because of litter, fallout from airborne particulate emissions, or discharges of vehicle residues, including petroleum hydrocarbons and metals, that would impact the quality of receiving waters.	LS	No mitigation is required.	LS	LS
Impact 2.8-5: implementation of the proposed Plan could increase non-point-source pollution of stormwater runoff from construction sites because of discharges of sediment, chemicals, and wastes to nearby storm drains and creeks.	LS	No mitigation is required.	LS	LS
Impact 2.8-6: implementation of the proposed Plan could increase rates and amounts of runoff because of additional impervious surfaces, cut-and-fill slopes, or result in alterations to drainage systems that could cause potential flood hazards and effects on water quality.	LS	No mitigation is required.	LS	LS
Impact 2.8-7: implementation of the proposed Plan could place structures that would impede or redirect flows within a 100-year flood hazard area.	LS	No mitigation is required.	LS	LS
Impact 2.8-8: implementation of the proposed Plan could expose people to a significant risk of loss, injury, or death involving flooding (including flooding as a result of the failure	LS	No mitigation is required.	LS	LS

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of a levee or dam), seiche, tsunami, or mudflow.				
2.9 BIOLOGICAL RESOURCES				
Impact 2.9-1a: Implementation of the proposed Plan could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	PS	<p>Mitigation Measure 2.9-1(a): Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, habitat for special-status plants and wildlife. The assessment shall be conducted by qualified professionals pursuant to adopted protocols and agency guidelines. Where the biological resource assessments establish that mitigation is required to avoid direct and indirect adverse effects on special-status plant and wildlife species, or compensate for unavoidable effects, mitigation shall be developed consistent with the requirements of CEQA, USFWS, CDFW, and local regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ In support of CEQA, NEPA, CDFW, and USFWS review and permitting processes for individual proposed Plan projects, pre-project biological surveys shall be conducted as part of the environmental review process to determine the presence and extent of sensitive habitats and/or species in the project vicinity. Surveys shall follow established methods and shall be conducted at times when the subject species is most likely to be identified. In cases where impacts to state- or federally-listed plant or wildlife species are possible, formal protocol-level surveys may be required on a species-by-species basis to determine the local distribution of these species. Cooperation with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or state candidate, proposed, threatened, or endangered species to determine the need for consultation or permitting actions. Projects shall obtain incidental take authorization from the permitting agencies as required before project implementation. ▲ Project designs shall be reconfigured, whenever practicable, to avoid special-status species and sensitive habitats. Projects shall minimize ground disturbances and transportation project footprints near sensitive areas to the extent practicable. 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
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		<ul style="list-style-type: none"> ▲ Project activities in the vicinity of sensitive resources shall be completed during the period that best avoids disturbance to plant and wildlife species present to the extent feasible. ▲ Individual projects shall minimize the use of in-water construction methods in areas that support sensitive aquatic species, especially when listed species could be present. ▲ In the event that equipment needs to operate in any watercourse with flowing or standing water where special-status species may be affected, a qualified biological resource monitor shall be present to alert construction crews to the possible presence of such special-status species. ▲ If project activities involve pile driving or vibratory hammering in or near water, interim hydroacoustic threshold criteria for protected fish species shall be adopted as set forth by the Interagency Fisheries Hydroacoustic Working Group, as well as other avoidance methods to reduce the adverse effects of construction to sensitive fish, piscivorous birds, and marine mammal species. ▲ Construction shall not occur during the breeding season near riparian habitat, freshwater marshlands, and salt marsh habitats that support nesting bird species protected under the Endangered Species Act, Migratory Bird Treaty Act, or California Fish and Game Code (e.g., yellow warbler, tricolored blackbird, Ridgway's rail, etc.). ▲ A qualified biologist shall locate and fence off sensitive resources before construction activities begin and, where required, shall inspect areas to ensure that barrier fencing, stakes, and setback buffers are maintained during construction. ▲ For work sites located adjacent to special-status plant or wildlife populations, a biological resource education program shall be provided for construction crews and contractors (primarily crew and construction foremen) before construction activities begin. ▲ Biological monitoring shall be considered for areas near identified habitat for federal- and state-listed species, and a "no take" approach shall be taken whenever feasible during construction near special-status plant and wildlife species. ▲ Efforts shall be made to minimize the adverse effects of light and noise on listed and sensitive wildlife. 		

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
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Impact 2.9-1b: Implementation of the proposed Plan could have substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species.	PS	<ul style="list-style-type: none"> ▲ Project activities shall comply with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of special-status species. ▲ Compensatory mitigation for unavoidable loss of habitat or other impacts to 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), as deemed appropriate by the permitting agencies. 		
Impact 2.9-1b: Implementation of the proposed Plan could have substantial adverse impacts on designated critical habitat for federally listed plant and wildlife species.	PS	<p>Mitigation Measure 2.9-1(b): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Coordination with the USFWS and/or NMFS shall be conducted early in the environmental review process to determine the need for further mitigation, consultation, or permitting actions. Formal consultation is required for any project with a federal nexus when a species is likely to be adversely affected. ▲ Reconfigure project designs to avoid or minimize adverse effects on protected species within designated critical habitats. ▲ Compliance with existing local regulations and policies, including applicable HCP/NCCPs. ▲ Additionally, implementation of Mitigation Measure 2.9-1(a), above, which includes an initial biological resource assessment and, if necessary, compensatory mitigation for unavoidable loss of habitat or other impacts to special-status species. Compensatory mitigation 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), as deemed appropriate by the permitting agencies. 	LS-M	LS-M
Impact 2.9-2: Implementation of the proposed Plan could have a substantial adverse effect on riparian habitat, federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal), or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the	PS	<p>Mitigation Measure 2.9-2: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>Mitigation measures that shall be considered by implementing agencies and/or project sponsors based on project- and site-specific considerations include, but are not limited to:</p>	LS-M	SU

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California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, through direct removal, filling, hydrological interruption, or other means.		<ul style="list-style-type: none"> ▲ Implementing agencies shall require project sponsors to prepare biological resource assessments for specific projects proposed in areas containing, or likely to contain, jurisdictional waters and/or other sensitive or special-status communities. These assessments shall be conducted by qualified professionals in accordance with agency guidelines and standards. ▲ In keeping with the “no net loss” policy for wetlands and other waters, 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. ▲ Where avoidance of jurisdictional waters is not feasible, project sponsors shall minimize fill and the use of in-water construction methods, and place fill only with express permit approval from the appropriate resources agencies (e.g., USACE, RWQCB, CDFW, BCDC, and CCC) and in accordance with applicable existing regulations, such as the Clean Water Act or local stream protection ordinances. ▲ Project sponsors shall arrange for compensatory mitigation in the form of mitigation bank credits, on-site or off-site enhancement of existing waters or wetland creation in accordance with applicable existing regulations and subject to approval by the USACE, RWQCB, CDFW, BCDC, and CCC. If compensatory mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any wetland compensatory mitigation: <ul style="list-style-type: none"> ▶ Compensation shall be provided at a minimum 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs, etc.), or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement or offsite restoration, preservation, and/or enhancement. Compensatory mitigation 		

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Revised Summary of Impacts and Mitigation Measures

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		<p>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), as deemed appropriate by the permitting agencies.</p> <ul style="list-style-type: none"> ▶ In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established. ▶ In accordance with CDFW guidelines and other instruments protective of sensitive or special-status natural communities, project sponsors shall avoid and minimize impacts on sensitive natural communities when designing and permitting projects. Where applicable, projects shall conform to the provisions of special area management or restoration plans, such as the Suisun Marsh Protection Plan or the East Contra Costa County HCP, which outline specific measures to protect sensitive vegetation communities. ▶ If any portion of a special-status natural community is permanently removed or temporarily disturbed, the project sponsor shall compensate for the loss. If such mitigation is required by the implementing agency, the project sponsor shall develop a restoration and monitoring plan that describes how compensatory mitigation will be achieved, implemented, maintained, and monitored. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation/ enhancement (plant palette, soils, irrigation, etc.), specific monitoring periods and reporting guidelines, and a maintenance plan. The following minimum performance standards (or other standards as required by the permitting agencies) shall apply to any compensatory mitigation for special-status natural communities: <ul style="list-style-type: none"> ▶ Compensation shall be provided at a minimum 1:1 ratio for restoration and preservation, but shall in all cases be consistent with mitigation ratios set forth in locally applicable plans (e.g., general plans, HCP/NCCPs, etc.) or in project-specific permitting documentation. Compensatory mitigation may be a combination of onsite restoration/creation/enhancement or offsite restoration, preservation, and/or enhancement. Compensatory mitigation may be achieved in advance of impacts through the purchase or creation of mitigation credits or the implementation of mitigation projects through 		

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Impact 2.9-3: Implementation of the proposed Plan could 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.	PS	<p>Regional Advance Mitigation Planning (RAMP), as deemed appropriate by the permitting agencies.</p> <ul style="list-style-type: none"> ▶ In general, any compensatory mitigation shall be monitored for a minimum of five years and will be considered successful when at least 75 percent cover (or other percent cover considered appropriate for the vegetation type) of installed vegetation has become successfully established. ▶ Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities. <p>Mitigation Measure 2.9-3: Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting ECA lands to determine what wildlife species may use these areas and what habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open lands, including wildlands and agricultural lands, shall also assess whether or not 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. Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ constructing wildlife friendly overpasses and culverts; ▶ fencing major transportation corridors in the vicinity of identified wildlife corridors; ▶ using wildlife-friendly fences that allow larger wildlife such as deer to get over, and smaller wildlife to go under; ▶ limiting wildland conversions in identified wildlife corridors; ▶ retaining wildlife-friendly vegetation in and around developments; and ▶ complying with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures to protect wildlife corridors. 	LS-M	SU
Impact 2.9-4: Implementation of the proposed Plan could conflict with adopted local conservation policies, such as a tree protection ordinance, or resource protection and	LS	No mitigation is required.	LS	LS

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conservation plans, such as a Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other adopted local, regional, or state habitat conservation plans.				
Impact 2.9-5: Implementation of the proposed Plan could have the potential to substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.	PS	Mitigation Measure 2.9-5: Implementing agencies and/or project sponsors shall implement mitigation measures, where feasible and necessary based on project-specific and site-specific considerations that include but are not limited to: Implement Mitigation Measures 2.9-1(a), 2.9-1(b), 2.9-2, and 2.9-3.	LS-M	SU
2.10 VISUAL RESOURCES				
Impact 2.10-1: Implementation of the proposed Plan could have a substantial adverse effect on a scenic vista.	PS	Mitigation Measure 2.10-1: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to: <ul style="list-style-type: none"> ▲ reduce the visibility of construction staging areas by fencing and screening these areas with low contrast materials consistent with the surrounding environment, and by revegetating graded slopes and exposed earth surfaces at the earliest opportunity; ▲ site or design projects to minimize their intrusion into important viewsheds; ▲ use see-through safety barrier designs (e.g. railings rather than walls); ▲ develop interchanges and transit lines at the grade of the surrounding land to limit view blockage; ▲ design landscaping along 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; and ▲ identify, preserve, and enhance scenic vistas to and from hillside areas and other visual resources. 	SU	SU
Impact 2.10-2: Implementation of the proposed Plan could substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historical buildings within a state scenic highway.	LS	No mitigation is required.	LS	LS

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			w/ MMM*	w/o MMM*
Impact 2.10-3: Implementation of the proposed Plan could substantially degrade the existing visual character or quality of the site and its surroundings.	PS	<p>Mitigation Measure 2.10-3: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ minimize impacts of design through compliance with MTC's Station Area Planning Manual; ▶ 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; ▶ contour the edges of major cut and fill slopes to provide a finished profile that is appropriate to the surrounding context, using shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas; and ▶ implementing agencies shall require project sponsors to conduct shadow studies for four-story high (and higher) buildings and roadway facilities to identify and implement development strategies for reducing the impact of shadows on public open space, where feasible. Study considerations shall include, but are not limited to, the placement, massing, and height of structures, surrounding land uses, time of day and seasonal variation, and reflectivity of materials. Study recommendations for reducing shadow impacts shall be incorporated into the project design as feasible based on project- and site-specific considerations. 	LS-M	SU
Impact 2.10-4: Implementation of the proposed Plan could add a visual element of urban character to an existing rural or open space area or add a modern element to a historic area.	PS	<p>Mitigation Measure 2.10-4: In addition to Mitigation Measure 2.10-3, the following measure would apply to impacts on visual resources in rural or historic areas.</p> <p>Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Conduct project-specific review of new development in rural or historic areas to ensure that new development is compatible in scale and character with the surrounding area by: <ul style="list-style-type: none"> ▶ promoting a transition in scale and architecture character between new buildings and established neighborhoods; and ▶ requiring pedestrian circulation and vehicular routes to be well integrated. 	LS-M	SU

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Impact 2.10-5: Implementation of the proposed Plan could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	PS	<p>Where sound walls are proposed, require sound wall construction and design methods that account for visual impacts as follows:</p> <ul style="list-style-type: none"> ▶ use transparent panels to preserve views where sound walls would block views from residences; ▶ use landscaped earth berm or a combination wall and berm to minimize the apparent sound wall height; ▶ construct sound walls of materials whose color and texture complements the surrounding landscape and development; ▶ design sound walls to increase visual interest, reduce apparent height, and be visually compatible with the surrounding area; and ▶ landscape the sound walls with plants that screen the sound wall, preferably with either native vegetation or landscaping that complements the dominant landscaping of surrounding areas. <p>Mitigation Measure 2.10-5: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Design projects to minimize light and glare from lights, buildings, and roadways facilities. ▶ Minimize and control glare from transportation projects through the adoption of project design features that reduce glare. These features include: <ul style="list-style-type: none"> ▶ planting trees along transportation corridors to reduce glare from the sun; ▶ landscaping off-street parking areas, loading areas, and service areas; and ▶ shielding transportation lighting fixtures to minimize off-site light trespass. ▶ Minimize and control glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include: <ul style="list-style-type: none"> ▶ limiting the use of reflective materials, such as metal; ▶ using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry; ▶ screening parking areas by using vegetation or trees; and ▶ using low-reflective glass. 	LS-M	SU

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		<ul style="list-style-type: none"> ▲ Impose lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare associated with land use development. These standards include the following: <ul style="list-style-type: none"> ▶ minimizing incidental spillover of light onto adjacent private properties and undeveloped open space; ▶ directing luminaries away from habitat and open space areas adjacent to the project site; ▶ installing luminaries that provide good color rendering and natural light qualities; and ▶ minimizing the potential for back scatter into the nighttime sky and for incidental spillover of light onto adjacent private properties and undeveloped open space. 		
2.11 CULTURAL RESOURCES				
Impact 2.11-1: The proposed Plan could cause a substantial adverse change in the significance of a historic resource as defined in Guidelines Section 15064.5 or eliminate important examples of major periods of California history.	PS	<p>Mitigation Measure 2.11-1: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ Realign or redesign projects to avoid impacts on known historic resources where possible. ▲ Require a survey and evaluation of structures greater than 45 years in age within the area of potential effect to determine their eligibility for recognition under State, federal, or local historic preservation criteria. The evaluation shall be prepared by an architectural historian, or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation should comply with CEQA Guidelines section 15064.5(b), and, if federal funding or permits are required, with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470 et seq.). Study recommendations shall be implemented. ▲ If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts, or plans for alteration or adaptive re-use of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.1.1-2: The proposed Plan could cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5 or eliminate important examples of major periods of California history or prehistory.	PS	<p>Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.</p> <ul style="list-style-type: none"> Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historic resources. <p>Mitigation Measure 2.1.1-2: Implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> Before construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Project sponsors shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place. In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics, and other factors, follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MM*	w/o MM*
Impact 2.1.1-3: The proposed Plan could have the potential to destroy, directly or indirectly, a unique paleontological resource or site or unique geologic feature.	PS	<p>information to the appropriate California Historical Resources Information System office for the project area.</p> <ul style="list-style-type: none"> ▶ Project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources. <p>Mitigation Measure 2.1.1-3: Implementing agencies and/or project sponsors shall implement measures where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ Before construction activities, project sponsors shall conduct a record search using an appropriate database, such as the UC Berkeley Museum of Paleontology to determine whether the project area has been previously surveyed and whether resources were identified. ▶ If record searches indicate that the project is located in an area likely to contain important paleontological, and/or geological resources, such as sedimentary rocks which have yielded significant terrestrial and other fossils, project sponsors shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered. ▶ If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify the implementing agencies and/or project sponsors. The project sponsor will retain a qualified paleontologist for identification and salvage of fossils so that construction delays can be minimized. The paleontologist will be responsible for implementing a recovery plan which could include the following: <ul style="list-style-type: none"> ▶ in the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits; ▶ recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil- 	LS-M	SU

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Revised Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation	
			w/ MMM*	w/o MMM*
		<p>bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting;</p> <ul style="list-style-type: none"> ▶ laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens; ▶ cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database; ▶ transferal, for storage, of cataloged fossil remains to an appropriate repository, with consent of property owner; ▶ preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection; and ▶ project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect paleontological or geologic resources. 		
Impact 2.1.1-4: The proposed Plan could have the potential to disturb human remains, including those interred outside dedicated cemeteries.	LS	No mitigation is required.	LS	LS
Impact 2.1.1-5: The proposed Plan could cause a substantial adverse change in the significance of a TCR as defined in PRC Section 21074.	PS	<p>Mitigation Measure 2.1.1-5: If the implementing agency determines that a project may cause a substantial adverse change to a TCR, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, implementing agencies and/or project sponsors shall implement the following measures where feasible and necessary to address site-specific impacts to avoid or minimize the significant adverse impacts:</p> <ul style="list-style-type: none"> ▶ Within 14 days of determining that a project application is complete, or to undertake a project, 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. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation 	LS-M	SU

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			w/ MM*	w/o MM*
		<p>concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.</p> <p>Public agencies shall, when feasible, avoid damaging effects to any TCR (PRC Section 21084.3 (a)). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3 (b)). Examples include:</p> <ol style="list-style-type: none"> (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: <ol style="list-style-type: none"> (A) Protecting the cultural character and integrity of the resource (B) Protecting the traditional use of the resource (C) Protecting the confidentiality of the resource. (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places. (4) Protecting the resource. 		
2.12 PUBLIC UTILITIES AND FACILITIES				
Impact 2.12-1: Implementation of the proposed Plan could result in insufficient water supplies available to serve development implemented as part of the Plan from existing entitlements and resources.	PS	<p>Mitigation Measure 2.12-1(a): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <p>For projects that could increase demand for water, project sponsors shall coordinate with the relevant water service provider to ensure that the provider has adequate supplies and infrastructure to accommodate the increase in demand. If the current</p>	LS-M	SU

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			w/ MM*	w/o MM*
		<p>infrastructure servicing the project site is found to be inadequate, infrastructure improvements shall be identified in each project's CEQA documentation.</p> <ul style="list-style-type: none"> ▲ 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. <p>Mitigation Measure 2.12-1(b) Implementing agencies and/or project sponsors shall require the construction phase of transportation projects to connect to reclaimed water distribution systems for non-potable water needs, when feasible based on project- and site-specific considerations.</p> <p>Mitigation Measure 2.12-1(c) Implementing agencies and/or project sponsors shall require transportation projects with landscaping to use drought-resistant plantings or connect to reclaimed water distribution systems for irrigation and other non-potable water needs when available and feasible based on project- and site-specific considerations.</p>		
Impact 2.12-2: Implementation of the proposed Plan could result in a determination by the wastewater treatment provider which serves or may serve development implemented as part of the Plan that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	PS	<p>Mitigation Measure 2.12-2: Implementing agencies and/or project sponsors shall implement mitigations measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▲ During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient wastewater treatment capacity exists for a proposed project. These CEQA determinations must ensure that the proposed development can be served by its existing or planned treatment capacity. If adequate capacity does not exist, project sponsors shall 	LS-M	LS-M

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			w/ MM*	w/o MM*
Impact 2.12-3: Implementation of the proposed Plan could require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts.	PS	<p>coordinate with the relevant service provider to ensure that adequate public services and utilities could accommodate the increased demand, and if not, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.</p> <ul style="list-style-type: none"> Implementing agencies and/or project sponsors shall also require compliance with Mitigation Measure 2.12(a), and MTC shall require implementation of Mitigation Measures 2.12(b), and/or 2.12(c) listed under Impact 2.12-1, as feasible based on project- and site-specific considerations to reduce water usage and, subsequently, wastewater flows. <p>Mitigation Measure 2.12-3(a): Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> During the design and CEQA review of individual future projects, implementing agencies and project sponsors shall determine whether sufficient stormwater drainage facilities exist for a proposed project. These CEQA determinations must ensure that the proposed development can be served by its existing or planned drainage capacity. If adequate stormwater drainage facilities do not exist, project sponsors shall coordinate with the appropriate utility and service provider to ensure that adequate facilities could accommodate the increased demand, and if not, infrastructure and facility improvements shall be identified in each project's CEQA determination. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities. For projects of greater than 1 acre in size, reduce stormwater runoff caused by construction by implementing stormwater control best practices, based on those required for a SWPPP. Model and implement a stormwater management plan or site design that prevents the post-development peak discharge rate and quantity from exceeding pre-development rates. 	LS-M	SU

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			w/ MM*	w/o MM*
Impact 2.12-4: Implementation of the proposed Plan could require or result in the construction of new or expanded water and wastewater treatment facilities, the construction of which could cause significant environmental effects.	PS	<p>Mitigation Measure 2.12-3(b) Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> Transportation projects shall incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned. <p>Mitigation Measure 2.12-3(c) Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> Transportation projects implemented by Caltrans or subject to Caltrans review shall adhere to Caltrans' Stormwater Management Plan, which includes best practices to reduce the volume of stormwater runoff and pollutants in the design, construction and maintenance of highway facilities. 	LS-M	SU
		<p>Mitigation Measure 2.12-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could accommodate the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities. <p>Further, Mitigation Measures 2.12-1(a), 2.12-1(b), 2.12-1(c), and 2.12-2 would reduce water demand and wastewater generation, and subsequently reduce the need for new or expanded water and wastewater treatment facilities. Mitigation Measures 2.12-3(a), 2.12-3(b), and 2.12-3(c) would also mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.</p>		

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			w/ MM*	w/o MM*
Impact 2.12-5: The proposed Plan would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste.	PS	<p>Mitigation Measure 2.12-5: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to:</p> <ul style="list-style-type: none"> ▶ providing an easily accessible area that is dedicated to the collection and storage of non-hazardous recycling materials ▶ maintaining or re-using existing building structures and materials during building renovations and redevelopment ▶ using salvaged, refurbished or reused materials, to help divert such items from landfills ▶ for transportation projects, diverting construction waste from landfills, where feasible, through means such as: <ul style="list-style-type: none"> ▶ the submission and implementation of a construction waste management plan that identifies materials to be diverted from disposal ▶ establishing diversion targets, possibly with different targets for different types and scales of development ▶ helping developments share information on available materials with one another, to aid in the transfer and use of salvaged materials; and ▶ applying the specifications developed by the Construction Materials Recycling Association (CMRA) to assist contractors and developers in diverting materials from construction and demolition projects, where feasible (RMC 2006). 	LS-M	SU
2.13 HAZARDS				
Impact 2.13-1: Implementation of the proposed Plan could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LS	No mitigation is required.	LS	LS
Impact 2.13-2: Implementation of the proposed Plan could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LS	No mitigation is required.	LS	LS

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			w/ MM*	w/o MM*
Impact 2.13-3: Implementation of the proposed Plan could result in hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.	LS	No mitigation is required.	LS	LS
Impact 2.13-4: Implementation of the proposed Plan could result in projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.	PS	Mitigation Measure 2.13-4: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include, but are not limited to: ▲ If the project is located on or near a hazardous materials and/or waste site pursuant to Government Code Section 65962.5, or has the potential for residual hazardous materials and/or waste as a result of location and/or prior uses, the project sponsor shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented. If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.	LS-M	SU
Impact 2.13-5: Implementation of the proposed Plan could 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.	LS	No mitigation is required.	LS	LS
Impact 2.13-6: Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects within the vicinity of a private airstrip.	LS	No mitigation is required.	LS	LS
Impact 2.13-7: Implementation of the proposed Plan could impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LS	No mitigation is required.	LS	LS
Impact 2.13-8: Implementation of the proposed Plan could expose people or structures to a significant risk of loss, injury,	LS	No mitigation is required.	LS	LS

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			w/ MMM*	w/o MMM*
or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.				
2.14 PUBLIC SERVICES AND RECREATION				
Impact 2.14-1: implementation of the proposed Plan could result in the need for new or modified facilities, the construction of which causes significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools, police protection, fire protection, emergency medical, and other public facilities.	PS	Mitigation Measure 2.14-1: Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations that include but are not limited to: ▲ Prior to approval of new development projects, local agencies shall 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). Compliance may include requiring projects to either provide the additional services required to meet service levels, or pay fees towards the project's fair share portion of the required services pursuant to adopted fee programs and State law.	LS-M	SU
Impact 2.14-2: Implementation of the proposed Plan could result in the need for new or modified facilities, the construction of which causes significant environmental impacts; or may result in significant increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	LS	No mitigation is required.	LS	LS

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Appendix C

Comment Letter Attachments

- C1: Comment Letter 19 Attachments**
- C2: Comment Letter 47 Attachments**
- C3: Comment Letter 51 Attachments**

Appendix C1

Comment Letter 19 Attachments

Members

Ayn Wieskamp, Vice Chair
Special District Member

Nate Miley
County Member

John Marchand, Chair
City Member

Sblend Sblendorio
Public Member

Ralph Johnson
Special District Member

Scott Haggerty
County Member

Jerry Thorne
City Member

Alternates

Georgean Vonheeder-Leopold
Special District Member

Wilma Chan
County Member

David Haubert
City Member

Tom Pico
Public Member

Executive Officer

Mona Palacios

June 10, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email to eircomments@mtc.ca.gov

Dear MTC Public Information Officer:

Thank you for including the Alameda Local Agency Formation Commission (Alameda LAFCo) in the distribution of the Notice of Preparation (NOP), informing us that an Environmental Impact Report (EIR) is being prepared for the update to the regional planning document, *Plan Bay Area 2040*.

LAFCos are independent agencies with discretion to approve or disapprove, with or without amendment, wholly, partially or conditionally, changes of organization or reorganization of cities or special districts. LAFCos are required to consider a variety of factors when evaluating a matter or project that comes before it for approval, including, but not limited to the proposed project's potential impacts on agricultural land and open space and the provision of public services, including the timely and available supply of water, adequate and proximate affordable housing, and other factors.

Many of the matters that require action by LAFCo are considered "projects" under CEQA, and therefore, as a Responsible Agency, LAFCo, or applicants seeking approval from LAFCo for some form of boundary change, may need to rely on or tier from the *Plan Bay Area 2040 EIR* to facilitate the environmental review and documentation process of the proposed project.

The NOP states that "adoption and implementation of the Plan has the potential to result in environmental effects in all of the environmental impact areas identified in CEQA." The two environmental topics of greatest interest and relevance to the decisions with which LAFCos are confronted are impacts on agricultural lands and open space, and issues related to the adequacy and efficiency of public services.

In light of this, we would request that as the potential impacts of the Plan are identified and evaluated in the EIR, particularly with reference to proposed Priority Development Areas (PDAs), the EIR should give particular attention to impacts involving the loss of agricultural land and to the availability and capacity of public services. With regard to agricultural land issues, the EIR should address the impacts to the PDA site as well as surrounding areas and should include a productivity analysis.

With regard to the public services needed to support each proposed PDA, the EIR should evaluate the level and availability of the following:

- Domestic potable water resources to support the potential future growth in the PDAs;
- Wastewater collection and treatment infrastructure;
- Flood control and stormwater management systems;
- Fire protection services and ability to expand to meet the needs of growth within a PDA;
- Police and other law enforcement services;
- Emergency medical, healthcare, vector control and mosquito abatement services;
- Local transportation, road maintenance and street lighting systems;
- Open space and parks and recreation facilities and services;
- Solid waste collection and disposal systems;
- Electricity and other sources of energy;
- Animal control;
- Library services, and
- Broadband and related internet services.

Sources of information that would likely facilitate the requested evaluation of public services should include data from the most recent Municipal Service Reviews (MSRs) that are prepared periodically by the LAFCo in each of the Bay Area Counties in which PDAs are proposed. We encourage the EIR preparers to avail themselves of this rich data source as a way of presenting to the public an assessment of the degree to which necessary public services are available, or would likely become available, in support of the anticipated growth embodied in the *Plan Bay Area 2040* and specifically within the PDAs. Further, from the consideration of impacts to public services on PDAs distributed throughout the Bay Area, it is hoped that a picture would emerge indicating to the public a sort of 'report card' or overall assessment of where the Bay Area can feasibly rise to the new level of needs of public services and where the Bay Area, as a whole, is seen as deficient or lacking, or facing potentially serious constraints. We think the EIR for the Plan Bay Area 2040 presents an ideal opportunity to heighten the public's awareness of potential impacts in these critical topic areas.

Thank you for considering our comments.

Sincerely,



Mona Palacios

Executive Officer

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cc: Each Commissioner, Alameda LAFCo
Each Executive Officer, Bay Area LAFCos (Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)
Andrew Massey, Alameda LAFCo Legal Counsel
Nat Taylor, Alameda LAFCo Planning Consultant



Lou Ann Teixeira
 Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
Federal Glover <i>County Member</i>	Rob Schroder <i>City Member</i>
Michael R. McGill <i>Special District Member</i>	Igor Skaredoff <i>Special District Member</i>
Don Tatzin <i>City Member</i>	

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Candace Andersen
County Member
 Sharon Burke
Public Member
 Tom Butt
City Member
 Stanley Caldwell
Special District Member

June 15, 2016

MTC Public Information
 375 Beale Street, Suite 800
 San Francisco, CA, 94105

Sent via email to eircomments@mtc.ca.gov

Dear MTC:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) relating to an Environmental Impact Report (EIR) being prepared for the update to the regional planning document, *Plan Bay Area 2040*.

We would like to echo the comments submitted by Alameda LAFCO regarding LAFCO's mission, role and responsibilities. LAFCO is charged with balancing the competing interests of preserving agricultural and open space lands, while encouraging orderly growth and development and the efficient extension of public services. As noted by Alameda LAFCO, we request that the EIR consider impacts to agricultural and open space lands, as well as the availability and capacity of public services.

With regard to agricultural and open space land issues, the EIR should address potential impacts to the Priority Conservation Area (PCA) sites as well as surrounding areas.

With regard to the public services needed to support each proposed Priority Development Area (PDA), the EIR should evaluate the level and availability of those services identified in the Alameda LAFCO letter.

You may recall that in 2010, the nine Bay Area LAFCO Executive Officers met with staff from ABAG, BAAQMD, BCDC and MTC to discuss development of the inaugural *Plan Bay Area*.

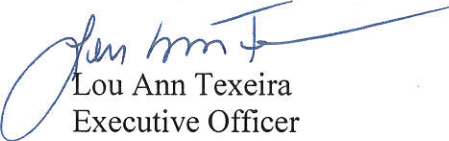
As discussed in 2010, the *Plan Bay Area* documents should take into consideration the LAFCO established spheres of influence (SOIs) for each city and special district, as the SOIs establish the areas designated as probable physical boundaries and future service areas. Further, the *Plan Bay Area* documents should recognize special districts as critical service providers. In many counties, including Contra Costa County, most infrastructure services (i.e., fire, sewer, water) are provided by special districts. *Plan Bay Area 2040* would be incomplete if it fails to consider SOIs, as well as the role of special districts as critical service providers.

As noted by Alameda LAFCO, Municipal Service Reviews (MSRs), as prepared by LAFCOs, contain a wealth of information regarding municipal services. The MSRs evaluate growth and population projections; present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies; financial ability of agencies to provide services; status of, and opportunities for, shared facilities; accountability for community service needs, including governmental structure and operational efficiencies; location and characteristics of disadvantaged unincorporated communities; and any other matters related to effective or efficient service.

We agree with Alameda LAFCO that the EIR for *Plan Bay Area 2040* presents a valuable opportunity to heighten the public's awareness of these critical issues.

Thank you for your consideration of these comments, and please include Contra Costa LAFCO on your future mailing list.

Sincerely,



Lou Ann Texeira
Executive Officer

cc: Each Commissioner, Contra Costa LAFCO
Each Executive Officer, Bay Area LAFCOs (Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

June 21, 2016

Delivered by Email

Metropolitan Transportation Commission (MTC)
Public Information Office
375 Beale Street, Suite 800
San Francisco, California 94105
eircomments@mtc.ca.gov

SUBJECT: Comments on Notice of Preparation | Draft Environmental Impact Report for MTC's Plan Bay Area 2040

Public Information Office:

The Marin Local Agency Formation Commission (LAFCO) is aware of MTC's recent circulation of a notice of preparation of a draft environmental impact report (EIR) for Plan Bay Area 2040. Marin LAFCO did not receive the notice directly, and therefore we respectfully request MTC accept our late submittal beyond the prescribed June 15th deadline given our potential and/or probable role as a responsible agency in directly facilitating implementation aspects of Plan Bay Area 2040. Implementation examples include Marin LAFCO amending and updating spheres of influence, approving change of organizations or reorganizations, and authorizing outside municipal service services.

With the preceding comments in mind, Marin LAFCO offers the following comments to MTC as it develops and sets the content and analysis in the Draft EIR.

1. State law directs MTC to coordinate with LAFCOs in preparing Plan Bay Area 2040 as a sustainable communities strategy and specifically consider the spheres of influence that have been adopted by LAFCOs (Section 65080(b)(2)(F)). To this end, please note there are 65 local agencies in Marin County divided between 11 cities and 54 special districts that are each assigned a sphere of influence by Marin LAFCO. Additional comments herein follow.
 - a) A listing of all 65 local agencies under Marin LAFCO's jurisdiction is attached.
 - b) A digital viewing of Marin LAFCO's spheres of influence for the 65 local agencies are available online through MarinMap at www.marinmap.org.
 - c) Pertinent information concerning the availability, need, and performance of public services tied to the 65 local governmental agencies are regularly updated by Marin LAFCO as part of our municipal service review program. These studies are available online at www.marinlafco.org.

Administrative Office
Keene Simonds, Executive Officer
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
T: 415-448-5877 E: staff@marinlafco.org
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City of San Rafael
Sashi McEntee, Alternate
City of Mill Valley

Jack Baker, Regular
North Marin Water District
Craig K. Murray, Regular
Las Gallinas Valley Sanitary
Lew Kious, Alternate
Almonte Sanitary

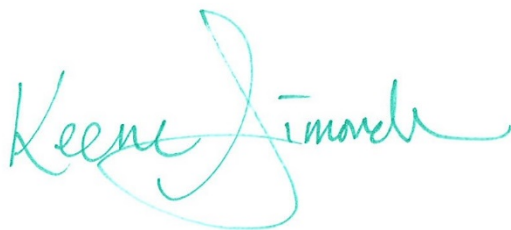
Jeffrey Blanchfield, Chair
Public Member
Chris Burdick, Alternate
Public Member

2. In step with streamlining the collection and analysis of information required of MTC in preparing the Draft EIR under Section 65080(b)(2)(F) it would seem reasonable to conduct one or more staff workshops between MTC and the nine Bay Area LAFCOs. This platform, notably, would help MTC and LAFCOs enhance their shared interests and duties – albeit divided between distinct functions – in regional growth management in the Bay Area.

Thank you for the opportunity to comment on the preparation of the Draft EIR and its role in informing decision-makers on potential impacts tied to MTC’s statutory task to integrate land use and transportation in the Bay Area. As reflected in the above comments Marin LAFCO’s principal interest is to help ensure the document effectively considers the impacts generated in the referenced integration with respect to local municipal service providers on a programmatic level.

Should you have any questions or related follow up please contact me at your convenience by telephone at 415-448-5877 or by email at ksimonds@marinlafco.org.

Sincerely,



Keene Simonds
Executive Officer

Attachments:

- 1) List of Local Agencies Under Marin LAFCO

cc: Marin LAFCO Commissioners
Bay Area LAFCO Executive Officers

ATTACHMENT TO LETTER

AGENCIES SUBJECT TO MARIN LAFCO JURISDICTION

Marin LAFCO has explicit jurisdiction over 65 local governmental agencies in Marin County. These agencies include all 11 cities/towns, 30 independent special districts (i.e., directly elected board members), and 24 dependent special districts (appointed board members from other governmental agencies). A current listing of agencies subject to Marin LAFCO follows.

A. Cities and Towns:

- Belvedere
- Corte Madera
- Fairfax
- Larkspur
- Mill Valley
- Novato
- Ross
- Sausalito
- San Rafael
- San Anselmo
- Tiburon

B. Independent Special Districts (*Directly Elected Governing Boards*)

- Almonte Sanitary District
- Alto Sanitary District
- Bel Marin Key Community Services District
- Bolinas Fire Protection District
- Bolinas Community Public Utility District
- Homestead Valley Sanitary District
- Inverness Public Utility District
- Kentfield Fire Protection District
- Las Gallinas Valley Sanitary District
- Marin City Community Services District
- Marin County Resource Conservation District
- Marin Healthcare District
- Marin Municipal Water District
- Marinwood Community Services District
- Muir Beach Community Services District
- North Marin Water District
- Novato Fire Protection District

- Novato Sanitary District
- Richardson Bay Sanitary District
- Ross Valley Sanitary District (County Sanitary District 1)
- Sausalito-Marín City Sanitary District
- Sleepy Hollow Fire Protection District
- Southern Marin Fire Protection District
- Stinson Beach Fire Protection District
- Stinson Beach Water District
- Strawberry Recreation District
- Tamalpais Community Services District
- Tiburon Fire Protection District
- Tiburon County Sanitary District (County Sanitary District 5)
- Tomales Village Community Services District

C. Dependent Special Districts (Appointed Governing Boards)

- County Service Area 1 (Loma Verde)
- County Service Area 6 (Gallinas Creek)
- County Service Area 9 (Northbridge)
- County Service Area 13 (Upper Lucas Valley)
- County Service Area 14 (Homestead Valley)
- County Service Area 16 (Greenbrae)
- County Service Area 17 (Kentfield/Larkspur)
- County Service Area 18 (Las Gallinas)
- County Service Area 19 (Country Club)
- County Service Area 20 (Indian Valley, Country Club, and Domingo Canyon)
- County Service Area 23 (Terra Linda)
- County Service Area 25 (San Marin)
- County Service Area 27 (Ross Valley)
- County Service Area 28 (West Marin)
- County Service Area 29 (Paradise Cay)
- County Service Area 31 (Unincorporated Area)
- County Service Area 33 (Stinson Beach)
- Marin/Sonoma Mosquito and Vector Control District
- Marin County Parks Open Space District
- San Rafael Sanitation District
- Corte Madera Sanitary District No. 2
- Murray Park Sewer Maintenance District
- San Quentin Village Sewer Maintenance District
- Marin County Flood Control and Water Conservation District

Appendix C2

Comment Letter 47 Attachments



RACE, INEQUALITY, AND THE RESEGREGATION OF THE BAY AREA



NOVEMBER 2016

 **URBAN
HABITAT**

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Published by: Urban Habitat

Urban Habitat works to democratize power and advance equitable policies to create a just and connected Bay Area for low-income communities and communities of color. We confront structural inequities impacting historically disenfranchised communities by bringing a race and class lens to the forefront of transportation, land use, and housing policies.

Authored by:

Tony Roshan Samara, Urban Habitat

Research by:

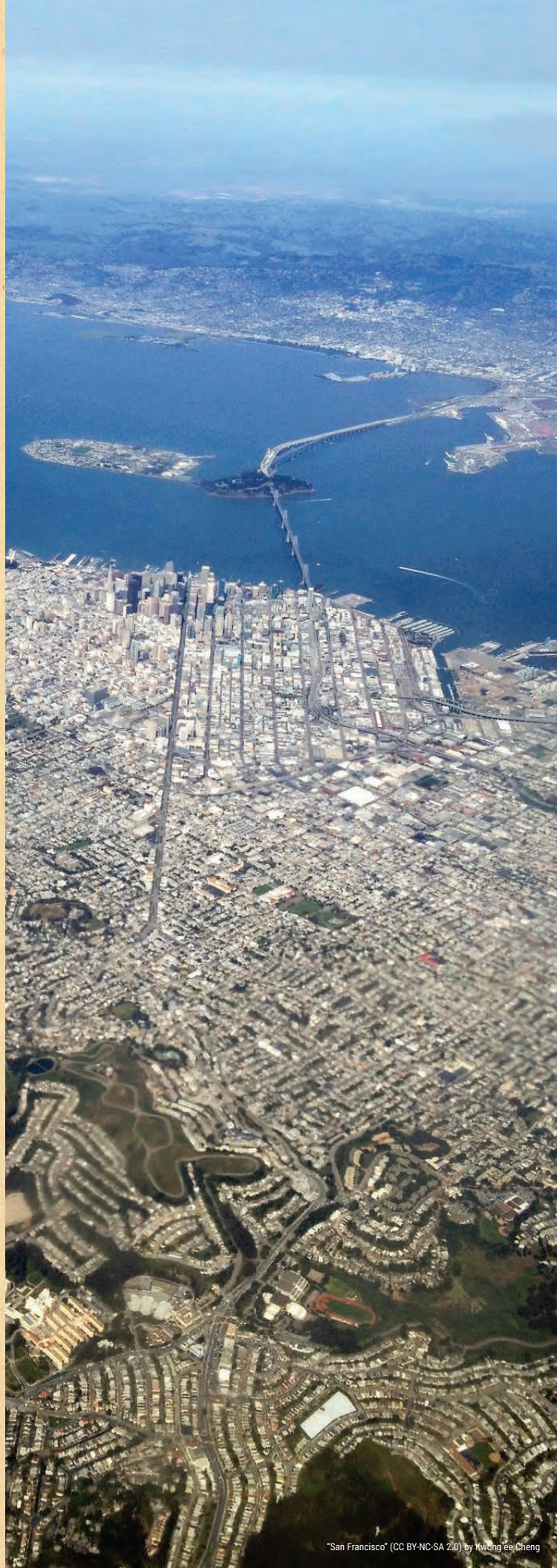
Amy Martin, UC Berkeley

Advisory Committee:

Dwayne Marsh, Government Alliance on Race & Equity
Alex Schafran, University of Leeds
Chris Schildt, PolicyLink

Urban Habitat would like to thank our generous funders:

Ford Foundation
Marguerite Casey Foundation
The San Francisco Foundation



RACE, INEQUALITY, AND THE RESEGREGATION OF THE BAY AREA

Inequality is redrawing the geography of the Bay Area. Low-income communities and communities of color are increasingly living at the expanding edges of our region. There they often struggle to find quality jobs and schools, decent affordable housing and public transportation, adequate social services, and environmentally safe and healthy neighborhoods. Those who do live closer to the regional core find themselves unable to afford skyrocketing rents and other necessities; many families are doubling or tripling up in homes, or facing housing instability and homelessness.

The goal of this policy brief is to map the regional transformation currently underway and its implications for low-income communities and communities of color. The brief provides data and perspectives to ongoing advocacy and organizing efforts that challenge the injustice our divided region represents and seek to create a different future for the Bay Area. In this spirit, the brief is meant to inform a framework for how we see and respond to regional inequality and the new forms of race and class segregation.¹

Among the brief's key findings, between 2000-2014:

- There was a clear and dramatic shift in Black populations from the inner to the outer region, and the region as a whole lost 22,000 Black residents over this period.
- Only 11 out of 117 places with a population over 10,000 residents saw declines in poverty.
- While poverty in Black communities increased overall, it increased most dramatically in the outer parts of the region.
- The Latino population grew overall, with outer regional areas experiencing significant growth.
- Poverty in Latino communities increased disproportionately in the outer parts of the region, but also increased substantially in some inner regional jurisdictions.
- Places with high rates of increase in poverty among Asian communities are more dispersed than those of Black and Latino populations.
- The proportion of renter-occupied units to owner-occupied increased most in the outer region.
- Distances from work increased for people living in places with the highest growth rates of poverty.
- Places with high growth rates in poverty increasingly became home to workers in lower wage industries, particularly those in health care and social assistance, retail, and accommodation and food services.

Taken together, these changes across the region are a call to action for all those committed to a more just and equitable Bay Area. Without bold, sustained, and collective mobilization, the region that emerges from this transformation will be defined by deep divisions between people and places.

I. INTRODUCTION: URBAN AFFLUENCE, SUBURBAN POVERTY, AND REGIONAL RESEGREGATION

The Bay Area is in the midst of a great transformation. The region's economic growth continues to draw people and investment from all over the world. Much of this growth is driven by an expanding technology economy and the secondary boom this creates in related markets, from real estate to banking. San Francisco and San Jose combined account for more than 25 percent of all venture capital investment in high tech globally and the region remains a global center of real estate investment.² This level of market-led growth also translates into dramatic yearly increases in people, with over 90,000 new residents arriving between 2014-15 alone.³

While many applaud the Bay Area's impressive economic growth, primarily as measured by gross regional product, the inequality that has grown alongside it has become impossible to ignore.⁴ Decades of uneven and unequal development risk turning unprecedented prosperity into an engine for new forms of injustice for people of color, women, and immigrants. Poor planning and bad policy decisions have fueled high levels of racial and economic inequality, and pushed the region's geographic boundaries ever further outwards. Lower wage workers are displaced or excluded from the places where many of them work, forcing long, expensive commutes.⁵

Inequality in the Bay Area is driven by a racialized market economy organized around the needs of wealthier residents employed in high-wage occupations but whose quality of life is dependent upon a plentiful supply of cheap, flexible labor.⁶ Inequality also reflects the concentration of political and economic resources in affluent places and, as a consequence, the absence of policies and practices that support equitable planning.

To better understand how inequality is reshaping the region, we analyzed data from 11 counties in the greater Bay Area, recognizing that how the region is defined is both contested and fluid. The more common concept of a nine-county Bay Area – utilized by the Metropolitan Transportation Commission (MTC) – is in part the reflection of state and federal political designations designed to recognize and manage the regional nature of transportation, housing, and land-use planning and governance. While this designation remains an important framework for policy and advocacy efforts, it does not adequately capture the dynamic and expanding nature of the region.

This report refers to the inner and outer region, rather than to urban and suburban areas, to define the main geographical division of the greater Bay Area. While the growth of poverty in the outer suburbs is a central concern there are inner-regional suburbs, many of which are becoming more affluent, such as along the San Mateo peninsula. At the same time, there are also outer-regional cities, such as Vallejo and Modesto, where poverty is on the rise.

The inner region refers to urbanized areas in San Francisco, San Mateo, Santa Clara, Alameda, and western Contra Costa counties that touch the lower portion of the Bay, up until San Pablo Bay. This includes the three major cities of the Bay Area and the older suburbs. The outer region extends primarily east into San Joaquin and Stanislaus counties in the Central Valley, as well as north into

For the purposes of this brief, the region refers to the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin,* San Mateo, Santa Clara, Solano, Sonoma, Stanislaus.*

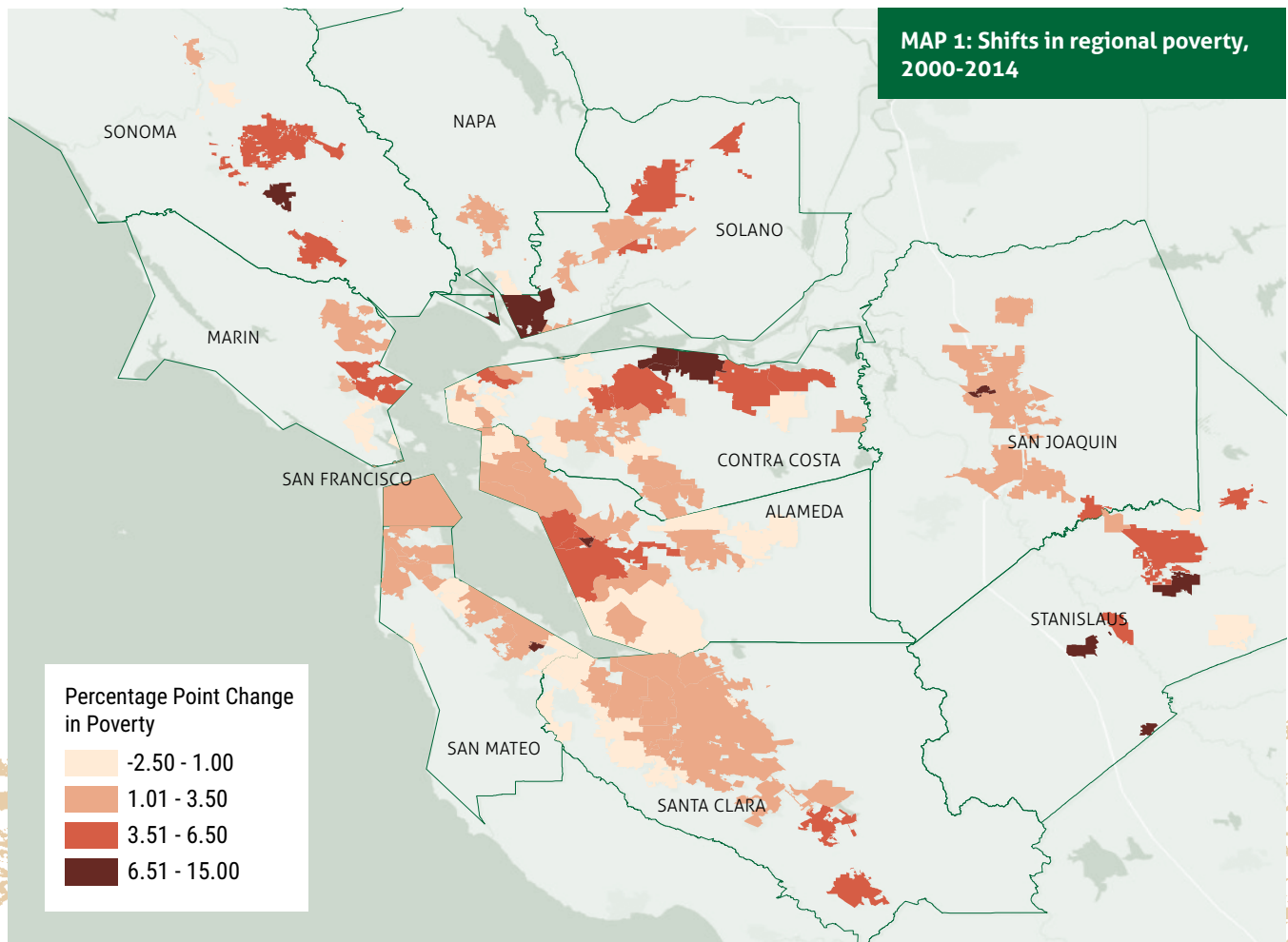
*Not considered part of the MTC nine-county region.

Solano, Napa, and Sonoma counties. We acknowledge that these are not hard and fast distinctions, as the data presented here demonstrate, but they do capture important trends in racial and economic inequality at the regional scale.⁷

In line with national trends, poverty in the Bay Area is in the process of migrating out from the center (see Map 1). Seen in this light, the growth of working-class and low-income communities of color in the outer region is the geographic expression of the new labor market, the increasing concentration of affluence in the region's economic centers, and new forms of racial segregation.

For much of the past 10 years, attention to the negative consequences of the region's growth has focused on gentrification and the displacement of communities of color through speculative real estate investment and in-migration of wealthier residents. More recently, a relatively independent perspective has drawn attention to the disproportionate growth of poverty in suburban regions across the country.⁸ Only recently has a more fully integrated regional analysis begun to emerge, which maps the relationship between these intertwined processes.⁹ Viewed from this more holistic perspective, displacement appears as the leading edge of regional resegregation.

Viewing regional transformation through the lens of resegregation is important because the racial dimension of the new regional inequality is undeniable. Conventional definitions and measures of segregation continue to be relevant. However, these emerged from a specific historical period. As regions transform, we must also be attentive to changes in what segregation looks like, how it is implemented, and how it is lived. Our use of the term "resegregation" is not meant to suggest that older forms of segregation are simply being uprooted from inner cities and replanted in suburban soil, but that the essential feature of segregation — the unequal allocation of land, resources, and political power on the basis of race and ethnicity within a defined place — will be decisive in shaping the region of the 21st century.



II. THE NEW REGIONAL GEOGRAPHY OF RACE AND INEQUALITY



A. County-level view of populations, poverty, and resegregation

The emerging shape of regional inequality is revealed in the uneven growth of populations and poverty across the Bay Area between 2000-2014 (see Chart 1). The region's population grew overall during this period, with increases ranging from just under 4 percent in Marin County to almost 25 percent in San Joaquin County. The proportion of residents living in poverty increased in all counties, but the greatest increases occurred in Contra Costa, Solano, Stanislaus, and Sonoma counties. As a point of reference, poverty rates increased in the latter three counties at more than twice the rate of that in San Mateo County during the same period. The two most distant counties, San Joaquin and Stanislaus, also had the highest rates of population growth and, as of 2014, the highest levels of poverty.

Regional shifts in communities of color

The shift in Black and Latino populations from inner to outer regions is dramatic. Although the Bay Area experienced significant population growth overall between 2000-2014, the proportion of Black residents declined in all but two counties: Napa and San Joaquin, each of which saw small increases. At the same time, poverty in Black communities grew significantly in both inner and outer regional counties, particularly in Santa Clara, Marin, Solano, and Stanislaus (see Chart 2).

CHART 1: Population & Poverty Changes by County, 2000-2014

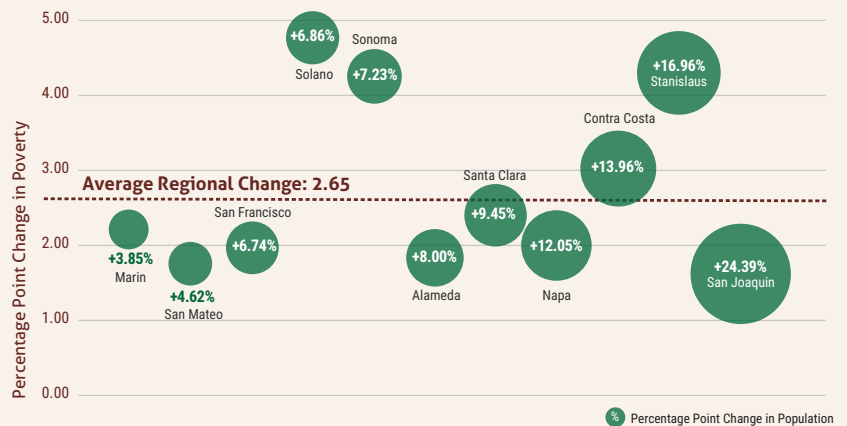
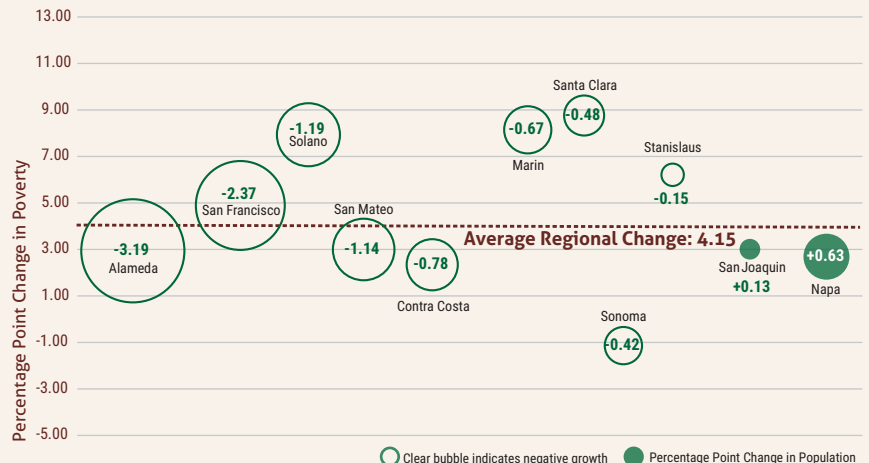


CHART 2: Black Population & Poverty Changes by County, 2000-2014



The largest increases in the proportion of Latinos relative to the total population were in Stanislaus, Napa, and San Joaquin, though Contra Costa, Solano, and Sonoma also experienced increases above the regional average (see Chart 3). San Francisco, Santa Clara, and San Mateo counties experienced the lowest rates of increase of Latino population. Poverty among Latinos increased most significantly in Solano, Marin, and Sonoma counties.

Asian populations in Solano, Alameda, Santa Clara, and Napa counties increased at greater rates than the regional average (see Chart 4). Between 2000-2014, poverty among the Asian population increased at above the regional average in San Francisco, Sonoma, Napa, Solano, and Marin counties.¹⁰ Most notably, Native Hawaiian and Other Pacific Islander (NHOPI) communities tended to experience above average increases in poverty in the counties where increases in Asian poverty overall were below average or decreased.

Rise of the renter region

One indication of long-term shifts in structural inequality in the United States is the increase in renters relative to homeowners.¹¹ The proportion of renters in the Bay Area – and particularly renters of color – is on the rise. The proportion of renter-occupied households in the region generally outpaced both the nation and the state between 2000-2014. The only county which did not see an increase in renter households relative to homeowners over this period is San Francisco, which already has one of the highest percentages of renter households in the region but has also weathered over a decade of relentless displacement pressures (see Table 1).

The proportion of renter-occupied units to owner-occupied increased most in the outer region. Five counties clustered at the top range of increases: Solano, Stanislaus, Napa, Sonoma, and Contra Costa. These counties also suffered the most during the recent foreclosure crisis. Many working families and people of color were targeted for predatory loan products, lost their homes, and were forced to move back into the rental housing market.

CHART 3: Latino Population & Poverty Changes by County, 2000-2014

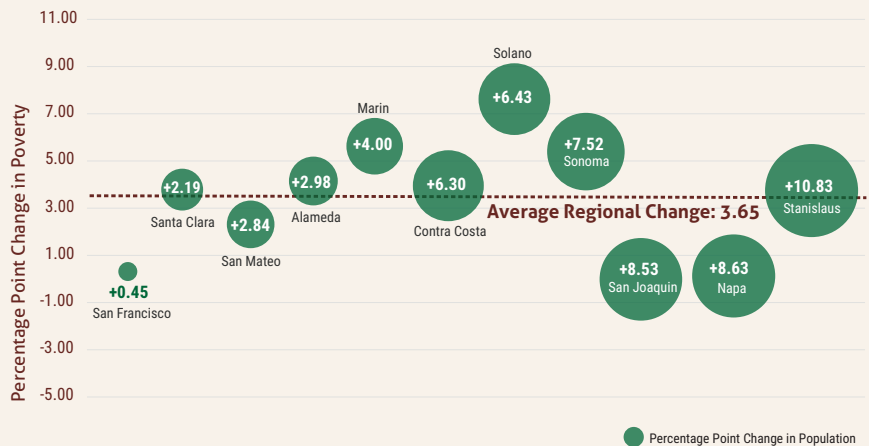


CHART 4: Asian Population & Poverty Changes by County, 2000-2014

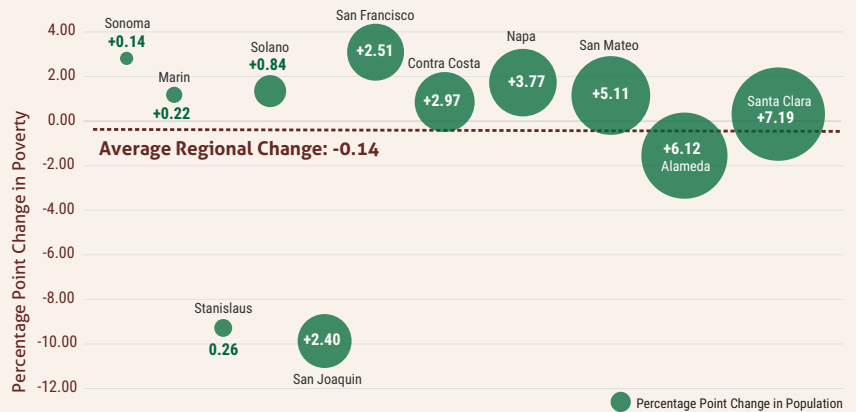


TABLE 1: Changes in Units Occupied by Renters by County, 2000-2014

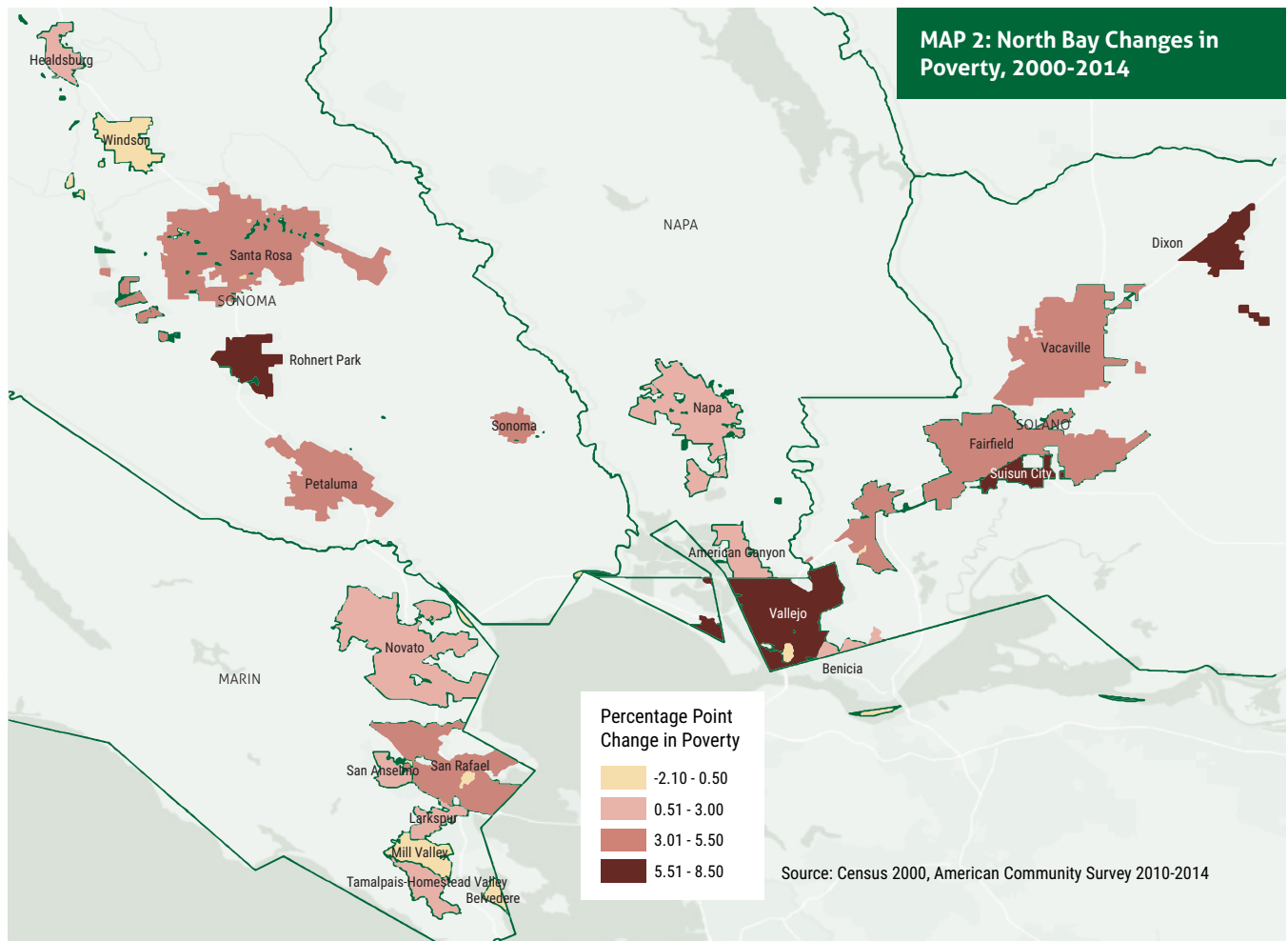
County	Percentage Point Change	Share of Renter Occupied Units, 2014
Solano	4.97	39.79%
Stanislaus	4.76	42.83%
Napa	4.65	39.56%
Sonoma	4.48	40.40%
Contra Costa	4.28	34.99%
San Joaquin	3.52	43.14%
Santa Clara	2.89	43.05%
San Mateo	2.17	40.73%
Alameda	1.84	47.14%
Marin	1.02	37.41%
San Francisco	-1.61	63.40%
11 county rental unit growth: 2.49		

B. The places that low-income people and people of color call home

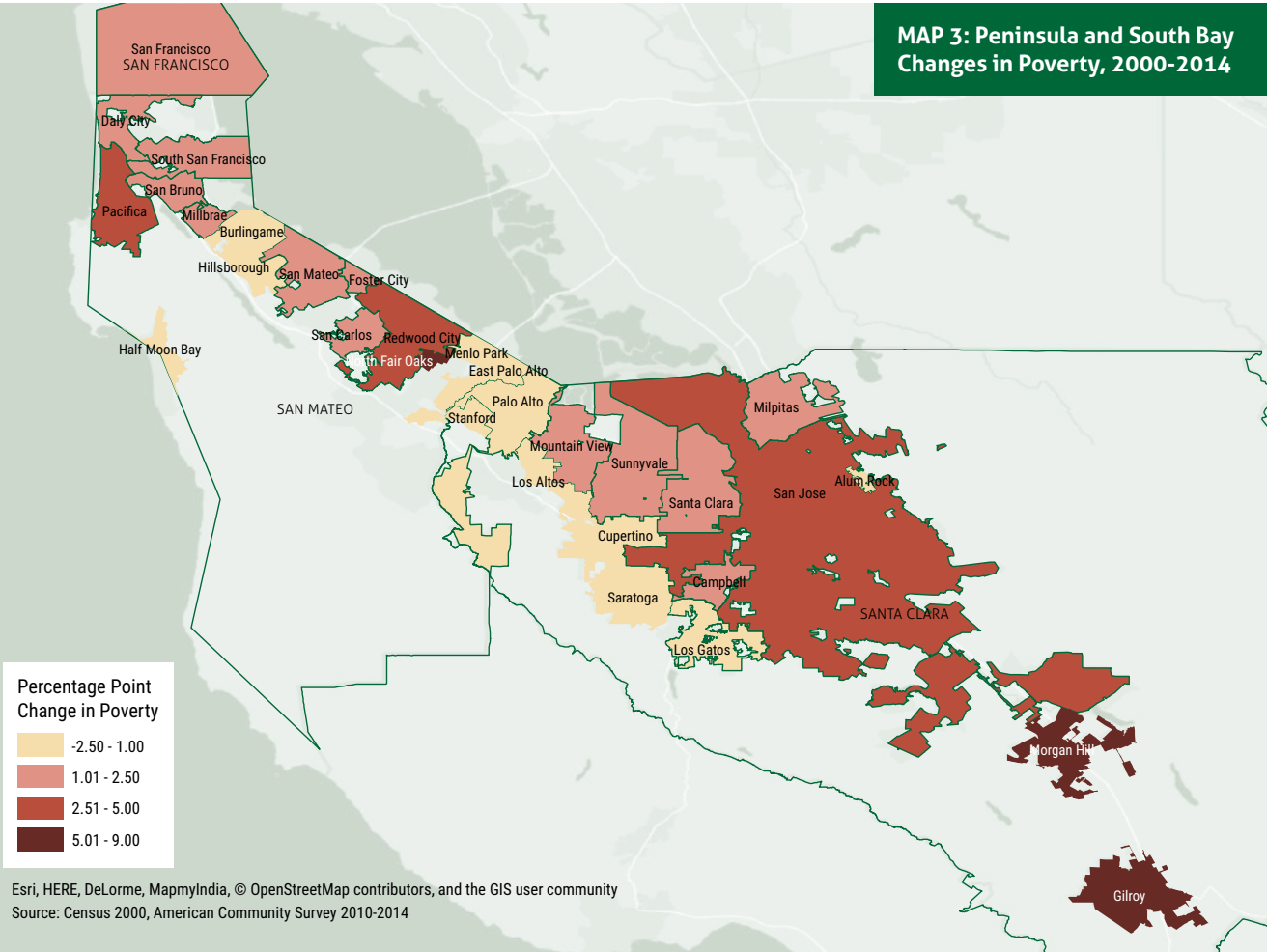
County comparisons provide an important context, but they also risk obscuring much of the complexity of the regional shifts currently underway. Important patterns in how poverty and populations are changing occur across county lines and within counties. Hence, it is all the more important to focus in on the sub-county scale as well, and to integrate developments in suburban and urban jurisdictions outside of the traditional core or inner region into a regional analysis. These are especially vital considerations from an equity and advocacy perspective, which requires a more fine-grained understanding of local dynamics, the relationships between localities, and relationships between the local and the regional.

Of the 117 places with populations over 10,000, including aggregated unincorporated areas by county, only 11 experienced declines in poverty between 2000-2014. Seven jurisdictions experienced increases of at least twice the national average of 3.22 percent, while the top three experienced increases that were three times the national average. (See Table 1 in Appendix A for a list of the top 20 places that experienced a population increase.)

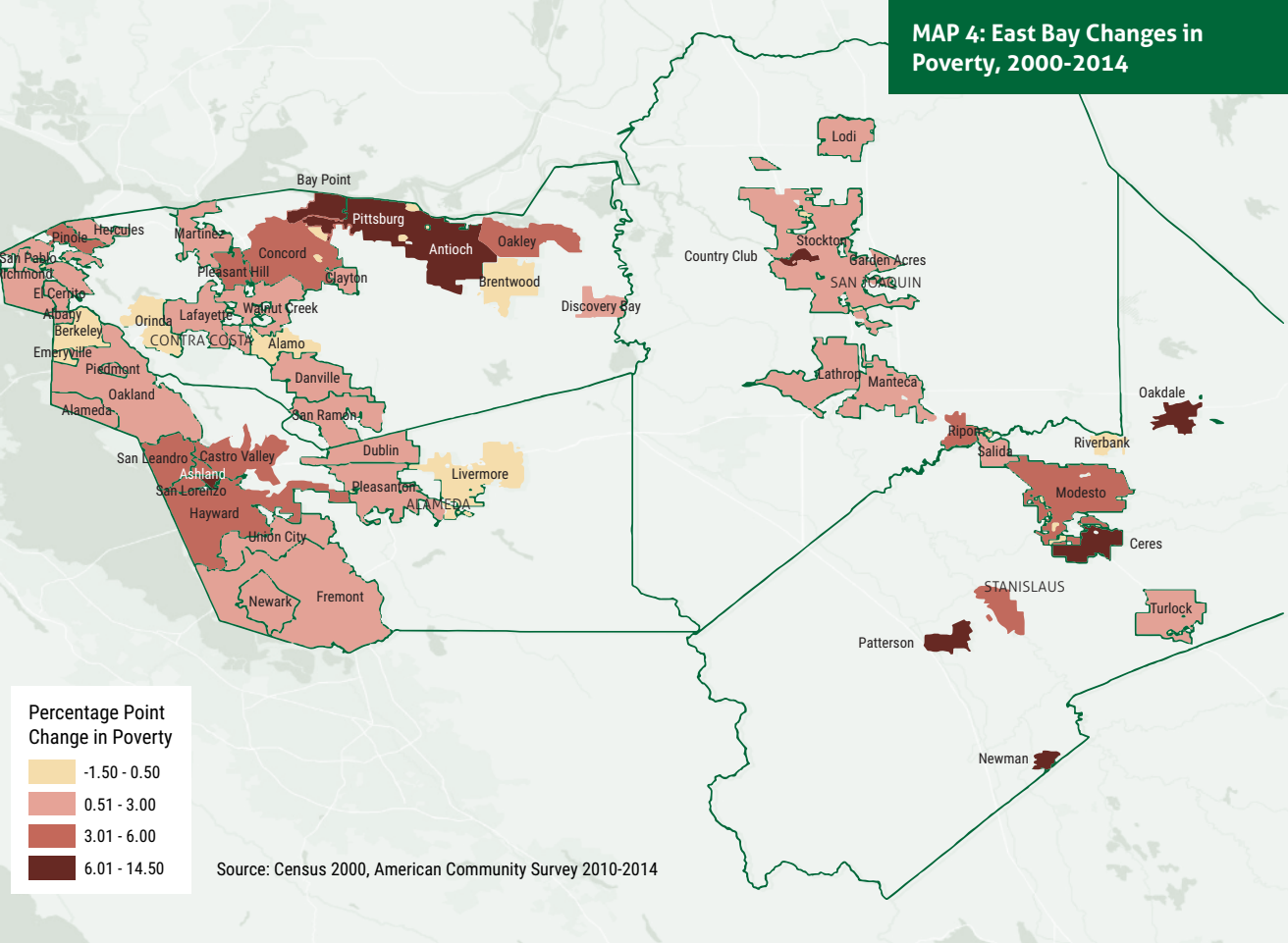
Poverty is on the rise across much of the region, but the most impacted places are found along its outer edge (see Maps 2, 3, and 4, which illustrate changes in poverty by subregion, 2000-2014). The 20 places with the greatest increases span eight counties, but are concentrated across Solano, Stanislaus, and Contra Costa. The places with the highest rates of poverty in 2014 were also disproportionately in the outer sectors of the region.

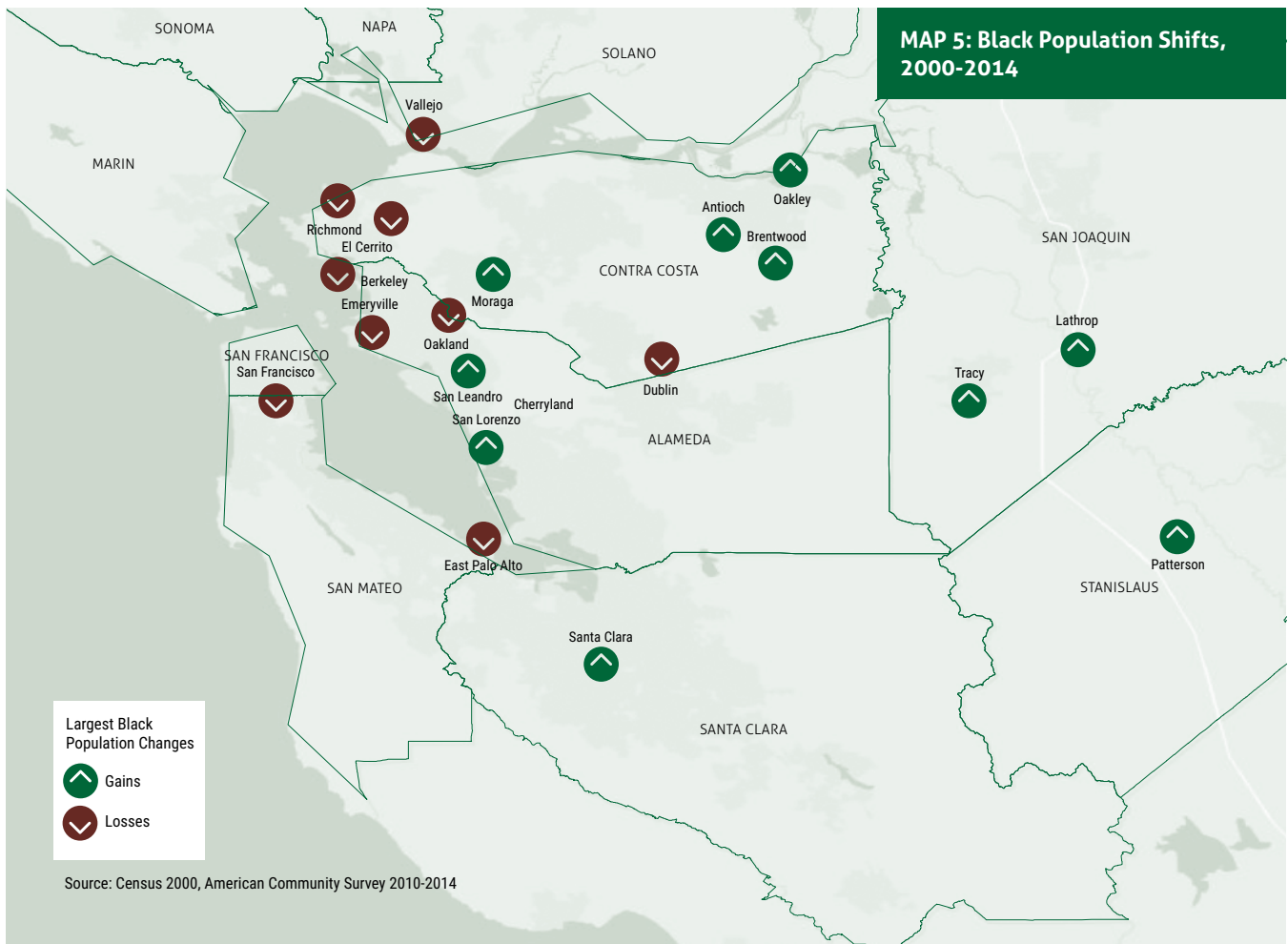


MAP 3: Peninsula and South Bay Changes in Poverty, 2000-2014



MAP 4: East Bay Changes in Poverty, 2000-2014





Black communities

The population shift outward from the regional center is particularly stark for Black communities (see Map 5, above). In 2000, the greatest number of Black residents lived in the inner region of the East Bay, stretching from Ashland to Vallejo. These places experienced the largest decrease in Black residents between 2000-2014. The most substantial increases in the number of Black residents occurred in places to the east, in a belt stretching north from Patterson, through central Stanislaus and San Joaquin counties and into eastern Contra Costa County, ending in Suisun City in eastern Solano County.¹²

The four largest decreases in the proportion of Black residents relative to the total population occurred in Richmond, Oakland, East Palo Alto, and Berkeley. The absolute loss of Black residents for each was 5,531 in Berkeley, 43,777 in Oakland, 12,565 in Richmond, and 2,796 in East Palo Alto. Although the proportional loss of Black residents in San Francisco was substantially lower than it was for these cities, the absolute loss was a shocking 18,417 residents. Overall, the region lost 22,000 Black residents between 2000-2014.

By contrast, the number of Black residents in Antioch nearly doubled to 18,409 residents, representing 17 percent of the overall population by 2014. In Patterson, the Black population increased from 227 to 1,307 residents, and grew proportionately from 1.8 to 6.3 percent of the total population. This pattern of large increases in population and proportion occurred in a number of places in eastern Contra Costa and San Joaquin counties. (See Table 2 in Appendix A for top 20 places with increases in Black population.)

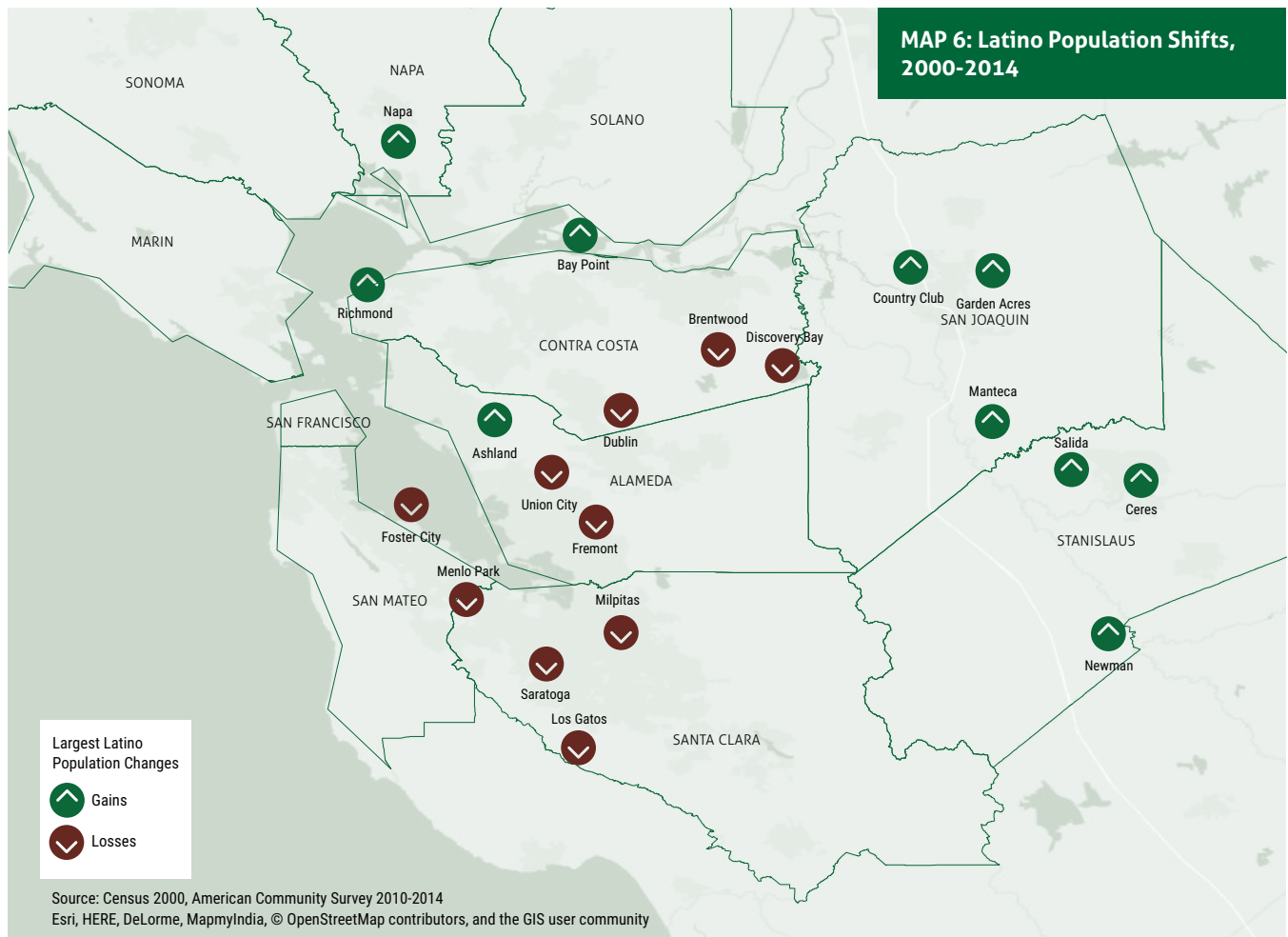
Richmond, in western Contra Costa County, experienced the largest proportional loss of Black residents over this period while Antioch, on the County's eastern edge, saw the region's single largest increase.

Trends in poverty in Black communities show a somewhat different pattern, with places experiencing the greatest increases clustered in Santa Clara, Alameda, and Contra Costa counties. Most of the places where poverty increased substantially experienced little, if any, change in population and were already struggling with high rates of poverty overall and for Black residents. Most of the places that experienced Black population increases also saw increases in the poverty rate, with some notable exceptions in the far eastern edge of the region, including Patterson, Lathrop, Dixon, and Lodi, where poverty rates declined in Black communities. (See Table 3 in Appendix A for top 20 places which experienced greatest increases in poverty in Black communities.)

Latino communities

Latino communities are growing rapidly across the Bay Area, with an overall growth of 474,000 Latino residents between 2000 and 2014. Growth was concentrated along a belt on the eastern edge of the region running north-south from the Stockton metro area in San Joaquin County, through the Modesto area, and down to Newman in Stanislaus County (see Map 6).¹³ The largest decreases occurred along the east and west sides of the Bay in San Mateo and Alameda counties, and in Santa Clara County, including absolute population losses in Daly City and Union City. (See Table 4 in Appendix A for top 20 places with increases in Latino population.)

Places where poverty increased significantly for Latinos between 2000-2014 are fairly dispersed across eight counties, with larger clusters in Contra Costa, Santa Clara, and Alameda, mirroring the clusters of growth in poverty for Black communities. There is some overlap between these and places with the highest rates of poverty for Latinos in 2014, but the latter were more prevalent in Stanislaus and San Joaquin counties. There was also an increase in poverty in Latino communities in the inner region, even as overall growth of the Latino population there was stagnant, possibly reflecting barriers to people moving in. (See Table 5 in Appendix A for top 20 places which experienced greatest increases in poverty in Latino communities.)



Asian and NHOPI communities

Asian communities continue to grow rapidly across the Bay Area, with 400,000 Asian residents moving to the region between 2000 and 2014. Unlike Black and Latino communities, much of the population growth of Asian communities is concentrated in the inner region, including Santa Clara, San Mateo, and western Alameda counties. The Asian communities in these counties are disproportionately non-Taiwanese Chinese, Vietnamese, and, in the case of Santa Clara and Alameda, Asian Indian. Communities in Alameda, San Francisco, and Santa Clara counties also have higher proportions of Korean residents, and San Mateo County has a high proportion of Filipino residents, second only to Solano County.

Many places in outer counties also saw significant increases in the proportion of Asian residents relative to the total population. San Ramon in Contra Costa County had the largest increase in the proportion of Asian residents across the Bay Area (24 percent). Lathrop (6.5 percent) and Tracy (5 percent) in San Joaquin, American Canyon (17.74 percent) in Napa, El Sobrante (7.61 percent) in Sonoma, and Fairfield (3 percent) in Solano also experienced significant growth. (See Table 6 in Appendix A for top 20 places with increases in Asian population.)

A number of Asian ethnic groups have sizable communities in the outer counties. San Joaquin, for example, is home to 76 percent of the region's Hmong population, 42 percent of the Cambodian population, and 23 percent of the Pakistani population.¹⁴

Places with high poverty rates in 2014, and places with high rates of increase in poverty between 2000-2014 among Asian communities are more dispersed than for Black and Latino populations. The places with the highest poverty rates for Asians in 2014 are concentrated in Contra Costa County, mainly in the eastern county, in Alameda, and in Stanislaus, with smaller clusters in Sonoma, Santa Clara, and San Joaquin. (See Table 7 in Appendix A for top 20 places which experienced greatest increases in poverty in Asian communities.)

Places with the largest increases in poverty between 2000-2014 are also concentrated in Contra Costa and Alameda, with additional clusters in Sonoma, Santa Clara, San Joaquin, and Solano. What this data suggests is that this distribution reflects differences in the way specific Asian populations are more likely to experience poverty, and as a result, where they are able to live.

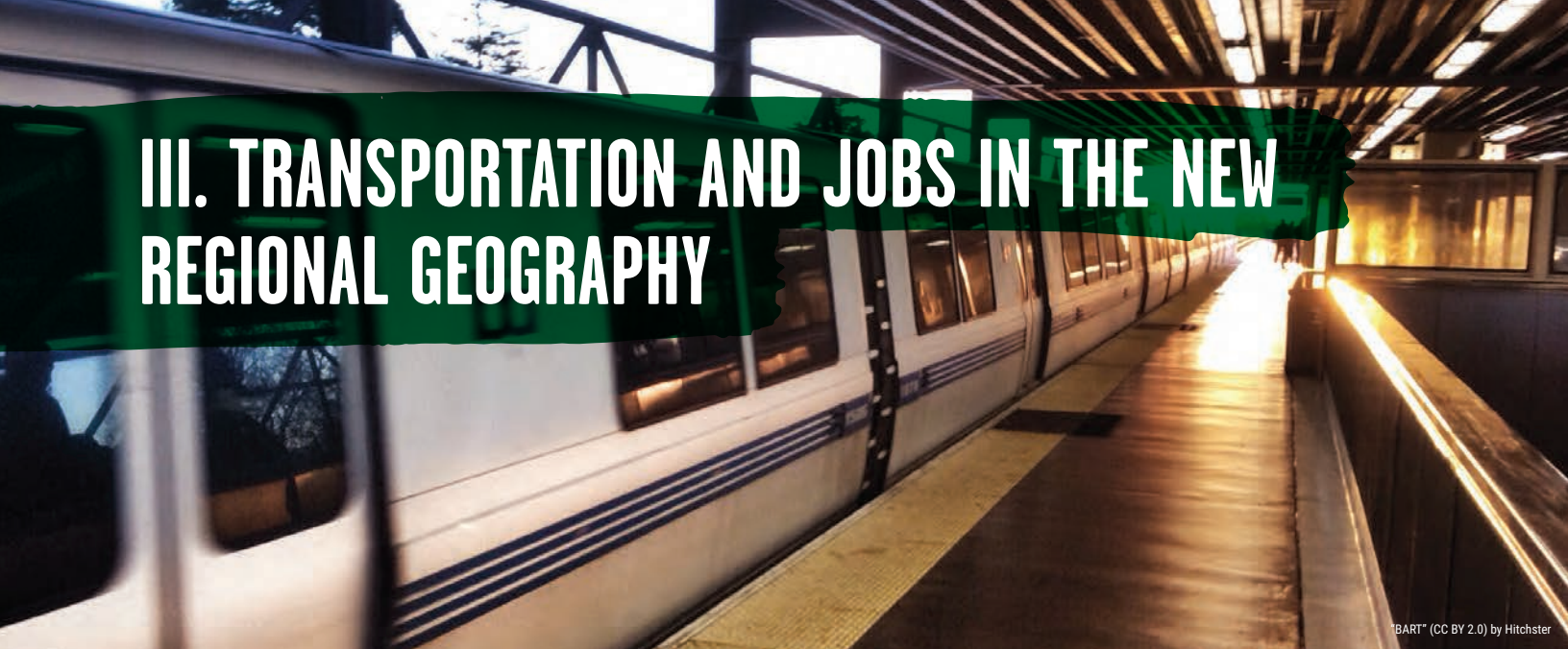
The trends for NHOPI communities show that high rates of poverty and increases in poverty are concentrated in Alameda County and, to a lesser extent, in Contra Costa County. There is also a cluster of communities comprised of NHOPIs experiencing high and climbing rates of poverty in San Mateo County, particularly in the cities of San Mateo and East Palo Alto. The cities with the greatest increases in poverty have relatively small NHOPI communities and stretch across three counties. These are Sunnyvale (58 percent), Turlock (42 percent), and Concord (35 percent). Cities with larger NHOPI populations that also saw substantial increases include Oakland (11.25 percent), Vallejo (5.81 percent), and Stockton (2.38 percent).

Rise of the renter suburb

Places with the highest percentages of rental units are concentrated in Alameda and Santa Clara counties, with slightly smaller clusters in San Mateo and western Contra Costa. By contrast, San Joaquin, Stanislaus, and eastern Contra Costa counties saw a dramatic rise in renter-occupied units between 2000-2014, particularly in the wake of the foreclosure crisis. Unincorporated areas are also heavily represented here, including the aggregated unincorporated communities of San Joaquin, Stanislaus, and Marin counties. (See Table 8 in Appendix A for top 20 places which experienced greatest increase in rental units.) Places where the proportion of renter-occupied units either stagnated or decreased are heavily concentrated in jurisdictions spanning the inner regional counties of San Mateo, northern Santa Clara and eastern Alameda counties, and San Francisco.



III. TRANSPORTATION AND JOBS IN THE NEW REGIONAL GEOGRAPHY



BART* (CC BY 2.0) by Hitchster

The growth of poverty in the outer region reflects the unevenness of the labor market and economic development more generally across the Bay Area. Parallel to the shift in populations, higher wage jobs appear to be concentrating in the regional center while lower wage industries become more prevalent in the outer region.¹⁵ The cost of living, and of housing in particular, pushes workers out to find affordable homes and raises the transportation costs between home and work.

Here we present data on commutes and the jobs held by residents in the 20 places with the highest increases in poverty across the region between 2002-2014 (see Table 2). What the data suggests is that these areas are home to more and more low-wage workers and the commutes for these workers are taking up a greater proportion of their time and paychecks. (See Table 9 in Appendix A for top work destinations aggregated by places of highest poverty, 2014.) In many places, the change is most noticeable in the shift between workers who traveled less than 10 miles to work in 2002, and more than 25 miles in 2014.

In Santa Rosa, for example, 70 percent of workers in 2002 traveled less than 10 miles to work, and 14.7 percent traveled more than 25 miles. By 2014 only 53 percent traveled less than 10 miles while the number of workers commuting over 25 miles had doubled to 30 percent. This corresponds to a decrease in the proportion of Santa Rosa residents who worked in the city over the same period, from 46 to 34 percent. Across the region as a whole, this appears to be the trajectory.

To understand what jobs are available in places struggling most with increasing poverty, we look at three employment categories from the North American Industry Classification System:

- Retail Trade (Table 10 in Appendix A)
- Accommodation and Food Services (Table 11 in Appendix A)
- Health Care and Social Assistance (see Table 3, next page)

TABLE 2: Change in Commuters Traveling 25 Miles or More to Work in Top 20 Places with Highest Growth in Poverty, 2002-2014

Place	County	Percentage Point Change	2014 Share of Workers
Suisun City	Solano	12.29	44.68%
Country Club CDP	San Joaquin	10.34	39.12%
Antioch	Contra Costa	10.21	51.64%
Morgan Hill	Santa Clara	8.74	41.71%
Gilroy	Santa Clara	8.64	56.54%
Santa Rosa	Sonoma	7.93	32.30%
Oakdale	Stanislaus	7.56	40.91%
Dixon	Solano	7.35	40.34%
Rohnet Park	Sonoma	6.70	40.73%
Petaluma	Sonoma	6.32	34.06%
Vallejo	Solano	5.13	36.01%
Concord	Contra Costa	4.95	31.80%
Newman	Stanislaus	4.73	48.14%
Pittsburg	Contra Costa	4.12	40.19%
Patterson	Stanislaus	4.00	54.02%
Cherryland CDP	Alameda	3.91	17.75%
North Fair Oaks CDP	San Mateo	3.14	16.51%
Bay Point CDP	Contra Costa	2.79	38.45%
Ceres	Stanislaus	-0.21	31.73%
Ripon	San Joaquin	-14.37	25.30%
11-County Average		5.29	26.75%

Source: LEHD Origin-Destination Employment Statistics

Taken together, these three industries constitute a substantial proportion of occupations held by residents in the places with the highest increases in poverty, and are in keeping with the general trend regionally toward an increase in the proportion of service sector jobs, and a decrease in traditionally middle-wage jobs in industries such as manufacturing.¹⁶

The Health Care and Social Assistance category is the largest, or near-largest single employment category held by residents in places experiencing the highest rates of increasing poverty (see Table 3).¹⁷ In one striking example, Bay Point (unincorporated in Contra Costa County) saw declines in residents working in manufacturing and construction, and small increases in those working in retail and services. The percentage of residents employed in health care and social assistance over this period, however, jumped from 2 percent to 17 percent.

Ceres, in Stanislaus County, experienced decreases in residents working in both retail and services, and a doubling of those employed in health care and social assistance. Here, however, the largest sector represented is Educational Services, at 20 percent of the total. Annual median wages range from \$27,000 to \$93,000 in these industries, with teacher’s aides at the low end of the scale and education administrators at the high end.

Inner regional places that experienced the largest increases in rates of poverty – Redwood City, San Jose, and, to a lesser extent, North Fair Oaks – also had substantial increases in residents from two high-wage sectors (Professional, Scientific, and Technical Services; and Information), suggesting that there may be intensifying displacement pressures as high-wage earners move in to be closer to their jobs.

TABLE 3: Change in Health Care and Social Assistance Jobs in Top 20 Places with Highest Growth in Poverty, 2002-2014

Place	County	Percent Point Change	2014 Share of Jobs
Bay Point CDP	Contra Costa	15.05	17.1%
Antioch	Contra Costa	11.56	28.4%
Cherryland CDP	Alameda	10.04	40.5%
Ceres	Stanislaus	7.98	15.1%
Vallejo	Solano	7.56	33.5%
Santa Rosa	Sonoma	6.52	23.7%
Ripon	San Joaquin	4.76	9.4%
Suisun City	Solano	4.74	11.8%
Rohnet Park	Sonoma	4.69	10.2%
Newman	Stanislaus	4.32	10.7%
Concord	Contra Costa	4.10	15.0%
Oakdale	Stanislaus	3.25	13.1%
Pittsburg	Contra Costa	2.78	9.9%
Gilroy	Santa Clara	2.73	13.3%
Patterson	Stanislaus	2.67	8.8%
Morgan Hill	Santa Clara	2.44	7.0%
North Fair Oaks CDP	San Mateo	2.35	5.5%
Petaluma	Sonoma	2.07	12.2%
Dixon	Solano	1.54	4.8%
Country Club CDP	San Joaquin	-7.63	9.4%
11-County Average		3.39	12.9%

Source: LEHD Origin-Destination Employment Statistics





IV. CONCLUSION: TOWARD A MORE JUST BAY AREA

The great transformation currently underway across the Bay Area raises the specter of a future defined by social, economic, and political divisions. Indeed, the dispersion of many working class communities of color out from the center — even as many others struggle to remain — poses major challenges to building power and creating change across this new geographic reality.

The challenges that confront us will look different in each place. They will vary, for example, between existing inner regional low-income communities and communities of color, and the new or expanding outer regional ones. But a framework that allows us to better understand how inequalities between places are connected can strengthen local advocacy and support integrating these local efforts into a broader regional movement.

Regional resegregation does not have to define the Bay Area of the 21st century. Planning for a just future will require organizing and advocacy that is focused on democratizing power and advancing an integrated local and regional agenda for equitable development. Our hope is that this brief is a useful starting point, and that future research will deepen and extend the initial analysis presented here so that we can continue to build a long-term vision and movement guided by a commitment to racial and economic justice.

APPENDIX A — TABLES

TABLE 1: Poverty Increase, Top 20

Place	County	Percentage Point Change	Increase in Residents in Poverty	Poverty Rate, 2014
Cherryland CDP	Alameda	14.39	2,299	26.67%
Newman	Stanislaus	13.27	1,844	26.35%
Bay Point CDP	Contra Costa	11.09	2,430	28.32%
North Fair Oaks CDP	San Mateo	8.85	1,342	24.23%
Vallejo	Solano	8.23	9,821	18.31%
Rohnert Park	Sonoma	7.48	3,096	15.48%
Ceres	Stanislaus	7.12	4,711	20.01%
Country Club CDP	San Joaquin	6.88	721	18.38%
Patterson	Stanislaus	6.59	2,479	18.61%
Pittsburg	Contra Costa	6.56	5,330	18.08%
Suisun City	Solano	6.42	2,013	12.89%
Morgan Hill	Santa Clara	6.28	2,789	10.97%
Oakdale	Stanislaus	6.23	1,937	17.55%
Antioch	Contra Costa	6.13	7,683	14.66%
Gilroy	Santa Clara	5.74	3,848	16.10%
Dixon	Solano	5.67	1,269	13.72%
Concord	Contra Costa	5.46	7,060	13.06%
Ripon	San Joaquin	5.33	1,046	11.57%
Petaluma	Sonoma	4.77	3,040	10.76%
Santa Rosa	Sonoma	4.76	10,000	13.30%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 250 or more people in poverty in 2014

TABLE 3: Poverty in Black Communities Increase, Top 20

Place	County	Percentage Point Change	Increase in Black Residents in Poverty	Poverty Rate Among Black Residents, 2014
Morgan Hill	Santa Clara	31.26	337	31.26%
Pleasanton	Alameda	29.33	550	31.42%
Mountain View	Santa Clara	28.74	25	28.74%
San Lorenzo CDP	Alameda	27.12	391	34.27%
Gilroy	Santa Clara	22.77	224	25.00%
Turlock	Stanislaus	19.50	571	50.39%
Bay Point CDP	Contra Costa	19.50	538	41.01%
Fremont	Alameda	14.45	1,255	18.03%
Redwood City	San Mateo	14.41	222	24.19%
Vallejo	Solano	14.12	3,257	29.41%
Concord	Contra Costa	12.37	781	22.63%
Campbell	Santa Clara	12.02	99	17.95%
Suisun City	Solano	10.82	741	20.14%
San Ramon	Contra Costa	10.52	209	14.41%
Brentwood	Contra Costa	10.48	285	10.48%
Santa Clara	Santa Clara	10.21	529	17.34%
Sunnyvale	Santa Clara	10.09	(140)	17.52%
Alameda	Alameda	9.38	682	26.96%
Newark	Alameda	9.36	214	15.54%
Novato	Marin	9.12	140	22.35%
San Jose	Santa Clara	9.12	2,934	19.55%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 500 or more Black residents in 2014

TABLE 2: Black Population Increase, Top 20

Place	County	Percentage Point Change	Increase in Black Residents	Share of Population, 2014
Antioch	Contra Costa	7.73	8,965	17.43%
Patterson	Stanislaus	4.48	1,080	6.30%
Lathrop	San Joaquin	3.73	1,085	8.50%
Oakley	Contra Costa	3.43	1,632	6.95%
Moraga	Contra Costa	2.93	480	4.11%
San Lorenzo CDP	Alameda	2.11	554	5.16%
Brentwood	Contra Costa	1.84	1,820	4.65%
Suisun City	Solano	1.70	501	20.49%
San Leandro	Alameda	1.04	1,172	10.86%
Santa Clara	Santa Clara	0.92	1,394	3.38%
Tracy	San Joaquin	0.92	2,079	6.44%
Concord	Contra Costa	0.74	770	3.99%
Morgan Hill	Santa Clara	0.73	374	2.60%
Turlock	Stanislaus	0.69	644	2.20%
Pleasanton	Alameda	0.66	589	2.18%
Dixon	Solano	0.62	153	2.77%
Manteca	San Joaquin	0.61	973	3.61%
Lodi	San Joaquin	0.58	389	1.22%
Albany	Alameda	0.53	174	5.30%
Hayward	Alameda	0.48	509	11.20%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 500 or more Black residents in 2014

TABLE 4: Latino Population Increase, Top 20

Place	County	Percentage Point Change	Increase in Hispanic Residents	Share of Population, 2014
Garden Acres CDP	San Joaquin	21.79	2,854	75.36%
Ceres	Stanislaus	20.30	13,274	58.68%
Bay Point CDP	Contra Costa	16.87	2,933	56.21%
Country Club CDP	San Joaquin	16.50	1,550	47.16%
Newman	Stanislaus	16.26	3,263	67.82%
Salida CDP	Stanislaus	15.20	2,568	47.03%
Manteca	San Joaquin	13.70	14,425	39.90%
Richmond	Contra Costa	13.46	14,756	40.59%
Ashland CDP	Alameda	12.04	3,100	45.13%
Napa	Napa	11.43	9,809	38.94%
San Lorenzo CDP	Alameda	11.22	3,056	36.58%
Cherryland CDP	Alameda	11.20	1,903	53.34%
Modesto	Stanislaus	10.95	23,910	37.18%
Oakley	Contra Costa	10.75	6,624	36.88%
Antioch	Contra Costa	10.67	13,191	34.03%
Tracy	San Joaquin	10.45	15,576	39.01%
Santa Rosa	Sonoma	10.44	21,044	30.41%
Rohnert Park	Sonoma	10.44	3,843	24.70%
San Pablo	Contra Costa	10.29	1,736	55.00%
Pinole	Contra Costa	9.00	1,459	23.59%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 1,000 or more Latino residents in 2014

TABLE 5: Poverty in Latino Communities Increase, Top 20

Place	County	Percentage Point Change	Increase in Hispanic Residents in Poverty	Poverty Rate Among Hispanic Residents, 2014
Suisun City	Solano	17.18	1,387	23.69%
Cherryland CDP	Alameda	16.35	1,617	29.57%
Newman	Stanislaus	13.48	1,659	33.60%
Vallejo	Solano	12.91	4,707	23.25%
Oakdale	Stanislaus	11.68	992	24.13%
Morgan Hill	Santa Clara	11.62	1,876	20.65%
Pittsburg	Contra Costa	10.11	3,903	24.91%
North Fair Oaks CDP	San Mateo	9.66	1,114	28.08%
Bay Point CDP	Contra Costa	9.64	1,997	31.82%
Milpitas	Santa Clara	9.58	1,088	15.25%
Petaluma	Sonoma	9.57	2,007	22.64%
Ripon	San Joaquin	9.08	499	21.58%
Emeryville	Alameda	8.88	152	23.47%
Concord	Contra Costa	8.61	4,574	21.00%
Albany	Alameda	8.57	291	20.28%
Lafayette	Contra Costa	8.37	236	12.40%
Burlingame	San Mateo	8.22	370	14.30%
Sunnyvale	Santa Clara	7.85	2,529	15.88%
San Ramon	Contra Costa	7.82	2,042	28.08%
Santa Clara	Santa Clara	7.61	500	8.17%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 1,000 or more Latino residents in 2014

TABLE 7: Poverty in Asian Communities Increase, Top 20

Place	County	Percentage Point Change	Increase in Asian Residents in Poverty	Poverty Rate Among Asian Residents, 2014
Rohnert Park	Sonoma	15.94	29	25.37%
Cherryland CDP	Alameda	15.38	316	19.36%
Pleasant Hill	Contra Costa	9.94	1243	20.07%
Bay Point CDP	Contra Costa	8.98	-642	15.76%
Petaluma	Sonoma	7.15	663	14.09%
Gilroy	Santa Clara	6.86	949	9.16%
Manteca	San Joaquin	6.39	3561	11.11%
San Leandro	Alameda	6.28	9630	10.81%
Pittsburg	Contra Costa	5.99	3494	12.66%
Danville	Contra Costa	5.57	1313	7.95%
Oakley	Contra Costa	5.40	2475	7.12%
Antioch	Contra Costa	4.83	4265	11.52%
San Pablo	Contra Costa	4.78	-587	16.88%
Vallejo	Solano	4.12	1353	9.52%
Napa	Napa	3.90	456	10.07%
Alameda	Alameda	3.88	4854	13.16%
Benicia	Solano	3.80	1086	6.82%
Alum Rock CDP	Santa Clara	3.43	103	14.62%
Hillsborough	San Mateo	3.38	332	7.42%
Lathrop	San Joaquin	3.14	2391	7.10%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 1,000 or more Asian residents in 2014

TABLE 6: Asian Population Increase, Top 20

Place	County	Percentage Point Change	Increase in Asian Residents	Share of Population, 2014
San Ramon	Contra Costa	24.15	22217	40.20%
Dublin	Alameda	20.52	12280	31.81%
Cupertino	Santa Clara	20.25	15479	64.88%
American Canyon	Napa	17.74	5210	34.85%
Saratoga	Santa Clara	15.25	4679	45.05%
Millbrae	San Mateo	15.12	3518	42.67%
Fremont	Alameda	15.03	35366	52.04%
Pleasanton	Alameda	13.35	10662	26.14%
Foster City	San Mateo	12.67	4604	45.75%
Milpitas	Santa Clara	11.95	9985	62.96%
Palo Alto	Santa Clara	11.18	8346	29.47%
Castro Valley CDP	Alameda	9.72	6310	24.03%
Santa Clara	Santa Clara	9.47	14797	38.94%
South San Francisco	San Mateo	9.25	6179	37.95%
San Leandro	Alameda	8.89	8360	31.86%
Sunnyvale	Santa Clara	8.88	15596	41.26%
Union City	Alameda	8.62	6158	51.57%
Daly City	San Mateo	7.84	4895	57.27%
El Sobrante CDP	Sonoma	7.61	989	20.98%
San Lorenzo CDP	Alameda	7.46	2020	23.35%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 1,000 or more Asian residents in 2014

TABLE 8: Renter-Occupied Units Increase, Top 20

Place	County	Percentage Point Change	Share of Units Occupied by Renters, 2014
Newman	Stanislaus	17.58	45.04%
Bay Point CDP	Contra Costa	14.34	49.88%
Alum Rock CDP	Santa Clara	13.68	41.10%
Country Club CDP	San Joaquin	12.79	40.35%
American Canyon	Napa	12.26	26.41%
Garden Acres CDP	San Joaquin	11.70	47.32%
Suisun City	Solano	11.61	37.97%
Salida CDP	Stanislaus	11.48	24.50%
Oakley	Contra Costa	10.39	25.33%
Discovery Bay CDP	Contra Costa	10.36	20.42%
Antioch	Contra Costa	9.93	38.97%
Lathrop	San Joaquin	8.63	28.89%
Tracy	San Joaquin	8.53	36.35%
Dixon	Solano	8.31	35.45%
Ceres	Stanislaus	7.86	41.62%
San Bruno	San Mateo	7.42	44.38%
Sonoma	Sonoma	7.34	45.46%
Rohnert Park	Sonoma	7.27	48.87%
Brentwood	Contra Costa	7.22	26.48%
San Pablo	Contra Costa	6.63	57.56%

Source: Census 2000 & American Community Survey 2010-2014

Analysis limited to those places with populations of 10,000 residents or more and 1,000 or more renter occupied units in 2014. Share of units is reflective of non-vacant units only

TABLE 9: Top work destinations aggregated by places of highest poverty, 2014

County (Places of Highest Poverty)	Destination	Share of Workers
Alameda (Cherryland CDP, San Leandro, San Lorenzo CDP)	Oakland	15.96%
	San Francisco	12.52%
	San Leandro	9.46%
Contra Costa (Antioch, Bay Point CDP, Pittsburg)	San Francisco	9.02%
	Pittsburg	6.10%
	Antioch	6.07%
Marin (Novato, San Rafael)	San Francisco	20.93%
	San Rafael	16.55%
	Novato	10.57%
Napa (American Canyon, Napa)	Napa	26.07%
	San Francisco	4.27%
	St. Helena	2.70%
San Francisco (San Francisco)	San Francisco	59.60%
	Oakland	3.20%
	Mountain View	2.20%
San Joaquin (Country Club CDP, Ripon, Tracy)	Tracy	12.60%
	Stockton	9.32%
	Livermore	6.72%
San Mateo (North Fair Oaks CDP, Pacifica, Redwood City)	San Francisco	18.55%
	Redwood City	8.92%
	Palo Alto	6.92%
Santa Clara (Gilroy, Morgan Hill, San Jose)	San Jose	36.71%
Solano (Dixon, Suisun City, Vallejo)	Vallejo	11.48%
	San Francisco	7.61%
	Fairfield	7.27%
Sonoma (Petaluma, Rohnert Park, Santa Rosa)	Santa Rosa	23.51%
	Petaluma	9.79%
	San Francisco	5.55%
Stanislaus (Ceres, Newman, Patterson)	Modesto	18.58%
	Ceres	6.07%
	Turlock	4.34%

Source: LEHD Origin-Destination Employment Statistics

Analysis limited to top 3 places in each county with populations of 10,000 residents or more and 250 or more people in poverty in 2014

TABLE 10: Change in Retail Trade Jobs in Top 20 Places with Highest Growth in Poverty, 2002-2014

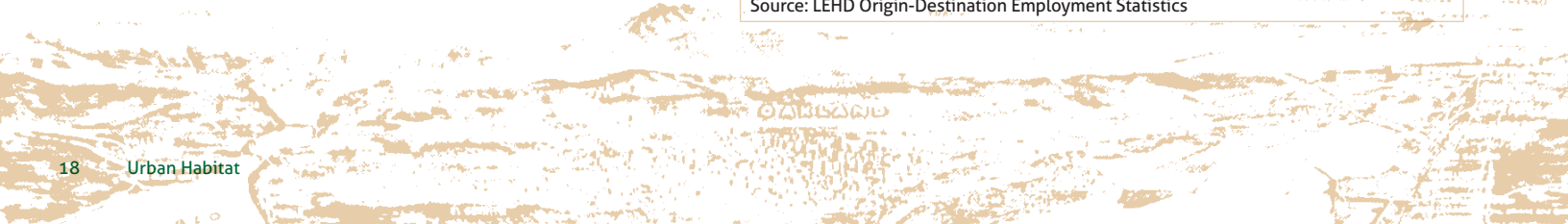
Place	County	Percent Point Change	2014 Share of Jobs
Dixon	Solano	12.96	20.0%
Patterson	Stanislaus	6.72	16.2%
Suisun City	Solano	4.34	19.6%
Gilroy	Santa Clara	3.31	24.6%
Ripon	San Joaquin	2.41	11.5%
Santa Rosa	Sonoma	1.44	14.8%
Cherryland CDP	Alameda	1.24	12.3%
Petaluma	Sonoma	0.75	12.5%
Bay Point CDP	Contra Costa	0.45	8.7%
Rohnet Park	Sonoma	0.30	13.0%
Antioch	Contra Costa	-0.60	19.6%
Oakdale	Stanislaus	-1.39	11.2%
Concord	Contra Costa	-1.81	10.8%
Pittsburg	Contra Costa	-2.75	16.9%
Vallejo	Solano	-3.12	11.8%
Country Club CDP	San Joaquin	-3.77	14.5%
Morgan Hill	Santa Clara	-3.84	10.0%
North Fair Oaks CDP	San Mateo	-4.39	5.7%
Ceres	Stanislaus	-8.95	11.5%
Newman	Stanislaus	-15.07	10.5%
11-County Average		-1.28	9.4%

Source: LEHD Origin-Destination Employment Statistics

TABLE 11: Change in Accommodation and Food Services Jobs in Top 20 Places with Highest Growth in Poverty, 2002-2014

Place	County	Percent Point Change	2014 Share of Jobs
Rohnet Park	Sonoma	18.89	26.7%
Suisun City	Solano	5.89	16.6%
Morgan Hill	Santa Clara	3.51	10.4%
North Fair Oaks CDP	San Mateo	3.09	10.4%
Gilroy	Santa Clara	2.94	11.5%
Santa Rosa	Sonoma	2.32	8.5%
Dixon	Solano	2.25	11.1%
Patterson	Stanislaus	2.17	12.3%
Pittsburg	Contra Costa	1.78	9.9%
Concord	Contra Costa	1.69	8.1%
Antioch	Contra Costa	1.55	9.9%
Petaluma	Sonoma	1.38	8.3%
Country Club CDP	San Joaquin	1.33	17.5%
Bay Point CDP	Contra Costa	0.83	9.4%
Oakdale	Stanislaus	0.43	8.4%
Newman	Stanislaus	0.43	3.9%
Ripon	San Joaquin	0.15	10.2%
Cherryland CDP	Alameda	-0.47	6.4%
Vallejo	Solano	-0.51	7.8%
Ceres	Stanislaus	-1.58	8.9%
11-County Average		1.29	8.2%

Source: LEHD Origin-Destination Employment Statistics



ENDNOTES

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- 4 Jessica Floum, "Bay Area economy outpaces U.S., China." *San Francisco Chronicle*, September 26, 2016. <http://www.sfchronicle.com/business/article/Bay-Area-economy-outpaces-U-S-China-9289809.php>; Joaquin Palomino, "As Bay Area economy booms, the rich get richer, study shows." *San Francisco Chronicle*, February 26, 2016. <http://www.sfchronicle.com/bayarea/article/As-Bay-Area-economy-booms-the-rich-get-richer-6854937.php>
- 5 Vu-Bang Nguyen and Evelyn Stivers, *Moving Silicon Valley Forward*. The Non-Profit Housing Partnership of Northern California and Urban Habitat, 2012. <http://nonprofithousing.org/moving-silicon-valley-forward/>
- 6 Working Partnerships USA and Silicon Valley Rising, *Tech's Invisible Workforce*, March 2016. <http://www.wpusa.org/Publication/TechsInvisibleWorkforce.pdf>
- 7 Because of large margins of error resulting from smaller sample sizes, our analysis is limited to incorporated cities and Census Designated Places (CDPs) with 10,000 residents or more according to the American Community Survey 2010-2014 estimates. While removing places with less than 10,000 residents from our dataset drops legitimately small communities, this also removes those communities that have remained small over time due to anti-growth and exclusionary measures. As a result, this analysis leaves out both those smaller places with pockets of poverty but unreliable data and pockets of exclusion. Our analyses of rates of change refer to the period 2000-2014, unless otherwise noted. Additionally, when looking at race and ethnicity, we again limit our analysis to account for large margins or error due to small sample sizes. For Black population and Black population in poverty, the analysis is limited to incorporated cities and CDPs with 500 or more Black residents according to the American Community Survey 2010-2014 estimates. For Latino and Asian populations and populations in poverty, the analysis is limited to those places with 1,000 or more Latino and Asian residents. For Native Hawaiian and Other Pacific Islander (NHOPI) communities the analysis is limited to places with 500 or more NHOPI residents
- 8 Elizabeth Kneebone, *The Growth and Spread of Concentrated Poverty, 2000 to 2008-2012*. Brookings Institute, Washington, D.C., 2014. https://www.brookings.edu/interactives/the-growth-and-spread-of-concentrated-poverty-2000-to-2008-2012/Matthew_Soursourian_Suburbanization_of_Poverty_in_the_Bay_Area. Federal Reserve Bank of San Francisco, January 2012. <http://www.frbsf.org/community-development/files/Suburbanization-of-Poverty-in-the-Bay-Area1.pdf>
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- 10 Broad racial and ethnic data as captured by the Census oftentimes obscures the lived experiences of many communities of color. Because of the large number and variety of people from communities grouped together by the Census as "Asian", we have disaggregated this category by subgroup to the extent feasible given the scope of the project. We recognize that a similar look at Black, Latino, Native American, and other communities of color is necessary in order to more fully understand these communities, and hope that future analyses can contribute to this important conversation in this way.
- 11 Tony Roshan Samara, *Rise of the Renter Nation: Solutions to the Housing Affordability Crisis*, Right to the City Alliance, 2014. <http://righttothecity.org/cause/rise-of-the-renter-nation/>
- 12 It should be noted that only six of the jurisdictions with the highest increases in the proportion of Black residents saw gains over 2 percent and only the top nine saw more than a 1 percent increase.
- 13 Seven of the 20 jurisdictions with the highest Latino growth rates are unincorporated areas, compared with only two for Black populations.
- 14 These differences in national origin within the Asian Census category are important to keep in mind when we look at poverty rates and changes in poverty rates in specific jurisdictions, where 2014 national origin data is both more difficult to obtain and less reliable because of smaller population sizes.
- 15 Metropolitan Transportation Commission *Economic Prosperity Strategy: Improving Economic Opportunity for the Bay Area's Low- and Moderate-Wage Workers*, 2014 <http://mtc.ca.gov/tools-and-resources/digital-library/economic-prosperity-strategy-improving-economic-opportunity-bay>
- 16 Jennifer Lin, *The Suburbanization of Low-Wage Work in the East Bay*, EBASE, June, 2016. PolicyLink and the Program for Environmental and Regional Equity at the University of Southern California, *An Equity Profile of the San Francisco Bay Area Region*. http://www.policylink.org/sites/default/files/documents/bay-area-profile/BayAreaProfile_21April2015_Final.pdf
- 17 Health Care and Social Assistance in particular covers a range of occupations with very different incomes. The three sub-categories, with median annual income in brackets, are: Medical and Health Services Manager (\$104,000), Licensed Practical and Licensed Vocational Nurse (\$44,000), and Home Health Aide (\$22,750). For our purposes here, we operate with the assumption that the latter two categories constitute a disproportionate share of employees in the jurisdictions under consideration.



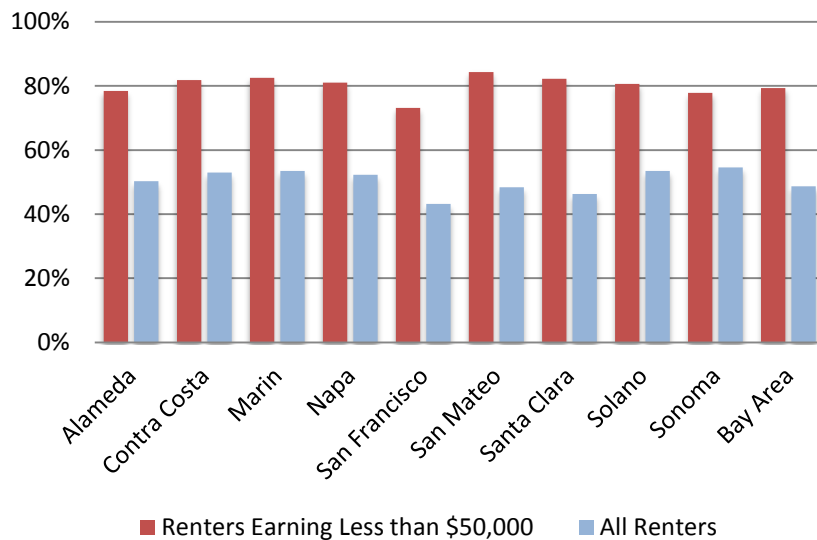
1212 Broadway, Suite 500
Oakland CA 94612
(510) 839-9510
www.urbanhabitat.org

Displacement: A Regional Crisis

6 Wins for Social Equity Network

Low-income communities and residents of color are being driven from their homes in every corner of the Bay Area by rising rents, evictions, and demolition – the result of both private sector forces and public investments and policies. Displacement destroys community networks, separates people from their jobs and schools, forces low-income transit riders to switch to polluting cars, contributes to homelessness, and causes a host of health problems. The crisis disproportionately impacts renters. Since people of color are far more likely than white households to rent, they face the greatest risk. Around **80%** of renters earning less than \$50,000 are paying too much for rent – in every Bay Area county:

"Rent Burden": Percentage of Renters Spending More than 30% of Income on Rent



Plan Bay Area 2013 recognized the “potential for market-based displacement due to rising rents” as investment and development in “communities of concern” increases.

Bay Area Displacement Facts

- More than half of low-income households, all over the nine-county region, live in neighborhoods at risk of or already experiencing displacement and gentrification pressures.
- Displacement extends far beyond gentrifying neighborhoods: The Bay Area’s affluent neighborhoods have lost slightly more low-income households than have more inexpensive neighborhoods – a story of exclusion.
- There is no clear relationship or correlation between building new housing and keeping housing affordable in a particular neighborhood.
- Subsidized housing and tenant protections such as rent control and just-cause eviction ordinances are effective tools for stabilizing communities.

Quotations from 2015 MTC-commissioned Study by UC Berkeley Researchers. urbandisplacement.org.

A Positive Community Vision for Investment Without Displacement

Low-income communities deserve a fair share of public and private investment. But that investment is good for communities only if it actually meets the needs of low-income residents and workers. The 6 Wins Network has a positive vision for preventing and reversing displacement. It requires us to:

- Ensure Meaningful Resident Leadership and Influence in Planning Processes and Outcomes
- Invest in Community Assets to Meet the Needs of Low-Income Families
- Protect Tenants and Preserve Existing Affordable Housing
- Promote New Affordable Housing to Meet Existing and Future Needs
- Tailor Economic Investments to Local Workforce and Community Needs
- Improve Transportation Access & Affordability
- Respond Urgently: Safeguard Low-Income Families NOW while Investing Immediately to Meet Their Current and Future Needs

Displacement: Regional Solutions

Achieving investment without displacement will require coordinated local and regional actions – something that *requires strong leadership from MTC and ABAG*. These actions must be grounded in the localized neighborhood needs

“Gentrification and displacement are regional. Although gentrification and displacement are often seen as a neighborhood or local phenomenon, our cases show that they are inherently linked to shifts in the regional housing and job market.”

2015 MTC-commissioned Study

of low-income communities and households as identified by the residents of those communities, because they are the experts on what they need to thrive. **Well-funded neighborhood engagement and community assets mapping should inform all stages of regional and local plans for low-income communities, from development through implementation.** Local government policies play a critical role in preventing gentrification and displacement, and it is

essential that the regional agencies use their money and influence to promote and reward strong local policies. **Regional agencies should fully leverage the funding they distribute, the data and mapping they provide, and the priorities they set, to incentivize local government policies that promote investment without displacement.**

“Transportation investment shapes displacement. Our research suggests that it’s not just the investments in transportation and infrastructure that can accelerate the processes of gentrification and displacement, but the planning of such investments as well.”

2015 MTC-commissioned Study

MTC Can and *Must* Act NOW

1. Link One Bay Area Grant Funding and Other Funding Decisions to Anti-Displacement Policies and Affordable Housing Production

The One Bay Area Grant (OBAG) Program is one of the most important and innovative elements of Plan Bay Area, creating a vital link between regional goals and local policies necessary to achieve them. In 2013, MTC promised to create “performance and accountability policies” so that all OBAG recipients have key land use, housing, and anti-displacement policies necessary for the Bay Area to thrive. The time to do so is *now*. MTC must prioritize OBAG funding for jurisdictions that have 1) strong, locally appropriate anti-displacement policies and 2) a strong track record of building affordable housing. These criteria should also be used to evaluate all other MTC and CMA funding decisions.

See: www.bit.ly/1XiD23y

2. Fund Community-Driven Planning and Community-Identified Priorities

MTC and ABAG are asking low-income communities to shoulder the majority of the region’s new growth. The existing residents of those communities deserve a meaningful decision-making role over the future of their neighborhoods. To accomplish this, MTC should 1) provide robust funding to organizations with strong membership bases in low-income communities around the Bay – \$2 million in 2016 and 2) spend 25% of discretionary revenues over the next 4 years on the transportation and other priorities identified by this planning process.

See: www.bit.ly/1T7wN1S

3. Study a Plan Bay Area Scenario that Minimizes Displacement

Preventing and reversing displacement requires a coordinated set of strategies, including tenant protections, affordable housing preservation and creation, creating quality jobs and career pathways, and increasing affordable local public transit. The Equity, Environment & Jobs Scenario in Plan Bay Area 2013 recognized the synergies that result from equity-first policies, and demonstrated the environmental and economic benefits of those same policies. MTC & ABAG should again include one scenario designed to maximize social equity.

See: www.bit.ly/1QVHd2J

San Mateo County

Eviction Report 2016



Funded by the San Francisco Foundation

San Mateo County

Eviction Report 2016

Introduction

An unprecedented housing crisis is gripping the Bay Area, and the effects of this crisis have been felt particularly acutely in San Mateo County. As housing prices soar, many families and other long-time residents have struggled to remain in their communities near their schools, their places of worship, and their neighbors. Heartbreaking stories of displacement have become all too common in City Council meetings and in the news. These individual stories have the power to convey the deeply personal nature of displacement, bringing uncertainty and instability into the lives of residents by threatening the security of the one place we most want to feel safe – our homes. As these stories have become more widespread, policymakers, researchers, and residents have struggled to understand the true scope the problem. Who is being evicted in the current market, and why? On what scale? How has eviction activity in San Mateo County evolved over recent years? This report – the first of its kind in San Mateo County – employs a rigorous data-driven approach to begin to paint a bigger picture of the eviction crisis in San Mateo County. The need for such a report has never been more critical. Currently, there is no comprehensive database to quantify the number of families forced out of their homes in San Mateo County, nor is there any publicly available information to understand who is being evicted and why. This lack of information has hindered public dialogue and at times functioned as an impediment in the evaluation of current housing policies.

The Legal Aid Society of San Mateo County (“Legal Aid”) and Community Legal Services in East Palo Alto (“CLSEPA”) are nonprofit law firms that provide free legal assistance to hundreds of renters in San Mateo County each year. In partnership with the Anti-Eviction Mapping Project, our agencies offer this report to begin to respond to the unanswered questions about evictions by leveraging our unique position as social safety net providers to renters in crisis.

Our Data

This report is based on an analysis of 3,145 eviction cases handled by Legal Aid and CLSEPA over a three-year period. The data is a compilation of case records maintained by both of our agencies, controlling for duplicates as much as possible and aggregated to protect the confidentiality of our clients. The data is grouped by fiscal year beginning on July 1, 2012 and running through June 30, 2015 – thus, for example, reference to data from 2014-15 refers to the fiscal year starting July 1, 2014 and ending June 30, 2015. The report places a particular emphasis on the most recent data from fiscal year 2014-15.

Importantly, the data used for this report represent a drastic undercount of the total volume of eviction activity that has actually occurred. First, the data reflect only the small subset of tenants who sought assistance from our agencies – the majority of renters who receive eviction notices do not contact our offices at all. Second, our nonprofit agencies typically serve lower-income clients who meet our income eligibility guidelines, and thus our data underrepresents evictions of higher-income earners who may be able to afford a private attorney. Third, commercial evictions are excluded from the data as Legal Aid and CLSEPA only represent renters in residential evictions. Nonetheless, our combined case data is a significant sample of evictions in San Mateo County that we believe is representative of the overall eviction landscape in the county. Even with its limitations, our data provides the first attempt to evaluate the contours of eviction activity in San Mateo County on a wide scale. We hope that the analysis of this data will contribute to a better understanding of the hidden epidemic of displacement in our county, and its potential to change the lives of our residents as well as the character of our communities.

On the Cover

Pictured on the cover of this report is a partially disassembled mobile home at the Pacific Skies Estates mobile home park in Pacifica, California. Between July 2015 and June 2016, seventy-seven tenant households were evicted from the homes in Pacific Skies Estates to make way for replacement of the mobile homes and upgrades to the park. Due to issues with permits, work on the park has halted and these formerly occupied homes sit empty.

Created in collaboration with the Legal Aid Society of San Mateo County, Community Legal Services in East Palo Alto (CLSEPA) and the Anti-Eviction Mapping Project, 2016. Photographs by Brandon Chaves.

Funded by the San Francisco Foundation.

The opinions expressed in this report are those of the authors and do not necessarily reflect the views of the San Francisco Foundation



The Eviction Process

[1] NOTICE


Most evictions start with a notice. There are two types of notices:

For Cause Some examples ::

- + Non-payment
- + Breach of lease
- + Nuisance


No Fault Some examples ::

- + 30- or 60- Day Notice without a cause
- + Notice for reasons not based on tenant's fault



Some tenants who get a notice to pay or to cure a breach are able to comply and maintain the tenancy

There are many more eviction notices than Unlawful Detainers, because most tenants either comply with the notice or move.




Many tenants move out within the notice period

[2] UNLAWFUL DETAINER (UD)


The unlawful detainer complaint is the lawsuit a landlord files after the notice period has expired. In the lawsuit, the landlord seeks a Court order that will allow the landlord to remove the tenant from the home.

At least **90%** of contested UD cases get resolved by agreement before the Court makes any decisions

In 2015, **34%** of UDs were uncontested because the tenant did not respond and lost by default



About **14%** of cases that settle permit the tenant to stay



About **86%** of cases that settle require the tenant to move out

[3] EVICTION : LOCKOUT BY THE SHERIFF

If the tenant loses the lawsuit, then the landlord may send the County Sheriff to enforce the Court's order and remove the tenant from the home.



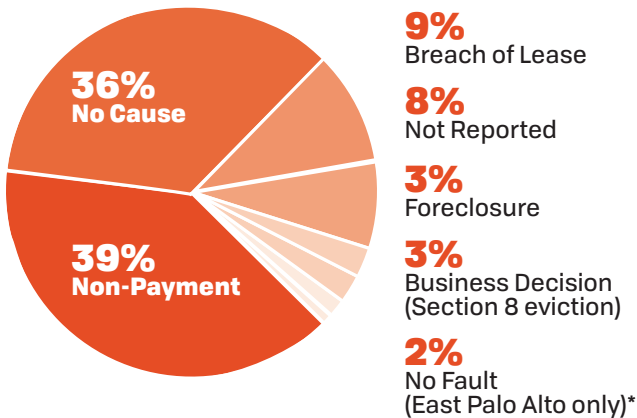
San Mateo County

Eviction Notices and Unlawful Detainers 2014-15

1,100

Eviction Notices and Unlawful Detainers (UDs) were reported in 2014-15

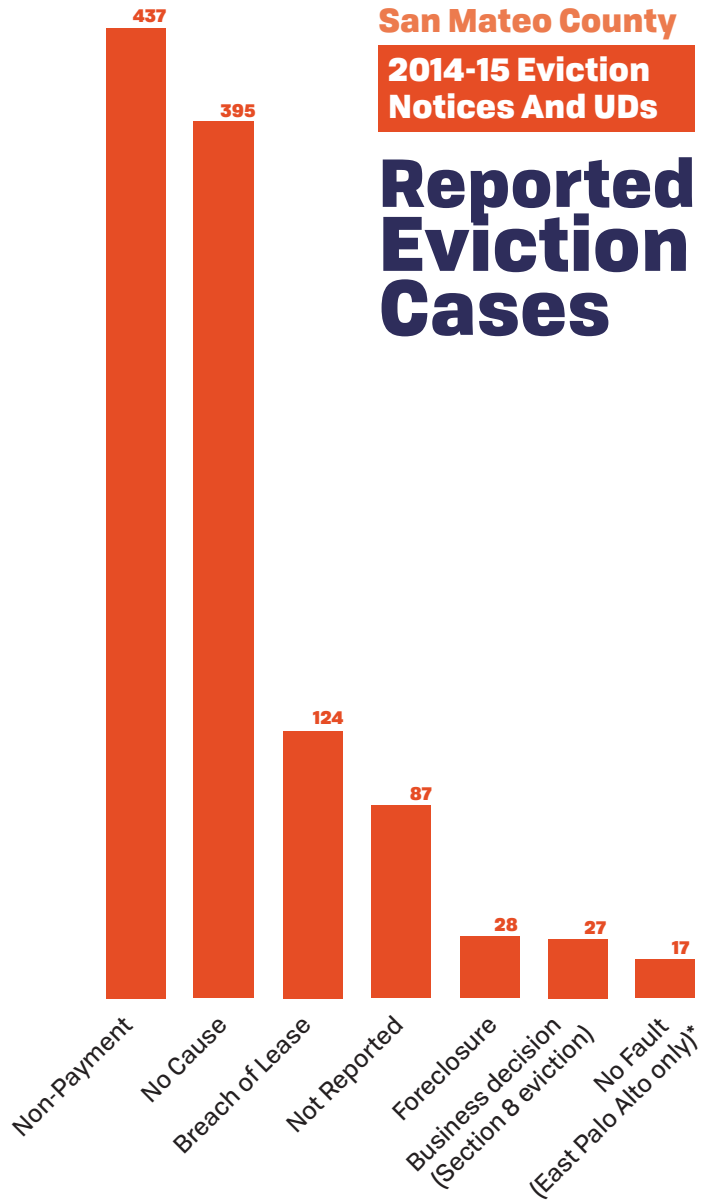
75% of reported eviction activity in 2014-15 was either based on No-Cause evictions or because tenants could not afford the rent



* East Palo Alto is currently the only city in San Mateo County with just cause for eviction protections. Under East Palo Alto law, landlords are permitted to evict tenants for specific "no fault" reasons, such as owner move in, substantial renovations, and demolition.

San Mateo County
2014-15 Eviction Notices And UD's

Reported Eviction Cases



From San Mateo County Health System: Health Impacts of Eviction

Eviction is increasingly a reality for many San Mateo County families and has deep and long lasting health consequences that continue to affect families' health long after they are evicted.¹ Eviction leads to a range of serious consequences, from physical and mental health impacts to economic challenges that have lasting effects on those evicted as well as the community at large.²

When families experience eviction, they report worse health for themselves and their children.³ After eviction, families often experience homelessness, putting them at risk for violence, stress, communicable disease, malnutrition and harmful weather exposure, and making it difficult to treat common conditions such as high blood pressure, diabetes and asthma.⁴ A survey of San Mateo County tenants who defended evictions in court proceedings in 2014 found that 17.6% percent of these households were homeless at the time of the survey in spring 2015.⁵

In other cases, families desperate to secure housing often accept unsafe or unhealthy housing conditions such as overcrowding, increased noise, and mold or pest exposure, increasing the chances of contracting communicable diseases, asthma, and respiratory illness, and increasing mental distress.^{6,7} The stress and uncertainty associated with eviction can lead to debilitating mental health impacts for years following the event.⁸ Tragically, rising rates of eviction have also been correlated with an increased rate of suicide.⁹

As San Mateo County's Health Officer Scott Morrow describes, eviction also makes it far more difficult to provide appropriate medical care and keep residents healthy:

I regularly see patients who have just been evicted or fear being evicted, and the instability that goes along with that makes it much harder for them to manage their medical conditions and get the care they need. They have difficulty taking their medication consistently, or coming to appointments, and the housing conditions they live in along with the stress of not knowing where they'll live is a real barrier to their health.¹⁰

— Dr. Scott Morrow, San Mateo County Health Officer, MD, MPH, MBA, FACPM


Eviction is often disastrous for household finances, deepening the cycle of poverty and increasing future health risks.¹¹ For example, an unemployed person who is evicted may look for a new home before looking for a job, or stress from eviction may lead to missed work days and job loss.¹² The likelihood of being fired or laid off is 11 to 15 percentage points higher for workers who experienced an eviction.¹³ Furthermore, when residents are financially stretched by housing costs, they have less to spend on healthcare, healthy food, and other expenditures that promote health.^{14,15} These economic challenges leave a big impact on health and household finances; even two years after eviction residents continue to have significantly higher rates of material hardship than otherwise identical peers, suggesting that "eviction may itself be a cause, not simply a condition, of poverty."¹⁶

While its health impacts are worst for those who experience it, eviction compromises the health of all San Mateo County residents. Currently more than 60 percent of workers travel to the county for work,¹⁷ leading to sedentary commutes, high stress, congestion, increased risk of collisions, injury and fatalities, and air pollution.¹⁸ These negative impacts will continue to increase as long as significant numbers of those who work in the county cannot afford to live in the county.

— The San Mateo County Health System helps county residents and workers live longer and better lives by providing excellent healthcare service, and by building communities that prevent diseases and ensure everyone has equitable opportunities to live a long and healthy life.

Footnotes listed on back page


17.6%
of San Mateo County
tenants who defended
evictions in court in 2014
were homeless in Spring
of 2015



The likelihood of being
fired or laid off is
11-15%
higher for workers who
experience eviction



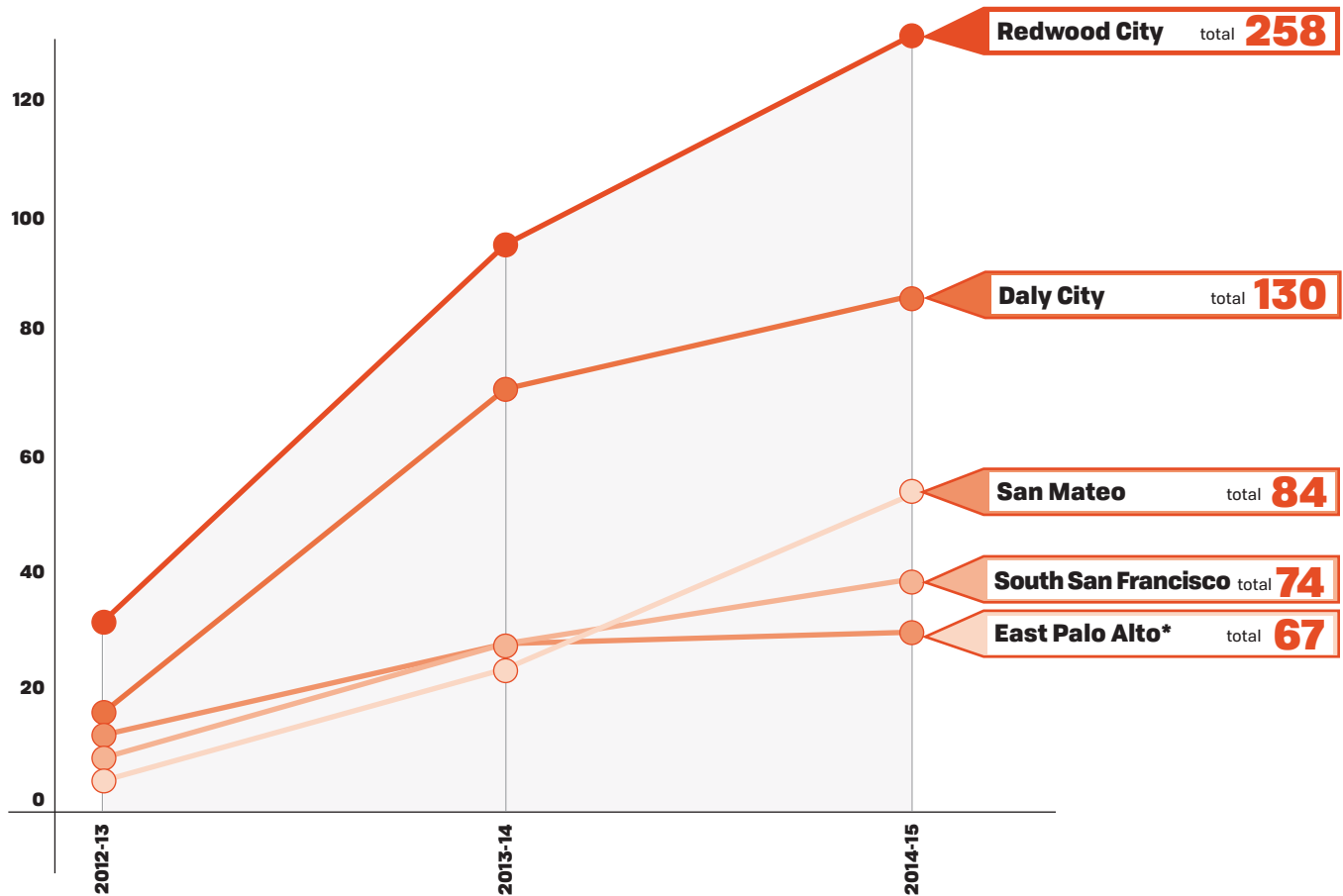
Over **60%**
of workers travel to
San Mateo County for
work, which increases
air pollution and risk of
traffic collisions



San Mateo County

Geographic Displacement

2012-15 No-Cause Eviction Notices - by Top Five Cities

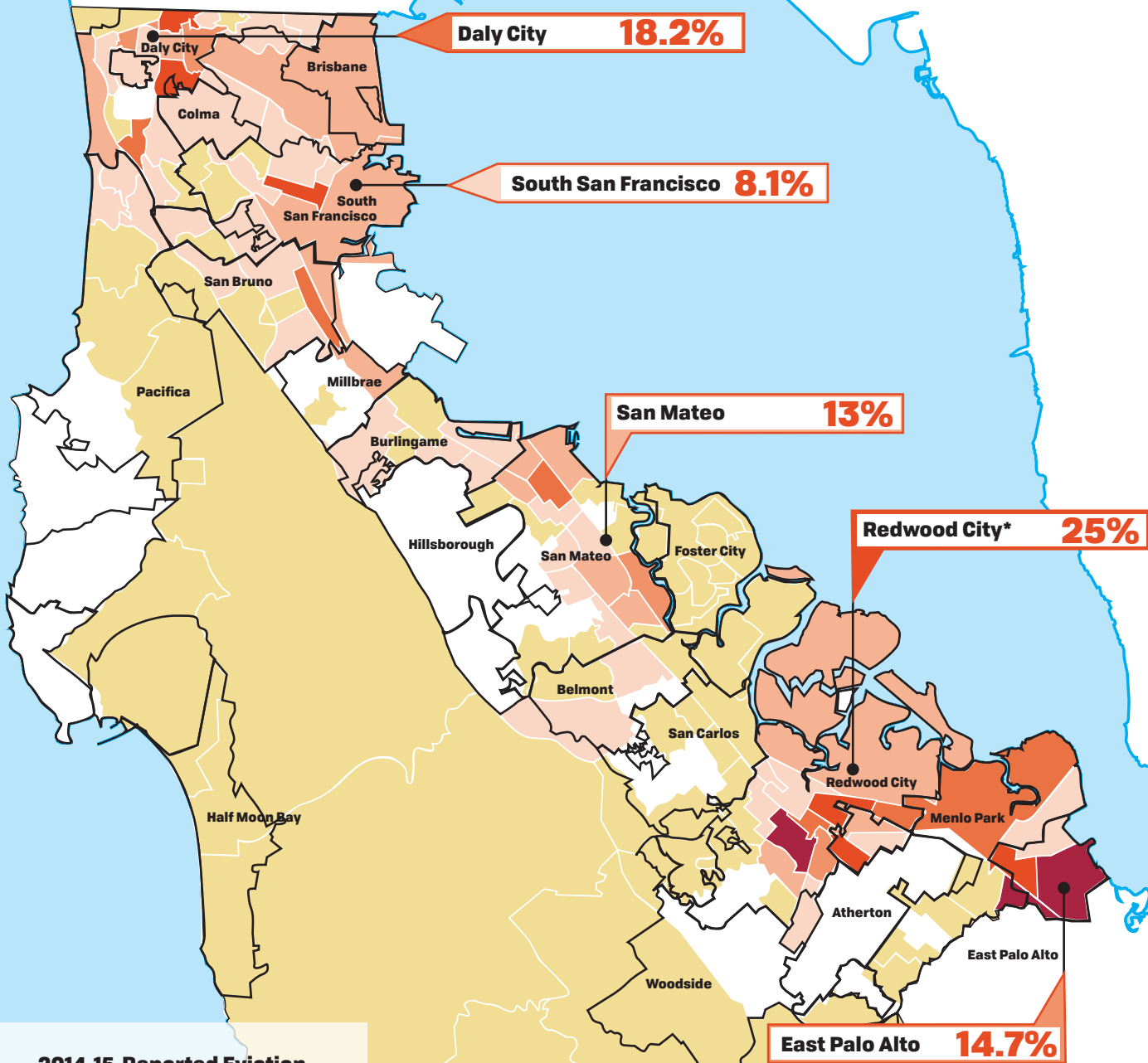


The number of reported No-Cause Eviction Notices represents an estimated **10%** of such cases

Reported No-Cause Eviction Notices in San Mateo County increased **308%** from 2012-13 to 2014-15

*The East Palo Alto total includes "no cause" notices that would be invalid under East Palo Alto's just cause for eviction protections. It is more likely that East Palo Alto tenants receiving no cause notices were able to stay in their homes than tenants in other cities.

2014-15 Total Reported Eviction Notices



2014-15 Reported Eviction Notices by Census Tract



* The statistics for Redwood City include cases from the unincorporated community of North Fair Oaks

San Mateo County

Demographics of Displacement 2014-15

Hispanic / Latino people comprise

25% of the population and **49%** of people evicted in San Mateo County

Black / African-American people comprise

2.5% of the population and **21.4%** of people evicted in San Mateo County

San Mateo County
2014-15 Eviction Notices And UDs

2014 Population

Race/ Ethnicity

According to 2014 ACS Census Data



34%

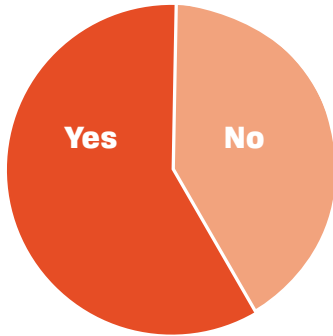
of respondents listed Spanish as their primary language

Female Head of Household

Of the 573 respondents in 2014-15 for whom head of household information is known, 63% were female

63%
Yes

37%
No

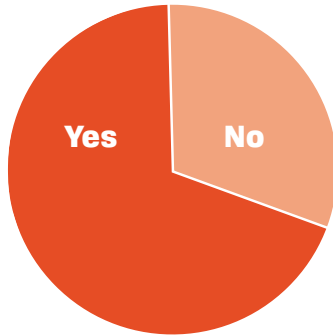


Children in Household

For 1,100 reported households in 2014-15

70%
Yes

30%
No



San Mateo County

Demographics of Displacement

The average San Mateo 2-Bedroom apartment rent has increased

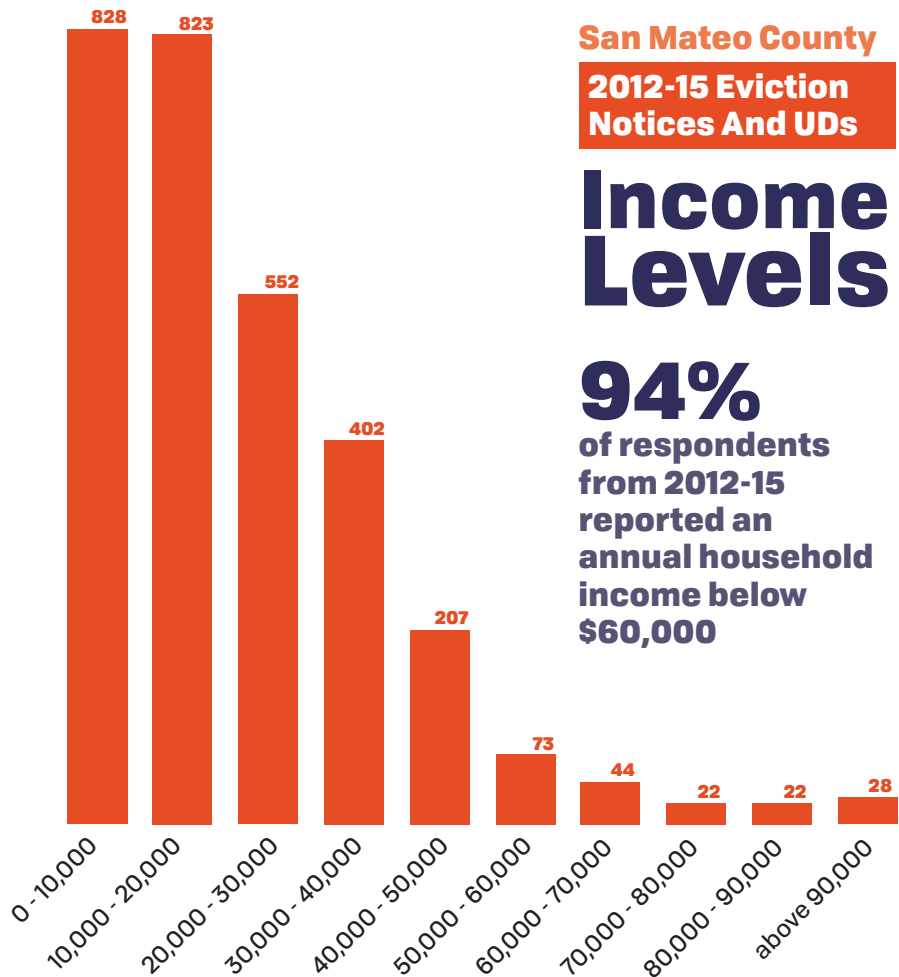
60%

in the last five years



\$3300

As of July 2016, average 2-bedroom apartment rent



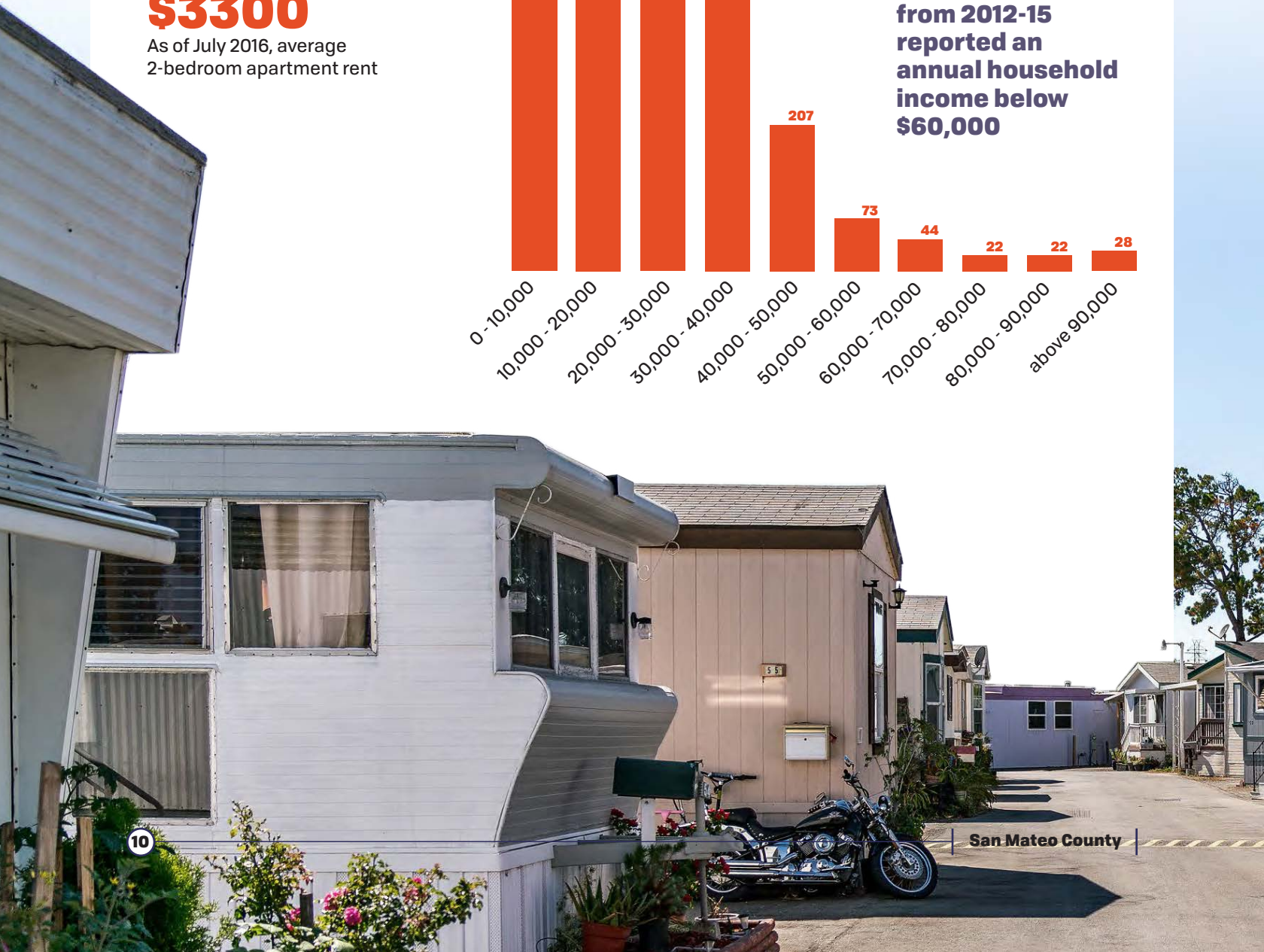
San Mateo County

2012-15 Eviction Notices And UDs

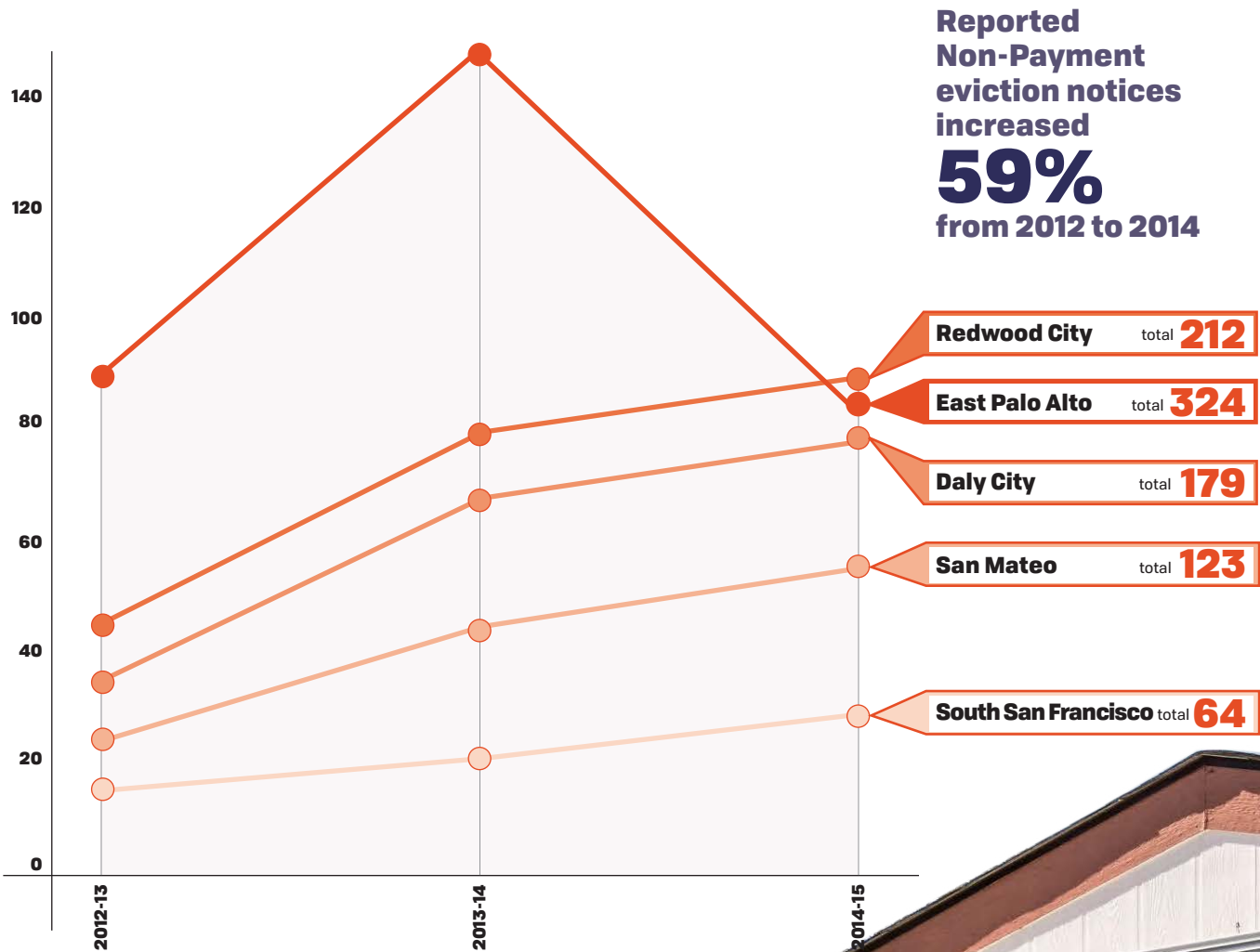
Income Levels

94%

of respondents from 2012-15 reported an annual household income below \$60,000



2012-15 Non-Payment Eviction Notices - by Top Five Cities



East Palo Alto presents a unique set of factors that influence the apparent concentration of eviction activity in that city. About half of the rental housing stock in East Palo Alto (1800+ units) is owned by one large landlord. Based on the routine practices of that landlord, tenants are regularly served with three-day notices to pay rent or quit if monthly rent payments are late, and a certain number of these notices typically evolve into unlawful detainer cases. Also, because much of the rental housing in East Palo Alto is subject to rent control, East Palo Alto landlords may have particular financial motivation to encourage turnover of tenancies in those units.

San Mateo County

Eviction Report 2016

Legal Aid Society of San Mateo County



Legal Aid Society of San Mateo County is a non-profit law firm that has been providing free legal services to low-income and vulnerable populations in San Mateo County since 1959. Our mission is to fight social injustice through civil legal advocacy for people living in poverty. We strive to empower people to overcome the causes and effects of poverty so they can participate in their community with dignity and respect. Our staff assists clients with legal issues and engages in impactful advocacy related to government benefits, housing, domestic violence, health care, elder law, special education access, and disability rights. www.legalaidsmc.org

Community Legal Services in East Palo Alto



COMMUNITY
LEGAL SERVICES IN
EAST PALO ALTO

Community Legal Services in East Palo Alto (CLSEPA) is a nonprofit law firm offering free and low-cost legal services that improve the lives of low-income families throughout the region. Our mission is to provide transformative legal services that enable diverse communities in East Palo Alto and beyond to achieve a secure and thriving future. We work side-by-side with low-income communities and partner with community-based organizations to bring about significant and lasting change. CLSEPA specializes in immigration, housing, workers' rights, criminal records clearance, consumer protection, and legal support for small businesses. www.clsepa.org

The Anti-Eviction Mapping Project

The Anti-Eviction Mapping Project is a data-visualization, data analysis, and digital storytelling collective documenting the dispossession of Bay Area residents in the wake of the Tech Boom 2.0. We are a collective of housing justice activists, researchers, data nerds, artists, and oral historians who work together to illuminate narratives of displacement and resistance in the Bay Area. antievictionmap.com

Footnotes from page 5, *Health Impact of Evictions*

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How Many Are Being Displaced by Gentrification in Oakland?

By [Olivia Allen-Price](#) FEBRUARY 9, 2017

[SHARE](#)

There are a couple of go-to topics of conversation when you meet someone new in the Bay Area — the weather and the crushing cost of housing. The first is a bit befuddling for a place that sees so little weather variation from day to day, and even month to month. But housing on the other hand ... *oof*. There is so much to say.

Rents are up. Housing prices are up. We're all paying more and it seems no one is immune.

The place where prices are rising the fastest isn't San Francisco anymore — [it's Oakland](#). Between July 2011 and July 2016 the median price of a home nearly doubled to \$626,000, according to real estate website [Trulia](#). And median rents went up by \$1,100 during that time.

Seeing these market forces at play, [Bay Curious](#) listener Elena Foshay wonders: "How many people are actually being displaced by gentrification in Oakland?"

Driving at a Number

Ok, first, a disclaimer: It's nearly impossible to get an exact number of how many people are being displaced because we can't know *why* everyone decides, or is forced, to move. It's not like there is an exit survey that people fill out when they drive their U-Haul across the Oakland border.

We *can* use [U.S. Census Bureau outmigration data](#) to learn about *who* is leaving Oakland, and that can give us some clues about the magnitude of economic displacement.

Assuming that all things are fair and equal (I know, I know, use your imagination for a moment), we would expect people of different income groups to move out of a city at a rate proportional to their population in the city. In Oakland, 14.6 percent of households make less than \$30,000,

so we'd expect about 14.6 percent of people in that income level to leave the city.

Between 2010 and 2014, [Trulia](#) found 28 percent of those leaving Oakland made less than \$30,000. That's nearly double what we would expect, and confirms that low-income people are leaving the city at disproportionately high rates. At the other end of the spectrum, high-income earners making \$150,000 or more are leaving at a rate about 30 percent lower than expected. All this points to cost being a major driver of who has to leave and who gets to stay.

How many people are we talking about?

During that five-year span between 2010 and 2014, 104,544 people left Oakland. (Sidenote: 108,649 people moved in, so overall the city grew.) So, we'll speculate that during the five-year span, at least 14,008 left Oakland for economic reasons.

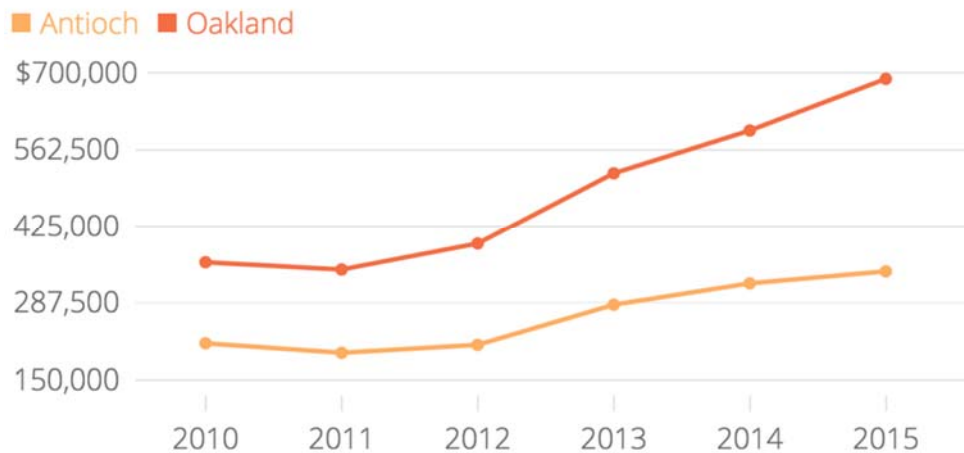
That number is likely on the low end of reality because it doesn't factor in households making more than \$30,000. There are certainly many people making middle or high incomes who can't afford a comfortable life in Oakland, especially with a family.

We can also tell from census data that people of color are leaving Oakland in record numbers. Since 2000, the city has lost 30 percent of its black population — a notable trend for a city that was once 47 percent black, and home to the Black Panther Party.

Where is Everybody Going?

According to census data, the majority of residents being pushed out of Oakland are staying in California.

Average Sale Price of a Single Family Home



Lisa Pickoff-White/KQED

Data: Your Property Advisor Co.

Housing prices are on the rise in Antioch, too.

KQED reporters Devin Katayama and Sandhya Dirks spent a year reporting on the outmigration of low-income residents and people of color from Oakland, San Francisco and Richmond to the surrounding suburbs.

“As we were reporting on Oakland we kept hearing, ‘Oh, they’re going out to Antioch,’ ‘He moved to Antioch,’ ‘She moved to Antioch,’ ” says Dirks. “So, we went to Antioch.”

The traditionally white working-class community about 45 miles east of San Francisco is undergoing a change that is often overlooked in reports about gentrification in the Bay Area.

Listen to the first episode of their project, [American Suburb](#), which is Season 1 of KQED’s [Q’ed Up podcast](#). Their work answers many more questions about the impacts of gentrification on Oakland and beyond.

An Oakland Diaspora: What Drives Longtime Residents to Leave?



Vanessa Ladson moved to Antioch in 2010, but she still travels back to Oakland for work, church and her favorite foods. (*Devin Katayama/KQED*)

By **Devin Katayama** MARCH 2, 2016

Vanessa Ladson has a pool, a hot tub and a laundry room. And on this particular day, a rainbow arcs over her five-bedroom home in Antioch.

On a Sunday in December, she's wearing a red top, hoop earrings and lipstick: Ladson is ready for church. It's about 40 minutes away in East Oakland, where she used to live. But she doesn't think too much about the distance between her home and Lily of the Valley Christian Center.

"It's my family," she says.

It's not just Sundays that Ladson gets into her blue Ford Focus, which she calls "Fiona," and heads to Oakland. During the week, she wakes up at 4

a.m. to beat rush-hour traffic to downtown Oakland, where she works for the East Bay Municipal Utility District. If she's running late and catches the worst of it, the commute could be two hours, she says.

"It is awful getting up that early, but that is the price to pay," she says.

Ladson loves Oakland. But after leaving in 2006 and bouncing around cities in the East Bay for a few years, she finally landed her own home in Antioch, a deal too good to pass up, says Ladson. Plus, she didn't want her then-teenage son, Tyler Thompson, to be brought up in such a dangerous city, she says.

Thompson appreciates the house in Antioch. It almost makes it worth it, he says.

"But you always have that thought in the back of your head, like, man, if I could, I would be down where everyone knows me," says Thompson.

Even though its been nearly a decade since he lived in Oakland, he still thinks of the city as home.

Currently, many Oakland residents are being forced to think about quality of life and how far their money can go as "The Town" sheds its reputation as an affordable alternative to San Francisco. Oakland has become [one of the fastest-growing renters' markets](#), and as prices rise there will continue to be displacement that leaves a bad impression on those who are choosing or are forced to leave.



Howard Kees has been an Oakland real estate agent for 25 years. He bought a cheaper home in East Oakland in the '80s so that he could pay for a better education for his children. *(Devin Katayama/KQED)*

“It’s almost like when you’re with somebody, and they’re not quite where they need to be. They have all this potential and they’re just bummin’,” says Denise Kees, a real estate agent from East Oakland. “Then they go off and they become successful and then they dump you.”

Kees says Oakland has dumped plenty of longtime residents.

In the last decade, the U.S. Census Bureau estimates the city has lost nearly 10 percent of its African-American population, down from 113,833 in 2005 to 102,933 in 2014.

This hits home with Kees, whose best friend moved to Antioch.

“When I want to go see my best friend, I have to get on three or four freeways and drive for an hour,” she says.

As in many major cities, [most residents in Oakland are renters](#) —

more than 60 percent, according to the Census Bureau. But the majority of both renters and homeowners wouldn't be able to afford a median-priced home in their communities, according to an analysis by the [Urban Strategies Council](#) in 2014 that looked at selected Oakland neighborhoods.

Howard Kees, Denise's father, has been a real estate agent in Oakland for about 25 years. Before that, he coached youth basketball. Now some of his former players are settling down. They have good credit and stable jobs that provide steady income — just not enough.

"Those same kids that I coached are coming back to me and saying, 'Coach, I'm ready to buy a house. If coach could do it, so could I,'" he says. "And I hold my head down and say, 'You don't qualify.'"

Howard Kees grew up in West Oakland at 20th and Wood streets and attended McClymonds High School. Now, "yuppies, buppies and hipsters" have moved into the neighborhood, he says. The last house he sold in West Oakland went for \$600,000 and was "tore from the floor up" — a fixer-upper. There are two more homes he's currently trying to broker in the neighborhood for more than \$800,000 apiece, he says.

Part of the problem is that there are very few incentives for developers to build houses for residents with average incomes. State and federal tax incentives often support low-income housing developments, while private developers are able to make up costs of building more expensive housing by charging prices that more and more people are willing to pay to live in Oakland.

Developers built no housing specifically for people making a "moderate" income between [2007 and 2014](#), according to city data.

"It is a surprise. I didn't think it was zero," says Michele Byrd, Oakland's housing director.

A state Assembly bill introduced last year would have tried to extend certain housing subsidies statewide for middle-income residences. It failed.

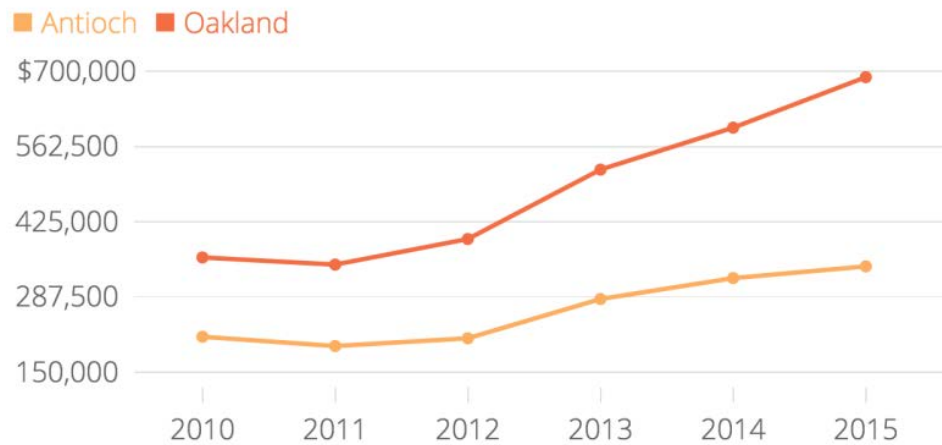
This year, Assemblyman Tony Thurmond, a Democrat from Richmond, is working [on legislation](#) that also targets more moderate income earners.

Oakland is currently considering new housing policies, including a discussion about impact fees that would either require developers to build a certain percentage of affordable housing as part of their projects or charge developers a fee that would help pay for more affordable housing elsewhere.

Antioch has a different story. Between 2007 and 2014, the city surpassed its housing goals, set by the Association of Bay Area Governments. The bedroom community in eastern Contra Costa County has space to build and land is cheaper than in Oakland, says Forrest Ebbs, Antioch's community development director.

"You can actually build moderately priced housing here and make a good profit on it," Ebbs says.

Average Sale Price of a Single Family Home



Lisa Pickoff-White/KQED

Data: Your Property Advisor Co.

Over the last decade, Vanessa Ladson moved from Oakland to Hercules, then to Pittsburg and finally to Antioch in 2010 — jumping on a five-bedroom house that sold for \$300,000. To her, leaving Oakland means she's able to live in comfort.

But she misses her former home.

It hurts her to think about the house on 105th Avenue in East Oakland where she grew up, she says. The home had roses along the walkway and

carport. Plus, there's the fish market she remembers, along with the local corner store and her favorite taco truck.

"I will not eat a taco or burrito if I don't go to *that* truck," she says.

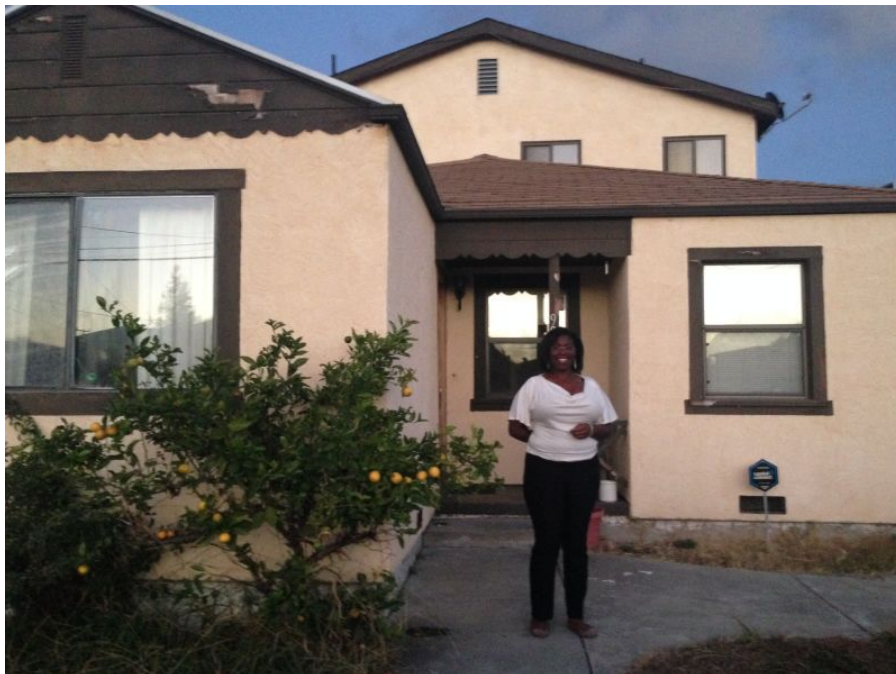
For some people, the idea of losing a local network isn't just about losing a sense of community, says Richard Walker, an author and retired UC Berkeley professor. There is "enormous economic cost," especially for more vulnerable populations like the elderly, he says.

"They can't get to their old doctor. They don't know where to go. They've gotten lost and some of them literally die," he says.

But in order for people to have a chance at staying in Oakland, there need to be stronger city policies and leadership to implement laws that will at least try to keep them here, Walker says.

East Oakland Is Simmering

When asked whether homes are available in East Oakland to the middle class, Howard and Denise Kees simultaneously say, "Yes!"



Denise Kees says she feels like Oakland is a relationship that's not going to last. (*Devin Katayama/KQED*)

The historically working-class East Oakland neighborhood where Howard Kees lives near MacArthur Boulevard and 100th Avenue has below-average incomes, but most people own their homes, he says. The supply hasn't changed, but prices have been elastic. In recent years, he's seen homes in the neighborhood sell for less than \$100,000 and for as high as \$600,000, he says. The average price is around \$300,000, about \$100,000 less than the citywide average, says Kees.

And more is changing in the neighborhood than property prices.

The number of black residents in Kees' census tract dropped nearly 25 percent from 2009 to 2014, according to just-released census estimates. The white population has increased, and household income numbers are rising, too.

While Denise Kees still calls her community "the 'hood" with affection, she is concerned that the demographic upheaval in Oakland neighborhoods will ultimately drain the city of its diversity — and force friends to move.

And when people make that choice to leave, she says, "You can't come back."

MTC Planning Committee
ABAG Administrative Committee
375 Beale Street
San Francisco, CA 94105

May 5, 2017

Re: **Plan Bay Area Action Plan**

Dear MTC Commissioners and ABAG Board Members:

The 6 Wins for Social Equity Network, Non-Profit Housing Association of Northern California (NPH), and Greenbelt Alliance write this letter in the spirit of urgency and collaboration. We are pleased to have the opportunity to work with MTC and ABAG to develop a Plan Bay Area Action Plan with strategies that will help effectively tackle the housing affordability and displacement crisis. Below, we offer **recommended principles to ensure that the Action Plan serves its intended purpose, as well as specific actions that must be included in the Action Plan** to advance tangible affordable housing and anti-displacement outcomes.

As regional leaders, you have used your policy authority, investment decisions, and power of persuasion to shift the regional dialogue and catalyze change at the local, regional, state, and national scale. Now, as the scope of the region's crisis continues to grow, we urge you to take action once again to help restore housing security for the Bay Area's most vulnerable residents.

The Growing Problem

The first chapter of the draft Plan Bay Area includes a number of significant conclusions about the scale of the housing affordability and displacement crisis. For example, "the vast majority of households with annual incomes below \$50,000 experience an excessive housing cost burden" and the "lack of adequate tenant protections—or availability of subsidized or 'naturally affordable' market-rate units in neighborhoods with quality transit service and other amenities—has accelerated the displacement of lower-income residents." Moreover, "more than half of low-income households live in neighborhoods at risk of or already experiencing displacement and gentrification pressures."

Without effective interventions, hundreds of thousands more Bay Area residents will struggle to pay rent and risk losing their homes. Under the draft Plan, however, the risk of displacement for low- and moderate-income households will increase by 5 percent, and the share of lower-income households' income consumed by housing and transportation will increase by 13 percent.

Principles for an Effective Action Plan

For this reason, you approved the addition of an Action Plan that would "identify concrete ... action items ... to make meaningful progress on ... housing affordability [and] displacement

risk."¹ While we appreciate the inclusion of an Action Plan and the direction it is headed, we have strong concerns that it is not sufficiently ambitious or specific, lacking both clarity about the measurable outcomes that will be achieved and the time period under which these actions will be initiated, conducted, and concluded.

The following principles are essential for ensuring that MTC and ABAG do what they can to tackle the urgent challenges of housing affordability and displacement:

Principle 1: The actions in the Action Plan must be clear and specific, with measurable outcomes, responsible parties, and clear timeframes (month and year) for implementation so that MTC, ABAG, and the public know exactly what is expected, when it will be accomplished, and who is responsible for implementation.

Principle 2: The actions in the Action Plan must be sufficiently aggressive to address the scale and urgency of the housing crisis.

Principle 3: The Action Plan must robustly address displacement and include strategies that help protect tenants and other low-income residents from involuntary displacement from their homes, their neighborhoods, and the region.

Principle 4: The Action Plan must emphasize actions that MTC and ABAG themselves can implement, rather than strategies that rely on state or local action.

Recommended Actions

To ensure that the Action Plan lives up to these principles, we ask that you direct staff to make the following changes to the Action Plan:

Add NEW Actions:

1. **Generate affordable housing revenue:** MTC and ABAG must commit to identifying and adopting new regional funding sources for affordable housing production and preservation (e.g., through RM 3, HOV tolls, a regional bond measure, a regional impact fee, and private sector contributions) sufficiently scaled to meet needs as projected in Plan Bay Area, and a specific timeframe by which to expect the revenue plan (e.g., November 2017).
2. **Expand housing conditions in existing programs:** Wherever possible, the provision of discretionary funding should be conditioned on strong local jurisdiction performance on affordable housing and prevention of displacement. The Action Plan must not limit itself to including housing provisions or conditions only in *new* funding sources, but should also expand the *existing* funding programs that include housing provisions or conditions. MTC should commit to reviewing all federal, state, and regional funding sources it currently manages by the end of 2017 and report to the Joint MTC Planning and ABAG Administrative Committee with recommendations on how housing conditions

¹ Memorandum from ABAG Deputy Executive Director and MTC Executive Director, Bay Area 2040 Final Preferred Scenario and Investment Strategy (Nov. 10, 2016), available at <http://bit.ly/2oWkQ8M>.

could be integrated into the provision of those funds. Moreover, MTC must tie funding sources to both affordable housing production *and* anti-displacement protections.

3. **Prioritize public land for affordable housing:** The Action Plan must build on MTC's existing efforts to inventory public land and to require compliance with the state Surplus Land Act to be eligible for OBAG funding by including an action to incentivize the use of public land for affordable housing development.
4. **Report on performance:** To promote transparency and accountability, MTC and ABAG must commit in the Action Plan to providing periodic (e.g., quarterly) progress reports on the Action Plan at Joint Planning and Administrative Committee meetings.

Add SPECIFICITY to Current Proposals:

5. **Expand and refine housing initiatives:** The Action Plan must not limit itself to simply *implementing* existing initiatives (such as OBAG, NOAH, JumpStart, and transportation funding conditioned on housing performance) but should also include a commitment to *refine and expand* these initiatives. The Action Plan should also commit MTC to creating a regional infill Infrastructure Bank that could subsidize infrastructure improvements on sites dedicated to the development of affordable housing.
6. **Specify the new funding sources that will be subject to housing conditions:** The Action Plan must provide examples (beyond planning grants) of "upcoming new funding sources" where housing provisions or conditions – including affordable housing production and anti-displacement protections – will be added, such as OBAG, RM3, SB1, etc.
7. **Pursue funding and legislative solutions now:** Rather than wait to "implement the recommendations of CASA," the Action Plan must include an action to pursue funding and legislative solutions right away, including a permanent source of affordable housing funding, protecting tenants from displacement, strengthening housing element law, supporting fair housing, and eliminating the *Palmer* decision's limitation on inclusionary zoning. Moreover, the CASA process is outside of Plan Bay Area and should not be treated as a substitute for centering the Action Plan within the Plan Bay Area public process.
8. **Address job quality:** The Action Plan must explicitly recognize the wage/income side of the housing affordability equation; improving the jobs mix is an essential part of addressing the housing affordability crisis. Specifically, economic development actions in the Action Plan, including the Economic Development District, the Goods Movement strategy, and the Priority Production Areas, should incentivize (1) the creation and retention of middle-wage jobs and (2) strategies to lift up low-wage jobs to help close the gap between wages and housing costs. In addition, worker-level data on wages and earnings from work must be measured and tracked in order to assess whether strategies intended to target middle-wage jobs are working.

MTC and ABAG have a significant opportunity to take strong leadership in developing and implementing real solutions to the region's pressing housing and displacement crisis. We urge you to make the Action Plan a concrete, measurable and effective roadmap for ensuring that the Bay Area's most vulnerable residents can afford to stay here.

Sincerely,

David Zisser and Mashael Majid
6 Wins for Social Equity Network²

Pedro Galvao
Non-Profit Housing Association of Northern California

Matt Vander Sluis
Greenbelt Alliance

² The 6 Wins for Social Equity Network is made up of the following social justice, faith, public health, and environmental organizations: Alliance of Californians for Community Empowerment (ACCE), Asian Pacific Environmental Network (APEN), Breakthrough Communities, California Walks, Causa Justa :: Just Cause, SF Council of Community Housing Organizations (CCHO), Community Legal Services in East Palo Alto (CLSEPA), Center for Sustainable Neighborhoods, East Bay Alliance for a Sustainable Economy (EBASE), East Bay Housing Organizations (EBHO), Faith in Action Bay Area, Genesis, Housing Leadership Council of San Mateo County (HLC), North Bay Organizing Project (NBOP), Public Advocates, Regional Asthma Management and Prevention (RAMP), Rose Foundation for Communities and the Environment, Sunflower Alliance, Union Community Alliance of San Mateo County, Urban Habitat, and Working Partnerships USA (WPUSA).

Date: November 18, 2015
W.I: 1512
Referred by: PAC
Revised: 07/27/16-C 10/26/16-C 12/21/16-C
03/22/17-C 04/26/17-C

ABSTRACT

Resolution No. 4202, Revised

Adoption of the project selection policies and project programming for the second round of the One Bay Area Grant program (OBAG 2). The project selection criteria and programming policy contain the project categories that are to be funded with various fund sources including federal surface transportation act funding available to MTC for its programming discretion to be included in the federal Transportation Improvement Program (TIP) for the OBAG 2 funding period.

The resolution includes the following attachments:

- Attachment A – OBAG 2 Project Selection Criteria and Programming Policy
- Attachment B-1 – OBAG 2 Regional Program Project List
- Attachment B-2 – OBAG 2 County Program Project List

On July 27, 2016, Attachment A, and Attachments B-1 and B-2 were revised to add additional funding and projects to the OBAG 2 framework, including \$72 million in additional Fixing America's Surface Transportation Act (FAST) funding, and to incorporate housing-related policies.

On October 26, 2016, Attachment A, and Attachment B-1 were revised to clarify language related to the North Bay Priority Conservation Area (PCA) Program in Attachment A and to deprogram \$2,500,000 from the Water Emergency Transportation Authority (WETA) Ferry Service Enhancement Pilot within the Regional Active Operational Management Program.

On December 21, 2016, Attachments B-1 and B-2 were revised to redirect \$417,000 in un-programmed balances from the Regional Active Operational Management program to MTC's Spare the Air Youth within the Climate Initiatives Program; divide MTC's Rideshare Program into three subcomponents totaling \$10,000,000: \$720,000 for Rideshare Implementation, \$7,280,000 for the Carpool Program, and \$2,000,000 for the Vanpool Program; direct \$1,785,000 from 511 Next Gen to the Commuter Benefits program; direct \$1,000,000 in un-programmed balances to SMART's Multi-Use Pathway; transfer \$1,000,000 from MTC's Casual Carpool project to MTC's Eastbay Commuter Parking project within the Bay Bridge Forward program, as the former will be funded with non-federal funds; transfer \$500,000 from the Freeway Performance Initiative program and

ABSTRACT

MTC Resolution No. 4202, Revised

Page 2

\$500,000 in un-programmed balances to US 101/Marin Sonoma Narrow's B2 Phase 2 project in the Regional Active Operational Management Program; shift \$40,000,000 from the BART Car Replacement/Expansion project to the Golden Gate Bridge Suicide Deterrent project and \$13 million from MTC's Clipper project to un-programmed balances within the Transit Priorities program as part of a RM2 funding action to address a cost increase on the Golden Gate Bridge Suicide Deterrent project; and program \$5,990,000 to Alameda County's Safe Routes to School Program in the County Program.

On March 22, 2017, Attachment B-1 was revised to program \$17,000,000 in un-programmed balances within the Regional Transit Priorities Program to MTC's Clipper Program, as part of the FY17 Transit Capital Priorities program.

On April 26, 2017, Attachment B-2 was revised to program \$1,655,000 to the Sonoma Safe Routes to School program; and redirect \$1,000 from Contra Costa Transportation Authority's Planning Activities Base to its discretionary balance and \$1,000 from San Francisco County Transportation Authority's Planning Activities Base to its discretionary balance to address an inconsistency between amounts programmed to planning activities in Appendix A-3 and reflect actual amounts obligated for planning.

Further discussion of the project selection criteria and programming policy is contained in the memorandum to the Programming and Allocations Committee dated November 4, 2015, July 13, 2016, October 12, 2016, December 14, 2016, February 8, 2017 (action deferred to March 2017), March 8, 2017, and April 12, 2017.

Date: November 18, 2015
W.I.: 1512
Referred By: Programming & Allocations

RE: One Bay Area Grant Program Second Round (OBAG 2) Project Selection Criteria and Programming Policy

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4202

WHEREAS, the Metropolitan Transportation Commission (MTC) is the Regional Transportation Planning Agency (RTPA) for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes federal funds; and

WHEREAS, MTC is the designated recipient for state and federal funding assigned to the RTPA/MPO of the San Francisco Bay Area for the programming of projects; and

WHEREAS, state and federal funds assigned for RTPA/MPO programming discretion are subject to availability and must be used within prescribed funding deadlines regardless of project readiness; and

WHEREAS, MTC, in cooperation with the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD), the Bay Conservation and Development Commission (BCDC), California Department of Transportation (Caltrans), Congestion Management Agencies (CMAs), county Transportation Authorities (TAs), transit operators, counties, cities, and interested stakeholders, has developed criteria, policies and procedures to be used in the selection of projects to be funded with various funding including regional federal funds as set forth in Attachments A, B-1 and B-2 of this Resolution, incorporated herein as though set forth at length; and

WHEREAS, using the policies set forth in Attachment A of this Resolution, MTC, in cooperation with the Bay Area Partnership and interested stakeholders, will develop a program of projects to be funded with these funds for inclusion in the federal TIP, as set forth in Attachments B-1 and B-2 of this Resolution, incorporated herein as though set forth at length; and

WHEREAS the federal TIP and subsequent TIP amendments and updates are subject to public review and comment; now therefore be it

RESOLVED that MTC approves the “Project Selection Criteria and Programming Policy” for projects to be funded in the OBAG 2 Program as set forth in Attachments A, B-1 and B-2 of this Resolution; and be it further

RESOLVED that the regional discretionary funding shall be pooled and distributed on a regional basis for implementation of project selection criteria, policies, procedures and programming, consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED that the projects will be included in the federal TIP subject to final federal approval and requirements; and be it further

RESOLVED that the Executive Director or designee may make technical adjustments and other non-substantial revisions, including updates to fund sources and distributions to reflect final funding criteria and availability; and be it further

RESOLVED that the Executive Director or designee is authorized to revise Attachments B-1 and B-2 as necessary to reflect the programming of projects as the projects are selected, revised and included in the federal TIP; and be it further

RESOLVED that the Executive Director or designee shall make available a copy of this resolution, and attachments as may be required and appropriate.

METROPOLITAN TRANSPORTATION COMMISSION



Dave Cortese, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on November 18, 2015

Date: November 18, 2015
W.I.: 1512
Referred by: P&A
Revised: 07/27/16-C 10/26/16-C

Attachment A
Resolution No. 4202

OBAG 2
One Bay Area Grant Program
Project Selection Criteria and Programming Policy

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**OBAG 2 – One Bay Area Grant Program
Project Selection Criteria and Programming Policy**

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- Appendix A-5 County Safe Routes to School (SRTS)
- Appendix A-6 Priority Conservation Area (PCA)
- Appendix A-7 CMA Call for Projects Guidance
- Appendix A-8 County PDA Investment and Growth Strategy
- Appendix A-9 Priority Conservation Area (PCA) Implementation
- Appendix A-10 Checklist for CMA and Local Jurisdiction Compliance with MTC Resolution 4202

The One Bay Area Grant Program (OBAG 2) is the second round of the federal funding program designed to support the implementation of *Plan Bay Area*, the region's first Sustainable Communities Strategy (SCS). OBAG 2 covers the five-year period from FY 2017-18 to FY 2021-22. The proposed revenue estimates, funding approach, programming policies, project guidance, and timeline for OBAG 2 are outlined in this attachment.

BACKGROUND

The inaugural One Bay Area Grant Program (OBAG 1) was approved by the Commission in May 2012 (MTC Resolution 4035). The OBAG 1 program incorporated the following program features:

- Targeting project investments to the region's Priority Development Areas (PDAs);
- Rewarding jurisdictions that accept housing allocations through the Regional Housing Need Allocation (RHNA) process and produce housing;
- Supporting open space preservation in Priority Conservation Areas (PCAs); and
- Providing a larger and more flexible funding pot to deliver transportation projects in categories such as Transportation for Livable Communities (TLC), bicycle and pedestrian improvements, local streets and roads preservation, and planning activities, while also providing dedicated funding opportunities for Safe Routes to School activities and PCAs.

The early outcomes of the OBAG 1 program are documented in the One Bay Area Grant Report Card located at: (http://files.mtc.ca.gov/pdf/OBAG_Report_Card.pdf). The key findings of the report highlight a variety of improvements as compared to previous federal highway funding programs, including: increased grant and project size, complexity, and multi-modality; significant investments in active transportation and TLC projects; region wide achievement of PDA investment targets; and compliance with local performance and accountability requirements. Considering the positive results achieved in OBAG 1, and in order to further extend the timeframe for OBAG to meet its policy goals, OBAG 2 maintains largely the same framework and policies.

REVENUE ESTIMATES AND PROGRAM ARCHITECTURE

OBAG 2 funding is based on anticipated future federal transportation program apportionments from the regional Surface Transportation Block Grant Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) Programs. Originally, the programming capacity estimated for OBAG 2 amounted to \$790 million (down from \$827 million programmed with OBAG 1). The estimated decrease in revenues between program cycles reflects annual apportionment amounts in the federal surface transportation act (Moving Ahead for Progress in the 21st Century Act, or MAP-21) authorized after approval of OBAG 1 not keeping pace with estimated growth rates, as well as changes in state and federal programs that impacted estimated regional funding levels (such as the elimination of the Transportation Enhancements (TE) program). Subsequent to the Commission's original adoption of OBAG 2, Congress approved the Fixing America's Surface Transportation (FAST) Act, providing an additional

estimated \$72 million during the OBAG 2 period. The revised total STP/CMAQ funding for OBAG 2 is \$862 million.

The OBAG 2 program continues to integrate the region's federal transportation program with California's climate statutes and the Sustainable Communities Strategy (SCS), and contributes to the implementation of the goals and objectives of the Regional Transportation Plan. Funding distribution formulas to the counties will continue to encourage land-use, housing and complete streets policies that support the production of housing with supportive transportation investments. This is accomplished through the following principles:

1. Realistic Revenue Assumptions:

OBAG 2 funding is based on anticipated future federal transportation program apportionments. In past years, the Surface Transportation Block Grant Program/Congestion Mitigation and Air Quality Improvement programs (STP/CMAQ) have not grown, and changes in the federal and state programs (such as elimination of the Transportation Enhancement (TE) program) resulted in decreases that were not anticipated when OBAG 1 was developed. For the initial OBAG 2 estimates, a 2% annual escalation rate above current federal revenues was assumed, consistent with the mark-up of the Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act by the Senate Environment and Public Works Committee. Even with the 2% escalation, revenues for OBAG 2 were expected to be 4% less than OBAG 1 revenues. Following the Commission's original adoption of OBAG 2, an additional \$72 million in FAST Act revenue was made available, for a total of \$862 million for OBAG 2 - an increase of 4% over the OBAG 1 funding level.

If there are significant changes in federal apportionments over the OBAG 2 time period, MTC will return to the Commission to recommend adjustments to the program. These adjustments could include increasing or decreasing funding amounts for one or more programs, postponement of projects, expansion of existing programs, development of new programs, or adjustments to subsequent programming cycles.

Upon enactment and extension of the federal surface transportation authorizations expected during the OBAG funding period, MTC will need to closely monitor any new federal programs, their eligibility rules, and how funding is distributed to the states and regions. It is anticipated that any changes to the current federal programs would likely overlap to a large extent with projects that are currently eligible for funding under 23 U.S.C., although the actual fund sources may no longer mirror the current STP and CMAQ programs. Therefore, any reference to a specific fund source in the OBAG 2 programming serves as a proxy for replacement fund sources for which MTC has discretionary project selection and programming authority.

OBAG 2 programming capacity is based on apportionment rather than obligation authority. Because obligation authority (the amount actually received) is less than the apportionment level, there is typically a carryover balance from year to year of unfunded

commitments. MTC's current negative obligation authority imbalance is \$51 million, and has held steady the past few years as a result of the region's excellent delivery record. Successful project delivery has allowed MTC to capture additional, unused obligation authority (OA) from other states, enabling the region to deliver additional projects each year. Because this negative balance has held steady, there does not appear to be a need to true-up the difference at this time. MTC staff will continue to monitor this OA shortfall throughout the OBAG 2 period and make adjustments as necessary in the next round of programming.

2. Support Existing Programs:

Originally, the OBAG program was expected to face declining revenues from \$827 million in OBAG 1 to \$790 million in OBAG 2. Therefore, no new programs were introduced with OBAG 2 and the anticipated funding reduction was spread among the various transportation needs supported in OBAG 1. With the \$72 million in additional revenues from the FAST Act, funding for OBAG 2 increased to \$862 million.

The OBAG 2 program categories and commitments for the regional and county programs are outlined in Appendix A-1.

3. Support Plan Bay Area's Sustainable Communities Strategy by Linking OBAG Funding to Housing:

County Program Distribution Formula

OBAG 1's county distribution formula leveraged transportation dollars to reward jurisdictions that produce housing and accept housing allocations through the Regional Housing Need Allocation (RHNA) process. The formula also considered the share of affordable housing within housing production and RHNA allocations.

In OBAG 2, the county distribution formula is updated to use the latest housing data from the Association of Bay Area Government (ABAG). The formula is also based on housing over a longer time frame, considering housing production between 1999 and 2006 (weighted 30%) and between 2007 and 2014 (weighted 70%) in order to mitigate the effect of the recent recession and major swings in housing permit approvals.

The OBAG 2 formula places additional emphasis on housing production and the share of affordable housing within both production and RHNA. The formula also expands the definition of affordable housing to include housing for moderate-income households in addition to low- and very low-income households. Furthermore, housing production is capped at the total RHNA allocation.

The distribution formula factors for OBAG 2 are detailed in the table below.

OBAG 2 County Distribution Formula Factors

	Population	Housing RHNA	Housing Production	Housing Affordability *
OBAG 2	50%	20%	30%	60%

*OBAG 2 housing affordability factor includes housing at the very low, low and moderate income levels which are weighted within both housing production and RHNA allocation.

The distribution formula is further adjusted to ensure that CMA base planning funds are no more than 50% of the total distribution for that county. The resulting proposed county program formula distributions are presented in Appendix A-2.

Priority Development Areas (PDAs)

OBAG 2 continues to support the SCS for the Bay Area by promoting transportation investments in Priority Development Areas (PDAs).

- PDA Investment targets remain at OBAG 1 levels: 50% for the four North Bay counties and 70% for the remaining counties.
- PDA Investment and Growth Strategies should play a strong role in guiding the County CMA project selection and be aligned with the Plan Bay Area update cycle.

Priority Conservation Areas (PCAs)

OBAG 2 maintains the two separate Priority Conservation Area (PCA) programs as introduced in OBAG 1, with one program dedicating funding to the four North Bay counties and one competitive program for the remaining counties.

4. Continue Flexibility and Local Transportation Investment Decision Making:

OBAG 2 continues to provide the same base share of the funding pot (40%) to the county CMAs for local decision-making. The program allows CMAs the flexibility to invest in various transportation categories, such as Transportation for Livable Communities (TLC), bicycle and pedestrian improvements, local streets and roads preservation, and planning and outreach activities.

In addition to the base county program, two previously regional programs, Safe Routes to School and the Federal-Aid Secondary (rural roads), have been consolidated into the county program with guaranteed minimum funding amounts to ensure the programs continue to be funded at specified levels.

5. Cultivate Linkages with Local Land-Use Planning:

As a condition to access funds, local jurisdictions need to continue to align their general plans' housing and complete streets policies as a part of OBAG 2 and as separately required by state law.

Complete Streets Requirement

Jurisdictions must adopt a complete streets resolution by the date the CMAs submit their OBAG 2 project recommendations to MTC, incorporating MTC's required complete streets elements as outlined in [MTC's Complete Streets Guidance](#).

Alternatively, to recognize local jurisdictions' efforts to update their general plan circulation element to incorporate the provisions of the 2008 Complete Streets Act in response to the provisions stated in OBAG 1, a jurisdiction may adopt a significant revision to the circulation element of the general plan that complies with the Act after January 1, 2010 and before the date the CMAs submit their OBAG 2 project recommendations to MTC.

The approach above focuses on the adoption of local complete streets resolutions, while acknowledging the jurisdictions that took efforts to update their circulation element in anticipation of future OBAG requirements.

Housing Element Requirement

Jurisdictions (cities and counties) must have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for 2014-2022 RHNA by May 31, 2015. Jurisdictions that have failed to meet this deadline must have their housing elements certified by HCD by June 30, 2016 in order to be eligible to receive OBAG 2 funding.

Furthermore, under state statute, jurisdictions are required to submit Housing Element Annual Reports by April 1 every year. All cities and counties receiving OBAG 2 funding must comply with this requirement during the entire OBAG 2 funding period or risk deprogramming of OBAG 2 funding.

The complete streets and housing requirements are not required for jurisdictions with no general plan or land use authority such as Caltrans, CMAs or transit agencies under a JPA or district (not under the governance of a local jurisdiction). However, in such instances the jurisdiction in which the project is physically located must meet these requirements, except for transit/rail agency property such as, track, rolling stock or a maintenance facility.

Surplus Land Requirement

Cities and counties receiving funds through the County Program must adopt a surplus land resolution by the date the CMAs submit their OBAG 2 project recommendations to MTC. The resolution must verify that any disposition of surplus land undertaken by the jurisdiction complies with the State Surplus Land Act, as amended by AB 2135, 2014. MTC will issue guidance to assist cities and counties in drafting a resolution to meet this requirement. This guidance will be posted on the OBAG 2 website: <http://mtc.ca.gov/our-work/fund-invest/federal-funding/obag-2>.

This requirement shall not apply to charter cities unless and until a final court decision is rendered that charter cities are subject to the provisions of the Act. In addition, the resolution is not required for public agencies with no general plan or land use authority.

6. Continue Transparency and Outreach to the Public Throughout the Process:

CMAAs will continue to report on their outreach process as part of their solicitation and selection of projects for OBAG. Each CMAA will develop a memorandum addressing outreach efforts, agency coordination, distribution methodology and Title VI compliance. CMAA reporting requirements are provided in Appendix A-10, the Checklist for CMAA and Local Jurisdiction Compliance with MTC Resolution 4202.

PROGRAM CATEGORIES AND PROJECT LIST

Appendix A-1 outlines the OBAG 2 program categories and commitments.

Attachment B of Resolution 4202 contains the list of projects to be programmed under the OBAG 2 program. Attachments B-1 and B-2 list the projects receiving OBAG 2 funding through the regional programs and county programs respectively. The project lists are subject to project selection actions (conducted by MTC for most of the regional programs and by the CMAAs for the county programs and other funds distributed to them). MTC staff will update Attachments B-1 and B-2 as projects are selected or revised by the Commission and CMAAs and are included in the federal Transportation Improvement Program (TIP).

GENERAL PROGRAMMING POLICIES

The following programming policies apply to all projects funded in OBAG 2:

- 1. Public Involvement.** MTC is committed to a public involvement process that is proactive and provides comprehensive information, timely public notice, public access to key decisions, and opportunities for continuing involvement. MTC provides many methods to fulfill this commitment, as outlined in the *MTC Public Participation Plan*, Resolution No. 4174. The Commission's adoption of the OBAG 2 program, including policy and procedures, meets the provisions of the *MTC Public Participation Plan*. MTC's advisory committees and the Bay Area Partnership have been consulted in the development of funding commitments and policies for this program; and opportunities to comment have been provided to other stakeholders and members of the public.

Furthermore, investments made in the OBAG 2 program must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. Additionally, when CMAAs select projects for funding at the county level, they must consider equitable solicitation and

selection of project candidates in accordance with federal Title VI requirements (as set forth in Appendix A-7).

- 2. Commission Approval of Programs and Projects and the Transportation Improvement Program (TIP).** Projects approved as part of the OBAG 2 program must be amended into the TIP. The federally-required TIP is a comprehensive listing of all San Francisco Bay Area surface transportation projects that receive federal funds, and/or are subject to a federally required action, such as federal environmental clearance, and/or are regionally significant for air quality conformity or modeling purposes. It is the project sponsor's responsibility to ensure their project is properly programmed in the TIP in a timely manner. Where CMAs are responsible for project selection, the Commission will revise the TIP to include the resulting projects and Attachment B to this Resolution may be updated by MTC staff to reflect these revisions. Where responsibility for project selection is assigned to MTC, TIP amendments and a revision to Attachment B to add or delete a project will be reviewed and approved by the Commission. Changes to existing projects in Attachment B may be made by MTC staff following approval of a related TIP revision.
- 3. Minimum Grant Size.** Funding grants per project must be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties). The objective of a grant minimum requirement is to maximize the efficient use of federal funds and minimize the number of federal-aid projects which place administrative burdens on project sponsors, CMAs, MTC, Caltrans, and Federal Highway Administration (FHWA) staff.

To provide flexibility, an alternative averaging approach may be used. For this approach, a CMA may program grant amounts no less than \$100,000 for any project, provided that the overall average of all grant amounts within their County CMA Program meets the county minimum grant amount threshold. This lower threshold of \$100,000 also applies to Safe Routes to School projects, which are typically of smaller scale.

Furthermore, all OBAG 2 programming amounts must be rounded to thousands.

- 4. Air Quality Conformity.** In the Bay Area, it is the responsibility of MTC to make a regional air quality conformity determination for the TIP in accordance with federal Clean Air Act requirements and Environmental Protection Agency (EPA) conformity regulations. MTC evaluates the impact of the TIP on regional air quality during the update of the TIP. Non-exempt projects that are not incorporated in the current finding for the TIP will not be considered for funding in the OBAG 2 program until the development of a subsequent air quality finding for the TIP. Additionally, the U.S. Environmental Protection Agency has designated the Bay Area as a non-attainment area for fine particulate matter (PM_{2.5}). Therefore, based on consultation with the MTC Air Quality Conformity Task Force, projects deemed Projects of Air Quality Concern (POAQC) must complete a hot-spot analysis as required by the Transportation Conformity Rule. Generally, POAQC are those projects that result in significant increases in, or concentrations of, emissions from diesel vehicles.

- 5. Environmental Clearance.** Project sponsors are responsible for compliance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the State Environmental Impact Report Guidelines (14 California Code of Regulations Section § 15000 et seq.), and the National Environmental Protection Act (42 U.S.C. § 4321 et seq.) standards and procedures for all projects with federal funds.
- 6. Application and Resolution of Local Support.** Once a project has been selected for funding, project sponsors must submit a completed project application for each project through MTC's Funding Management System (FMS). The project application consists of two parts: 1) a project submittal and/or TIP revision request to MTC staff through FMS, and 2) a Resolution of Local Support approved by the project sponsor's governing board or council and submitted in FMS. A template for the Resolution of Local Support can be downloaded from the MTC website using the following link: <http://mtc.ca.gov/our-work/fund-invest/federal-funding/obag-2>.
- 7. Project Screening and Compliance with Regional and Federal Requirements.** MTC staff will perform a review of projects proposed for OBAG 2 to ensure 1) eligibility; 2) consistency with the region's long-range plan; and 3) project readiness. In addition, project sponsors must adhere to directives such as the Complete Streets Requirements, Housing Element Requirements, and the Regional Project Funding Delivery Policy (MTC Resolution No. 3606), as outlined below, and provide the required matching funds. Project sponsors should note that fund source programs, eligibility criteria, and regulations may change as a result of the passage of new surface transportation authorization legislation. In this situation, MTC staff will work to realign new fund sources with the funding commitments approved by the Commission.
- ▶ **Federal Project Eligibility:** STP is the most flexible source of federal funding, with a wide range of projects that may be considered eligible. Eligible projects include roadway and bridge improvements (construction, reconstruction, rehabilitation, resurfacing, restoration), public transit capital improvements, pedestrian and bicycle facilities, transportation system management, transportation demand management, transportation control measures, mitigation related to an STP project, surface transportation planning activities, and safety. More detailed eligibility requirements can be found in 23 U.S.C § 133 and at: <http://www.fhwa.dot.gov/map21/factsheets/stp.cfm>.
- CMAQ is a more targeted funding source. In general, CMAQ funds may be used for new or expanded transportation projects, programs, and operations that help reduce emissions. Eligible project categories that meet this basic criteria include: Transportation activities in an approved State Implementation Plan (SIP), Transportation Control Measures (TCMs), alternative fuels, traffic flow improvements, transit expansion projects, new bicycle and pedestrian facilities and programs, travel demand management, outreach and rideshare activities, telecommuting programs, intermodal freight, planning and project development activities, and experimental

pilot projects. For more detailed information, refer to FHWA's revised guidance provided at: http://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/.

MTC reserves the right to assign specific fund sources to projects based on availability and eligibility requirements. In the event that a new surface transportation authorization is enacted during implementation of OBAG 2 that materially alters these programs, MTC staff will work with the CMAs and project sponsors to match projects with appropriate federal fund programs.

- ▶ **RTP Consistency:** Projects funded through OBAG 2 must be consistent with the adopted Regional Transportation Plan (currently *Plan Bay Area*). Project sponsors must identify each project's relationship with meeting the goals and objectives of the RTP, including the specific RTP ID number or reference. RTP consistency will be verified by MTC staff for all OBAG 2 projects. Projects in the County program will also be reviewed by CMA staff prior to submitting selected projects to MTC.
- ▶ **Complete Streets Policy:** Federal, state and regional policies and directives emphasize the accommodation of bicyclists, pedestrians, and persons with disabilities when designing transportation facilities. MTC's Complete Streets Policy (MTC Resolution No. 3765) created a checklist that is intended for use on projects to ensure the accommodation of non-motorized travelers is considered at the earliest conception or design phase. The county CMAs ensure that project sponsors complete the checklist before projects are considered by the county for OBAG 2 funding and submitted to MTC. The CMAs are required to make completed checklists available to their Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to CMAs' project selection actions.

Related state policies include: Caltrans Complete Streets Policy Deputy Directive 64 R1, which stipulates pedestrians, bicyclists and persons with disabilities must be considered in all programming, planning, maintenance, construction, operations, and project development activities and products; and the California Complete Streets Act of 2008, which requires local agency general plan circulation elements to address all travel modes.

- ▶ **Project Delivery and Monitoring:** OBAG 2 funding is available in the following five federal fiscal years: 2017-18, 2018-19, 2019-20, 2020-21, and 2021-22. Funds may be programmed in any of these years, conditioned upon the availability of federal apportionment and obligation authority (OA), and subject to TIP financial constraint requirements. In addition, in order to provide uninterrupted funding to ongoing efforts and to provide more time to prepare for the effective delivery of capital projects, priority of funding for the first year of programming apportionment (FY 2017-18) will be provided to ongoing programs, such as regional and CMA planning, non-infrastructure projects, and the preliminary engineering phase of capital projects.

Specific programming timelines will be determined through the development of the Annual Obligation Plan, which is developed by MTC staff in collaboration with the Bay Area Partnership technical working groups and project sponsors. Once programmed in the TIP, the funds must be obligated by FHWA or transferred to the Federal Transit Administration (FTA) within the federal fiscal year the funds are programmed in the TIP. Additionally, all OBAG 2 funds must be obligated no later than January 31, 2023.

Obligation deadlines, project substitutions and redirection of project savings will continue to be governed by the MTC Regional Project Funding Delivery Policy (MTC Resolution No. 3606 and any subsequent revisions). All funds are subject to obligation, award, invoicing, reimbursement and project close-out requirements. The failure to meet these deadlines may result in the de-programming and redirection of funds to other projects.

To further facilitate project delivery and ensure all federal funds in the region are meeting federal and state regulations and deadlines, every recipient of OBAG 2 funding is required to identify and maintain a staff position that serves as the single point of contact (SPOC) for the implementation of all FHWA-administered funds within that agency. The person in this position must have sufficient knowledge and expertise in the federal-aid delivery process to coordinate issues and questions that may arise from project inception to project close-out. The agency is required to identify the contact information for this position at the time of programming of funds in the TIP, and to notify MTC immediately when the position contact has changed. This person will be expected to work closely with FHWA, Caltrans, MTC and the respective CMA on all issues related to federal funding for all FHWA-funded projects implemented by the recipient.

Project sponsors that continue to miss delivery milestones and funding deadlines for any federal funds are required to prepare and update a delivery status report on all projects with FHWA-administered funds they manage, and participate, if requested, in a consultation meeting with the county CMA, MTC and Caltrans prior to MTC approving future programming or including any funding revisions for the agency in the TIP. The purpose of the status report and consultation is to ensure the local public agency has the resources and technical capacity to deliver FHWA federal-aid projects, is fully aware of the required delivery deadlines, and has developed a delivery timeline that takes into consideration the requirements and lead-time of the federal-aid process within available resources.

By applying for and accepting OBAG 2 funding, the project sponsor is acknowledging that it has and will maintain the expertise and staff resources necessary to deliver the federal-aid project within the project-funding timeframe.

- Funding Exchange: Sometimes federal funds may not be the best fit for projects being implemented to meet plan and program goals and objectives. In such cases, federal OBAG funding may be exchanged with non-federal funds. MTC staff will work with the

CMAs when such opportunities arise. Such exchanges must be consistent with MTC's fund exchange policy (MTC Resolution No. 3331) and the locally-funded project must be included in the federal TIP.

- ▶ **Local Match:** Projects funded with STP or CMAQ funding require a non-federal local match. Although local match requirements are subject to change, the current local match requirement for STP and CMAQ funded projects in California is 11.47% of the total project cost, with FHWA providing up to 88.53% of the total project cost through reimbursements. For capital projects, sponsors that fully fund the project development or Preliminary Engineering (PE) phase with non-federal funds may use toll credits in lieu of a match for the construction phase. For these projects, sponsors must still meet all federal requirements for the PE phase.
- ▶ **Fixed Program and Specific Project Selection:** Projects are chosen for the program based on eligibility, project merit, and deliverability within established deadlines. The OBAG 2 program is project-specific and the funds programmed to projects are for those projects alone.

The OBAG 2 program funding is fixed at the programmed amount; therefore, any project cost increases may not be covered by additional OBAG 2 funds. Project sponsors are responsible for securing the necessary match, and for cost increases or additional funding needed to complete the project, including contingencies.

REGIONAL PROGRAMS

The programs below comprise the OBAG 2 Regional Programs, managed by MTC. Funding amounts for each program are included in Appendix A-1. Individual projects will be added to Attachment B-1 and B-2 as they are selected and included in the federal TIP.

1. Regional Planning Activities

This program provides funding to support regional planning and outreach activities.

Appendix A-3 details the funding amounts and distribution for planning and outreach activities.

2. Pavement Management Program

This continues the region's acclaimed Pavement Management Program (PMP) and related activities including the Pavement Technical Assistance Program (PTAP), training, and regional and statewide local streets and roads needs assessment. MTC provides grants to local jurisdictions to perform regular inspections of their local streets and roads networks and to update their pavement management systems which is a requirement to receive certain funding. MTC also assists local jurisdictions in conducting associated data collection and analysis efforts including local roads needs assessments and inventory surveys and asset management analysis that feed into regional planning efforts. MTC provides, training, research and development of pavement and non-pavement preservation management techniques, and participates in the statewide local streets and roads needs assessment effort.

To support the collection and analysis of local roads asset conditions for regional planning efforts and statewide funding advocacy, and to be eligible for OBAG 2 funding for local streets and roads, a jurisdiction must:

- Have a certified Pavement Management Program (StreetSaver® or equivalent) updated at least once every three years (with a one-year extension allowed); and
- Fully participate in the statewide local streets and road needs assessment survey (including any assigned funding contribution); and
- Provide updated information to the Highway Performance Monitoring System (HPMS) at least once every 3 years (with a one-year grace period allowed).

3. Regional Priority Development Area (PDA) Planning & Implementation

Funding in this program implements the following:

Regional PDA Planning and Implementation: The PDA Planning Program places an emphasis on intensifying land uses at and near transit stations and along transit corridors in PDAs. The key goals of the program are to: increase supply of affordable and market rate housing, jobs and services within the PDA planning area; boost transit ridership and thereby reduce vehicle miles traveled by PDA residents, employees and visitors; increase walking and bicycling by improving multi-modal access and effectively managing parking; and locate key services and retail within the PDA planning area. Funding is available for regional planning and implementation efforts and grants to jurisdictions to provide PDA planning support, and typically fund specific plans and programmatic Environmental Impact Reports. PDA plans funded through the program focus on a range of transit-supportive elements including market demand analysis, affordable housing strategies, multi-modal connectivity including pedestrian-friendly design standards, parking demand analysis, infrastructure development, implementation planning and financing strategies and implementation of the best practices identified in the Air District's Planning Healthy Places guidelines.

The PDA Planning Program will give priority to cities with high risk of displacement in order to support the development of local policies and programs to meaningfully address identified housing issues.

Community-Based Transportation Planning: A portion of this program will be dedicated to the Community-Based Transportation Planning (CBTP) grant program. These locally-led plans address the mobility needs of low-income households in the region's 35 Communities of Concern. Grant funds will be used to update CBTPs that are in many cases more than 10 years old.

Naturally Occurring Affordable Housing (NOAH): Consistent with the OBAG 2 framework and PDA Planning Program, a NOAH revolving loan fund will be established as a complement to the existing TOAH loan products for new construction. NOAH loans would be used to buy apartment buildings to create long-term affordability where displacement risk is high and to secure long-term affordability in currently subsidized units that are set to expire. NOAH investments will be made in PDAs or Transit Priority Areas.

4. Climate Initiatives Program

The purpose of the OBAG 2 Climate Initiatives Program is to support the implementation of strategies identified in Plan Bay Area to achieve the required CO₂ emissions reductions per SB375 and federal criteria pollutant reductions. Investments focus on projects and programs with effective greenhouse gas emission reduction results.

Spare the Air Youth: A portion of the Climate Initiatives program would be directed to the implementation of Spare the Air Youth program.

5. Regional Active Operational Management

This program is administered at the regional level by MTC to actively manage congestion through cost-effective operational strategies that improve mobility and system efficiency across freeways, arterials and transit modes. Funding continues to be directed to evolving MTC operational programs such as next generation 511, Freeway Service Patrol (FSP), incident management program, managed lanes and regional rideshare program. Funding will also be directed to new initiatives such as the Columbus Day Initiative that deploys advanced technologies and Transportation Management Systems that ensures the existing and new technology infrastructure is operational and well-maintained.

Columbus Day Initiative

The Columbus Day Initiative (CDI) builds on the proven success of its predecessor program (the Freeway Performance Initiative), which implemented traditional fixed time-of-day freeway ramp metering and arterial signal timing projects that achieved significant delay reduction and safety on Bay Area freeways and arterials at a fraction of the cost of traditional highway widening projects. The CDI aims to deliver cost-effective, technology-driven operational improvement projects such as, adaptive ramp metering, hard shoulder running lanes, queue warning signs, connected vehicle technologies, shared mobility technologies, and regional arterial operations strategies. Projects would target priority freeway and arterial corridors with significant congestion. Funding for performance monitoring activities and corridor studies is included to monitor the state of the system and to identify and assess the feasibility of operational strategies to be deployed.

Transportation Management Systems

This program includes the operations and management of highway operations field equipment; critical freeway and incident management functions; and Transportation Management Center (TMC) staff resources needed to actively operate and maintain the highway system.

Bay Bridge Forward Project

As part of the overall OBAG 2 framework, this project encompasses the implementation of several near-term, cost-effective operational improvements that offer travel time savings, reliability and lower costs for carpooling and bus/ferry transit use to increase person throughput and reduce congestion, incidents, and emissions in the San Francisco-Oakland Bay Bridge corridor.

6. Transit Priorities Program

The objective of the Transit Priorities Program is to assist transit operators to fund major fleet replacements, including the BART Car Replacement Phase 1 project, fixed guideway rehabilitation and other high-scoring capital needs, including replacement of Clipper equipment and development of Clipper 2.0, that are consistent with MTC's Transit Capital Priorities policy for programming federal transit funds (MTC Resolution 4140 or successor resolution).

The program also implements elements of the Transit Sustainability Project by making transit-supportive investments in major transit corridors that can be carried out within two years through the Transit Performance Initiative (TPI). The focus of TPI is on making cost-effective operational improvements on significant trunk lines which carry the largest number of passengers in the Bay Area including transit signal prioritization, passenger circulation improvements at major hubs, boarding/stop improvements and other improvements to improve the passenger experience.

7. Priority Conservation Area (PCA) Program

The Priority Conservation Area (PCA) Program provides funding for the development of plans and projects to assist in the preservation and enhancement of rural lands. Specifically, projects must support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands and open space amidst a growing population across the Bay Area, for residents and businesses. The PCA program includes one approach for the North Bay counties (Marin, Napa, Solano, and Sonoma) and a second approach for the remaining five counties.

In the North Bay, each of the four CMAs will take the lead to develop a county-wide program, building on PCA planning conducted to date to select projects for funding.

For the remaining counties, MTC will partner with the Coastal Conservancy, a California State agency, to program the PCA funds. MTC will provide federal funding which will be combined with the Coastal Conservancy's own program funds in order to support a broader range of projects (i.e. land acquisition and easement projects) than can be accommodated with federal transportation dollars alone. The Coastal Conservancy, MTC, and ABAG staff will cooperatively manage the call for proposals.

The minimum non-federal match required for PCA-program funding is 2:1.

As a part of the update to *Plan Bay Area*, MTC is exploring implementing a Regional Advance Mitigation Planning (RAMP) Program. RAMP would mitigate certain environmental impacts from multiple planned transportation projects, rather than mitigating on a less-efficient per-project level. Partnering arrangements can be established to leverage multiple fund sources in order to maximize benefits of the RAMP and PCA programs. As such, PCA funds may be used to deliver net environmental benefits to a RAMP program project.

In instances where federal funds may not be used for this purpose, sponsors may exchange OBAG 2 funds with eligible non-federal funds. Such exchanges must be consistent with MTC's fund exchange policy (MTC Resolution No. 3331).

Appendix A-9 outlines the framework for this program including goals, project screening, eligibility, eligible sponsors, and project selection.

8. Housing Production Incentive

As part of the OBAG 2 framework, MTC will develop a challenge grant program for the production of affordable housing. The purpose of the program is to reward local jurisdictions that produce the most housing units at the very low, low, and moderate income levels.

The proposed concept for this program is to set a six year target for production of low and moderate income housing units (2015 through 2020), based on the housing unit needs identified through the Regional Housing Needs Allocation (RHNA) for 2014-22. The target for the proposed challenge grant period is approximately 80,000 low and moderate income units (35,000 very low, 22,000 low and 25,000 moderate units, for a total of 82,000 units, derived from the years of the current RHNA cycle). The units would need to be located in PDA's or in Transit Priority Areas (TPA's). Additionally, to be credited towards reaching the production targets, very low and low income units need to be deed restricted; moderate income units do not require deed restriction to be credited in the program.

At the end of the production challenge cycle, MTC will distribute grant funds to the jurisdictions that contribute the most toward reaching the regional production target. To keep the grant size large enough to serve as an incentive for housing production, the grant program would be limited to no more than the top ten producers of affordable housing units, or fewer, if the 80,000 unit target is reached by less than ten cities. Staff will provide annual progress reports on production of affordable housing units.

The funds provided would be STP/CMAQ, and would need to be used only for federally eligible transportation purposes.

COUNTY PROGRAMMING POLICIES

The policies below apply to the programs managed by the county Congestion Management Agencies (CMAs) or substitute agency:

- ▶ Program Eligibility: The CMA, or substitute agency, may program funds from its OBAG 2 county fund distribution to projects that meet the eligibility requirements for any of the following transportation improvement types:
 - Planning and Outreach Activities
 - Local Streets and Roads Preservation
 - Bicycle and Pedestrian Improvements
 - Transportation for Livable Communities
 - Safe Routes To School
 - Priority Conservation Areas
 - Federal Aid Secondary (FAS) Improvements

- ▶ Fund Sources & Formula Distribution: OBAG 2 is funded primarily from two federal fund sources: STP and CMAQ. The CMAs will be provided a breakdown of specific OBAG 2 fund sources, with the understanding that actual fund sources are subject to change. Should there be significant changes to federal fund sources, MTC staff will work with the CMAs to identify and realign new fund sources with the funding commitments approved by the Commission. Furthermore, due to strict funding availability and eligibility requirements, the CMAs must adhere to the fund source limitations provided. Exceptions may be granted by MTC staff based on actual fund source availability and final federal apportionment levels.

Consistent with OBAG 1, 60% of available OBAG 2 funding is assigned to Regional Programs and 40% assigned to the base County CMA Programs. The Safe Routes to School (SRTS) and Federal Aid Secondary (FAS) programs augment the county base funding, bringing the final proportionate share to 55% regional and 45% county. The Base county funds (SRTS & FAS have their own formula distribution) are distributed to each county based on the OBAG 2 county distribution formula (see page 3). Counties are further guaranteed that the funding amount for planning purposes will not exceed 50% of their total distribution. This results in the county of Napa receiving additional funding. This planning guarantee clause results in a slight deviation in the final OBAG 2 fund distribution for each county. The base County CMA Program fund distribution after the planning guarantee adjustment is shown in Appendix A-2.

- ▶ Priority Development Area (PDA) Policies
 - PDA minimum investment: CMAs in larger counties (Alameda, Contra Costa, San Mateo, San Francisco, and Santa Clara) shall direct at least 70% of their OBAG 2 investments to PDAs. For North Bay counties (Marin, Napa, Solano, and Sonoma) this minimum target is 50% to reflect the more rural nature of these counties. CMA planning and outreach costs partially count towards PDA minimum investment targets (70% or 50%, in line with each county's PDA minimum investment target). The guaranteed minimum for Priority Conservation Area (PCA), Safe Routes to School (SRTS), and Federal Aid Secondary (FAS) do not count towards PDA targets. The PDA/non-PDA funding split is shown in Appendix A-2.
 - PDA boundary delineation: Refer to http://gis.mtc.ca.gov/interactive_maps/ which provides a GIS overlay of the PDAs in the Bay Area to exact map boundaries including transportation facilities. This map is updated as ABAG approves new PDA designations.
 - Defining proximate access to PDAs: The CMAs may determine that a project located outside of a PDA provides proximate access to the PDA, and thus counts towards the county's minimum PDA investment target. The CMA is required to map these projects along with the associated PDA(s) and provide a policy justification for designating the project as supporting a PDA through

proximate access. This information should assist decision makers, stakeholders, and the public in evaluating the impact of the investment on a nearby PDA, to determine whether or not the investment should be credited towards the county's PDA minimum investment target. This information must be presented for public review when the CMA board acts on OBAG programming decisions.

- PDA Investment & Growth Strategy: Updates to each county's PDA Investment & Growth Strategy are required every four years and must be adopted by the CMA Board. The updates should be coordinated with the countywide plan and Regional Transportation Plan (RTP) updates to inform RTP development decisions. Interim status reports are required two years after each update to address needed revisions and provide an activity and progress status. See Appendix A-8 for details.
- ▶ Project Selection: County CMAs or substitute agencies are given the responsibility to develop a project selection process. The process should include solicitation of projects, identifying evaluation criteria, conducting outreach, evaluating project applications, and selecting projects.
 - Public Involvement: In selecting projects for federal funding, the decision making authority is responsible for ensuring that the process complies with federal statutes and regulations. In order to ensure that the CMA process for administering OBAG 2 is in compliance with federal regulations, CMAs are required to lead a public outreach process as directed by Appendix A-7.
 - CMAs must adopt a specific scoring methodology for funding allocation to projects within PDAs or Transit Priority Areas (TPAs) that rewards jurisdictions with the most effective housing anti-displacement policies.
 - MTC and the CMAs will conduct an analysis of the impact of this incentive-based scoring methodology on project selection and local anti-displacement and affordable housing production policy development. The findings will be used to inform future planning and funding priorities.
 - Unified Call for Projects: CMAs are requested to issue one unified call for projects for their OBAG 2 program. Final project lists are due to MTC by July 31, 2017, with all associated project information submitted to MTC using the Fund Management System (FMS) by August 31, 2017. On a case-by-case basis and as approved in advance by MTC staff, these deadlines may be waived to allow coordination with other county-wide call for projects or programming needs. The goal is to coordinate the OBAG2 call for projects, and provide project sponsors the maximum time to deliver projects.
 - Project Programming Targets and Delivery Deadlines: CMAs must program their block grant funds over the OBAG 2 period (FY 2017-18 through FY 2021-

22). In general, the expectation is that on-going activities such as CMA planning, non-infrastructure projects and the Preliminary Engineering (PE) phase of projects would use capacity in the first year, followed by the capital phases of project in later years.

- OBAG 2 funding is subject to the provisions of the Regional Project Delivery Policy (MTC Resolution 3606, or its successor) including the deadlines for Request for Authorization (RFA) submittal and federal authorization/obligation. Additionally, the following funding deadlines apply for each county, with earlier delivery strongly encouraged:
 - At least half of the OBAG 2 funds, must be obligated (federal authorization/FTA Transfer) by January 31, 2020.
 - All remaining OBAG 2 funds must be obligated by January 31, 2023.
- ▶ Performance and Accountability Policies: Jurisdictions need to comply with the following policies, as well as other requirements noted in the document, in order to be eligible recipients of OBAG 2 funds.
 - Adopt a complete streets resolution by the date the CMAs submit their OBAG 2 project recommendations to MTC, incorporating MTC's required complete streets elements as outlined in [MTC's Complete Streets Guidance](#).

Alternatively, to recognize local jurisdiction's efforts to update their general plan circulation element to incorporate the provisions of the 2008 Complete Streets Act in response to the provisions stated in OBAG 1, a jurisdiction may adopt a significant revision to the circulation element of the general plan that complies with the Act after January 1, 2010.

For compliance, a substantial revision of the circulation element, passed after January 1, 2010, shall "...plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan," while complying with the other provisions of CA Government Code Section 65302 and Complete Streets Act of 2008.

The approach above focuses on the adoption of local complete streets resolutions, while acknowledging the jurisdictions that took efforts to update their circulation element in anticipation of future OBAG requirements.

- Jurisdictions (cities and counties) must have a general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for 2014-2022 RHNA by May 31, 2015. Jurisdictions that have failed to meet this deadline must have their housing elements certified by HCD by June 30, 2016 in order to be eligible to receive OBAG 2 funding.

- Furthermore, under state statute, jurisdictions are required to submit Housing Element Annual Reports by April 1 every year. All cities and counties receiving OBAG 2 funding must comply with this statute during the entire OBAG 2 funding period or risk deprogramming of OBAG 2 funding.
- General law cities and counties must adopt a surplus land resolution by the date the CMAs submit their OBAG 2 project recommendations to MTC. The resolution must verify that any disposition of surplus land undertaken by the jurisdiction complies with the State Surplus Land Act, as amended by AB 2135, 2014. MTC will issue guidance to assist cities and counties in drafting a resolution to meet this requirement. This guidance will be posted on the OBAG 2 website: <http://mtc.ca.gov/our-work/fund-invest/federal-funding/obag-2>.

Charter cities do not have to adopt a surplus land resolution unless and until a final court decision is rendered that charter cities are subject to the provisions of the Act.

- For jurisdictions with local public streets and roads, to be eligible for OBAG 2 funding, the jurisdiction must:
 - Have a certified Pavement Management Program (StreetSaver® or equivalent) updated at least once every three years (with a one-year extension allowed);
 - Fully participate in the statewide local streets and road needs assessment survey; and
 - Provide updated information to the Highway Performance Monitoring System (HPMS) at least once every 3 years (with a one-year grace period allowed).
- For a transit agency project sponsor under a Joint Powers Authority (JPA) or district (not under the governance of a local jurisdiction), or an agency where housing and complete streets policies do not apply, the jurisdiction where the project is located (such as station/stop improvements) will need to comply with the policies and other requirements specified in this attachment before funds may be programmed to the project sponsor. However, this is not required if the project is transit/rail agency property such as, track, rolling stock or a transit maintenance facility.
- OBAG 2 funds may not be programmed to any jurisdiction out of compliance with the policies and other requirements specified in this attachment.
- The CMA will be responsible for tracking progress towards all OBAG 2 requirements and affirming to MTC that a jurisdiction is in compliance prior to MTC programming OBAG 2 funds to its projects in the TIP.

CMA's will provide the following prior to programming projects in the TIP (see Appendix A-10):

- Documentation of the approach used to select OBAG 2 projects including outreach efforts, agency coordination, Title VI compliance, the methodology used for distributing funds within the county, and the specific scoring methodology used for allocating funds to projects within PDAs or TPAs that rewards local jurisdictions with the most effective housing anti-displacement policies;
- The board adopted list of projects recommended for OBAG 2 funding;
- Self-certification that all projects recommended for funding are consistent with the current RTP (including documentation) and have completed project-specific Complete Streets Checklists (including documentation);
- Identification of the Single-Point of Contact assigned by the jurisdiction for all FHWA-funded projects, including OBAG 2 projects;
- Documentation of local jurisdiction compliance with MTC's Complete Streets Policy, including a list of the status of each jurisdiction, a letter from the CMA for each jurisdiction describing how the jurisdiction meets the policy requirements, and supporting documentation for each local jurisdiction (resolutions and/or circulation elements)
- Documentation of local jurisdiction compliance with MTC's Housing Element requirements, including a list of the status of each jurisdiction's Annual Housing Element Progress Report as well as any supporting documentation for each jurisdiction (progress reports and copies of submittal letter to HCD). This documentation will be required annually from CMA's (April 30 each year) throughout the OBAG 2 programming period;
- Documentation of compliance with the State's Surplus Land Act requirements, for each applicable jurisdiction (copy of adopted resolution).
- Documentation for any projects recommended for funding that apply toward the county's minimum PDA investment target. This includes mapping of all mappable projects (projects with a physical location). For projects that are not physically located within a PDA, the CMA is required to map each project along with the associated PDA(s) and provide a policy justification for designating each project as supporting a PDA through proximate access. CMA's must also document that this information was used when presenting its program of projects to their board and the public; and
- Self-certification that the PDA Investment and Growth Strategy has been completed and adopted by the CMA Board, or will be adopted in coordination with the RTP update. Documentation of required updates

and interim progress reports must also be submitted by the CMAs throughout the OBAG 2 period.

COUNTY PROGRAMS

The categories below comprise the eligible OBAG 2 County Programs, administered by the nine county CMAs. The CMAs should ensure that the project selection process and selected projects meet all eligibility requirements throughout this document as well as in federal statutes and regulations. MTC staff will work with CMAs and project sponsors to resolve any eligibility issues which may arise, including air quality conformity exceptions and requirements.

County CMA Program

The base OBAG 2 County program accounts for 40% of the total funding available through OBAG 2 and is distributed to each county according to the OBAG 2 county formula after accounting for the CMA Planning minimum guarantee (see Appendices A-2 and A-3). This program includes CMA planning and outreach as well as the various projects selected through each county's competitive call for projects. Projects selected through the base county program are subject to the PDA investment minimum requirements.

1. CMA Planning and Outreach

This category provides funding to the county Congestion Management Agency (CMA) or substitute agency to support programming, monitoring and outreach activities. Such efforts include, but are not limited to: county-based planning efforts for development of the RTP/Sustainable Communities Strategy (SCS); development of PDA growth strategies; development and implementation of a complete streets compliance protocol; establishing land use and travel forecasting process and procedures consistent with ABAG/MTC; ensuring the efficient and effective delivery of federal-aid local projects; and undertaking the programming of assigned funding and solicitation of projects.

The minimum funding level for the CMA planning and outreach program continues OBAG 1 commitments by escalating FY 2016-17 amounts at 2% per year. In addition, counties are guaranteed that the base funding level for the CMA's planning and outreach program will not exceed 50% of the county's total OBAG 2 County Program distribution. Actual CMA planning and outreach amounts for each county, are shown in Appendix A-3.

At their discretion, the CMAs may choose to designate additional funding from their County Program to augment their planning and outreach efforts.

All funding and activities will be administered through an interagency agreement between MTC and the respective CMA.

2. Local Streets and Roads Preservation

This category is for the preservation of local streets and roads on the federal-aid system. To be eligible for funding of any Local Streets and Roads (LSR) preservation project, the jurisdiction

must have a certified Pavement Management Program (StreetSaver® or equivalent). In addition, selected pavement projects should be based on the needs analysis resulting from the established Pavement Management Program (PMP) for the jurisdiction. This requirement ensures that streets selected for investment are cost effective. MTC is responsible for verifying the certification status of jurisdictions. The current certification status of area jurisdictions can be found at <http://www.mtc.ca.gov/services/pmp/>.

Furthermore, to support the collection and analysis of local roads asset conditions for comprehensive regional planning efforts and statewide funding advocacy, a jurisdiction must fully participate in the statewide local streets and road needs assessment survey to be eligible for OBAG 2 funding for pavement rehabilitation.

Eligibility requirements for specific project types are included below:

▶ Pavement Rehabilitation:

All pavement rehabilitation projects, including projects with pavement segments with a Pavement Condition Index (PCI) below 70, must be consistent with segments recommended for treatment within the programming cycle by the jurisdiction's PMP.

▶ Preventive Maintenance:

Only projects where pavement segments have a PCI of 70 or above are eligible for preventive maintenance. Furthermore, the local agency's PMP must demonstrate that the preventive maintenance strategy is a cost effective method of extending the service life of the pavement.

▶ Non-Pavement:

Eligible non-pavement activities and projects include rehabilitation or replacement of existing features on the roadway facility, such as bridge structures, storm drains, National Pollutant Discharge Elimination System (NPDES), curbs, gutters, culverts, medians, guardrails, safety features, signals, signage, sidewalks, ramps, complete streets elements and features that bring the facility to current standards. Jurisdictions must have a certified PMP to be eligible to receive funding for improvements to non-pavement features.

Activities that are not eligible for funding include: Air quality non-exempt projects (unless granted an exception by MTC staff), new roadways, roadway extensions, right of way acquisition for future expansion, operations, routine maintenance, spot application, enhancements that are above and beyond repair or replacement of existing assets (other than bringing roadway to current standards or implementing complete streets elements) and any pavement application not recommended by the PMP unless otherwise allowed above.

Federal-Aid Eligible Facilities: Federal-aid highways as defined in 23 U.S.C. 101(a)(6) are eligible for local streets and roads preservation funding. A federal-aid highway is a public road that is not classified as a rural minor collector or local road (residential) or lower. Project sponsors must

confirm the eligibility of their roadway through the Highway Performance Monitoring System (HPMS) prior to the application for funding.

3. Bicycle and Pedestrian Improvements

This category funds a wide range of bicycle and pedestrian improvements including Class I, II and III bicycle facilities; cycle tracks; bicycle education, outreach, sharing and parking; sidewalks, ramps, pathways and pedestrian bridges; user safety and supporting facilities; and traffic signal actuation. Bicycle and pedestrian projects may be located on or off the federal-aid highway system.

Additional eligibility requirements will apply to bicycle and pedestrian projects that are funded with CMAQ funds rather than STP funds, given the more limited scope of the CMAQ funding program. According to CMAQ eligibility requirements, bicycle and pedestrian facilities must not be exclusively recreational and should reduce vehicle trips resulting in air pollution reductions. Also, the hours of operation need to be reasonable and support bicycle/pedestrian needs, particularly during commute periods. For example, the policy that a trail be closed to users before sunrise or after sunset may limit users from using the facility during the portions of peak commute hours, particularly during times of the year with shorter days.

4. Transportation for Livable Communities

The purpose of Transportation for Livable Communities (TLC) projects is to support community-based transportation projects that bring new vibrancy to downtown areas, commercial cores, high-density neighborhoods, and transit corridors; enhancing their amenities and ambiance and making them places where people want to live, work and visit. The TLC program supports the RTP/SCS by investing in improvements and facilities that promote alternative transportation modes rather than the single-occupant automobile.

General project categories include the following:

- Transit station improvements such as plazas, station access, pocket parks, and bicycle parking.
- Transit expansions serving PDAs.
- Complete Streets improvements that improve bicycle and pedestrian access and encourage use of alternative modes.
- Cost-effective, technology-driven active operational management strategies for local arterials and for highways when used to augment other fund sources or match challenge grants.
- Transportation Demand Management (TDM) projects including car sharing, vanpooling traveler coordination and information, and Clipper®-related projects.
- Transit access projects connecting high density housing/jobs/mixed land use to transit, such as bicycle/pedestrian paths and bridges and safe routes to transit.
- Streetscape projects focusing on high-impact, multi-modal improvements or associated with high density housing/mixed use and transit, such as bulb outs, sidewalk widening, crosswalk enhancements, audible signal modification, mid-block crossing and signals, new striping for bicycle lanes and road diets, pedestrian street

- lighting, medians, pedestrian refuges, wayfinding signage, tree grates, bollards, permanent bicycle racks, signal modification for bicycle detection, street trees, raised planters, planters, costs associated with on-site storm water management, permeable paving, and pedestrian-scaled street furniture including bus shelters, benches, magazine racks, garbage and recycling bins.
- Mobility management and coordination projects that meet the specific needs of seniors and individuals with disabilities and enhance transportation access for populations beyond those served by one agency or organization within a community. Examples include the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals; individualized travel training and trip planning activities for customers; the development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and the operation of transportation brokerages to coordinate providers, funding agencies and passengers. Selected project sponsors may need to transfer the STP/CMAQ funds received to FTA.
 - PDA planning and implementation, including projects that incentivize local PDA transit oriented development housing (within funding eligibility limitations unless exchanged).
 - Density incentives projects and non-transportation infrastructure improvements that include density bonuses, sewer upgrade, land banking or site assembly (these projects require funding exchanges to address federal funding eligibility limitations).

Activities that are not eligible for funding include: air quality non-exempt projects (unless granted an exception by MTC staff), new roadways, roadway extensions, right of way acquisition for future expansion, operations, and routine maintenance.

Additional County Programs

In addition to the base County CMA Program, OBAG 2 directs additional funds to the CMAs to distribute to eligible project types. These programs are the Safe Routes to School (SRTS) program, the Federal Aid Secondary Shares Continuation (FAS) program, and for the North Bay Counties, the Priority Conservation Area (PCA) program.

1. Safe Routes to School

Eligible projects for the Safe Routes to School (SRTS) program include infrastructure and non-infrastructure projects that facilitate reduction in vehicular travel to and from schools. It is important to note that this program is funded exclusively by the CMAQ funding program. Given the intent of the CMAQ program to reduce vehicular emissions, the OBAG 2 SRTS program is targeted towards air quality improvement rather than the health or safety of school-aged children. Despite this limitation, project eligibility under CMAQ largely overlaps with typical eligibility requirements for Safe Routes to School programs. Detailed examples of eligible projects are provided below:

Eligible Non-Infrastructure Projects

Public Education and Outreach Activities

- Public education and outreach can help communities reduce emissions and congestion by inducing drivers to change their transportation choices
- Activities that promote new or existing transportation services, developing messages and advertising materials (including market research, focus groups, and creative), placing messages and materials, evaluating message and material dissemination and public awareness, technical assistance, programs that promote the Tax Code provision related to commute benefits, and any other activities that help forward less-polluting transportation options
- Air quality public education messages: Long-term public education and outreach can be effective in raising awareness that can lead to changes in travel behavior and ongoing emissions reductions; therefore, these activities may be funded indefinitely
- Non-construction outreach related to safe bicycle use
- Travel Demand Management (TDM) activities including traveler information services, shuttle services, carpools, vanpools, parking pricing, etc.

Eligible Infrastructure Projects

- Constructing bicycle and pedestrian facilities (paths, sidewalks, bike racks, support facilities, etc.), that are not exclusively recreational and reduce vehicle trips
- Programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas
- New construction and major reconstructions of paths, tracks, or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest
- Traffic calming measures

Exclusions found to be ineligible uses of CMAQ funds

- Walking audits and other planning activities (Upon the CMA's request and availability of funds, STP funds will be provided for these purposes)
- Crossing guards, vehicle speed feedback devices, and traffic control that is primarily oriented to vehicular traffic rather than bicyclists and pedestrians
- Material incentives that lack an educational message or exceed a nominal cost

Within the SRTS program, funding is distributed among the nine Bay Area counties based on K-12 total enrollment for private and public schools as reported by the California Department of Education for FY 2013-14 (see Appendix A-5). SRTS funding distributed to CMAs based on enrollment is not subject to the PDA minimum investment requirements. However, if a CMA chooses to augment the SRTS program with additional funding from their base OBAG 2 County CMA program, this additional funding is subject to the PDA minimum investment requirements.

Before programming projects into the TIP, the CMAs shall provide the SRTS projects, recommended county program scope, budget, schedule, agency roles, and federal funding recipient(s).

In programming the funds in the TIP, project sponsors may consider using non-federal funds to fund SRTS activities ineligible for federal funding. In such instances, the sponsor is allowed to use toll credits for the federal project, conditioned upon a minimum of 11.47% in non-federal funds being dedicated for SRTS activities. Separate accounting of a federalized project and a non-federalized project to fund a single program can be challenging, so care should be taken when using this option.

CMAs with an established SRTS program may choose to program local funds for SRTS projects in lieu of OBAG 2 funds and use the OBAG 2 funding for other eligible OBAG 2 projects. In such instances the local SRTS project(s) must be identified at the time the CMA submits the county OBAG 2 program to MTC and subsequently programmed in the federal TIP.

2. Federal Aid Secondary (FAS) Shares

The Federal Aid Secondary (FAS) program, which directed funding to rural roads, was eliminated in 1991 with the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA).

However, California statutes provide for the continuation of minimum funding levels to counties, guaranteeing their prior FAS shares for rural county roads.

The county CMAs are required to ensure the counties receive their guaranteed annual funding through the CMA-managed OBAG county program. The county of San Francisco has no rural roads, and therefore does not receive FAS funding. In addition, the counties of Marin, Napa, and San Mateo may exchange their annual guaranteed FAS funding with state funding from Caltrans, as permitted by state statute. Caltrans takes these federal funds "off the top" before distributing regional STP funds to MTC. The CMAs for these three counties are not required to provide FAS guaranteed funding to these three counties for years in which these counties request such an exchange, as the statutory requirement is met through this exchange with Caltrans.

Counties may access their FAS funding at any time within the OBAG 2 period for any project eligible for STP funding. Guaranteed minimum FAS funding amounts are determined by California's Federal-Aid Secondary Highways Act (California Code § 2200-2214) and are listed in Appendix A-4. This FAS funding is not subject to the minimum PDA investment requirement. Any additional funding provided by the CMAs to the counties from the OBAG 2 county base formula distribution is subject to the minimum PDA investment requirements.

3. Priority Conservation Area (PCA)

The Priority Conservation Area (PCA) Program provides funding for the development of plans and projects to assist in the preservation and enhancement of rural lands and open space.

Generally, eligible projects include PCA planning activities, bicycle and pedestrian access to open space and parklands, visual enhancements and habitat/environmental enhancements.

Specifically, projects must support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands amidst a growing population across the Bay Area, for residents and businesses.

Land acquisition for preservation purposes is not federally eligible, but may be facilitated through CMA-initiated funding exchanges.

The PCA funding program includes one approach for the North Bay program (Marin, Napa, Solano, and Sonoma) and a second for the remaining five counties. In the North Bay, each CMA will receive dedicated funding, lead a county-wide program building on PCA planning conducted to date, and select projects for funding. For the remaining counties, MTC will partner with the Coastal Conservancy, a California State agency, to program the PCA funds. Appendix A-9 outlines the framework for this program including goals, project screening eligibility, eligible sponsors, and project selection.

Any CMA may use additional funding from its base OBAG 2 County Program to expand its dedicated PCA program (North Bay counties), augment grants received from the regionally competitive PCA program (remaining counties), or develop its own county PCA program (all counties).

The North Bay program framework is to be developed by the four North Bay CMAs, building upon their PCA planning and priorities carried out to date. Project eligibility is limited by the eligibility of federal surface transportation funding; unless the CMA can exchange these funds or leverage new fund sources for their programs.

As a part of the update to *Plan Bay Area*, MTC is exploring implementing a Regional Advance Mitigation Planning (RAMP) Program. RAMP would mitigate certain environmental impacts from multiple planned transportation projects, rather than mitigating on a less-efficient per-project level. Partnering arrangements can be established to leverage multiple fund sources in order to maximize benefits of the RAMP and PCA programs. As such, PCA funds may be used to deliver net environmental benefits to a RAMP program project.

In instances where federal funds may not be used for this purpose, sponsors may exchange OBAG 2 funds with eligible non-federal funds. Such exchanges must be consistent with MTC's fund exchange policy (MTC Resolution No. 3331).

Appendix A-1

OBAG 2 Program Categories FY 2017-18 through FY 2019-22 July 27, 2016

Program Categories

Regional Program		OBAG 1		OBAG 2	
Regional Categories		Regional Distribution		% Share	Amount
		\$499.3		476.5	
1	Regional Planning Activities	2%	\$8.5	2%	9.6
2	Pavement Management Program	2%	\$9.1	2%	9.3
3	Regional PDA Planning & Implementation	4%	\$20.0	5%	20.0
4	Climate Initiatives	4%	\$22.3	5%	23.0
5	Priority Conservation Area	2%	\$9.5	4%	16.4
6	Regional Active Operational Management	37%	\$183.5	39%	179.0
7	Transit Capital Priorities	40%	\$201.4	43%	189.3
		\$454.3		Regional Program Total: 52% 446.5	

Local Categories		OBAG 1		OBAG 2	
		\$45.0		30.0	
8	Local PDA Planning (within county program for OBAG 2)	4%	\$20.0		
	Safe Routes To School (Moved to county program for OBAG 2)	5%	\$25.0		
	Federal-Aid Secondary - FAS (within county program for OBAG 2)	-	-		
	Local Housing Production Incentive	-	-		
		9%		Local Program Total: 3% 30.0	

County Program			OBAG 1			OBAG 2						
Population			Base Formula STP/CMAQ/TE *	Final Distribution Including SRTS & PDA		Base Formula **	SRTS ***	FAS ***	Final Adjusted Distribution Including SRTS & FAS ****			
Countries												
1	Alameda	21.2%	19.6%	\$64.1	19.7%	\$73.4	20.0%	\$69.7	\$5.3	\$1.8	19.9%	\$76.7
2	Contra Costa	14.6%	14.1%	\$46.0	14.2%	\$52.9	14.6%	\$50.8	\$4.1	\$1.3	14.6%	\$56.1
3	Marin	3.4%	3.3%	\$10.7	3.3%	\$12.3	2.6%	\$9.2	\$0.9	\$0.8	2.8%	\$10.9
4	Napa	1.9%	2.3%	\$7.4	2.3%	\$8.7	1.6%	\$5.5	\$0.5	\$1.2	2.2%	\$8.2
5	San Francisco	11.3%	12.0%	\$39.3	11.7%	\$43.5	13.4%	\$46.5	\$1.8	\$0.0	12.4%	\$48.2
6	San Mateo	10.0%	8.3%	\$27.2	8.4%	\$31.2	8.4%	\$29.3	\$2.4	\$0.9	8.4%	\$32.5
7	Santa Clara	25.2%	27.3%	\$89.3	27.2%	\$101.4	27.5%	\$95.8	\$6.9	\$1.7	26.9%	\$104.1
8	Solano	5.7%	6.0%	\$19.5	5.9%	\$22.1	5.2%	\$18.3	\$1.5	\$1.5	5.5%	\$21.2
9	Sonoma	6.6%	7.3%	\$23.8	7.2%	\$26.9	6.6%	\$22.9	\$1.7	\$3.3	7.2%	\$27.7
Total:				\$327.4		\$372.4		\$348.0	\$25.0	\$12.5	45%	\$385.5

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OBAG Total:	OBAG 1:	\$827	OBAG 2:	\$862
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- * **OBAG 1:** In OBAG 1, the county CMAAs received \$327 M with \$18 M in RTIP-TE and \$309 M in STP/CMAQ. RTIP-TE funding is no longer part of OBAG 2
- ** **Base:** Unadjusted raw county base formula amount
- *** **SRTS:** SRTS moved to County Program and distributed based on FY 2013-14 K-12 school enrollment
- *** **FAS:** Federal-Aid Secondary (FAS) distributed based by statutory requirements. San Francisco has no rural roads and therefore is not subject to State Statute requirements
- **** **OBAG2:** Final county distribution rounded to nearest \$1,000 and includes SRTS & FAS and adjusted so a county CMA's base planning is no more than 50% of total

Appendix A-2

OBAG 2 County Fund Distribution FY 2017-18 through FY 2021-22 July 27, 2016

OBAG 2 - County Funding Formula Distribution

County	Total County Distribution *	OBAG 2 Adjusted Base **	PDA Percentage	PDA/Anywhere Split	PDA	Anywhere
Alameda	\$76,655,000	\$69,728,000	70%	70/30	\$48,810,000	\$27,845,000
Contra Costa	\$56,136,000	\$50,846,000	70%	70/30	\$35,592,000	\$20,544,000
Marin	\$10,870,000	\$9,194,000	50%	50/50	\$4,597,000	\$6,273,000
Napa	\$8,150,000	\$5,501,000	50%	50/50	\$2,751,000	\$5,399,000
San Francisco	\$48,183,000	\$46,514,000	70%	70/30	\$32,560,000	\$15,623,000
San Mateo	\$32,545,000	\$29,339,000	70%	70/30	\$20,537,000	\$12,008,000
Santa Clara	\$104,073,000	\$95,758,000	70%	70/30	\$67,031,000	\$37,042,000
Solano	\$21,177,000	\$18,253,000	50%	50/50	\$9,127,000	\$12,050,000
Sonoma	\$27,723,000	\$22,867,000	50%	50/50	\$11,434,000	\$16,289,000
Total:	\$385,512,000	\$348,000,000			\$232,439,000	\$153,073,000

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* Total county distribution including SRTS, FAS and planning adjustment

** OBAG 2 adjusted base county amount subject to PDA investment - does not include SRTS, FAS or PCA. Rounded to thousands and adjusted to ensure a county's base planning activity is no more than 50% of the total distribution

Appendix A-3

OBAG 2 Planning & Outreach FY 2017-18 through FY 2021-22 November 18, 2015

OBAG 2 - County CMA Planning

County	Agency	2.0%	OBAG 2 County CMA Planning - Base *					Total
		2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	
Alameda	ACTC	\$1,034,000	\$1,055,000	\$1,076,000	\$1,097,000	\$1,119,000	\$1,142,000	\$5,489,000
Contra Costa	CCTA	\$818,000	\$834,000	\$851,000	\$868,000	\$885,000	\$904,000	\$4,342,000
Marin	TAM	\$720,000	\$734,000	\$749,000	\$764,000	\$779,000	\$796,000	\$3,822,000
Napa	NCTPA	\$720,000	\$734,000	\$749,000	\$764,000	\$779,000	\$796,000	\$3,822,000
San Francisco	SFCTA	\$753,000	\$768,000	\$783,000	\$799,000	\$815,000	\$832,000	\$3,997,000
San Mateo	SMCCAG	\$720,000	\$734,000	\$749,000	\$764,000	\$779,000	\$796,000	\$3,822,000
Santa Clara	VTA	\$1,145,000	\$1,168,000	\$1,191,000	\$1,215,000	\$1,239,000	\$1,265,000	\$6,078,000
Solano	STA	\$720,000	\$734,000	\$749,000	\$764,000	\$779,000	\$796,000	\$3,822,000
Sonoma	SCTA	\$720,000	\$734,000	\$749,000	\$764,000	\$779,000	\$796,000	\$3,822,000
County CMAs Total:		\$7,350,000	\$7,495,000	\$7,646,000	\$7,799,000	\$7,953,000	\$8,123,000	\$39,016,000

OBAG 2 - Regional Planning

	2.0%	OBAG 2 Regional Agency Planning - Base *					Total
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	
Regional Planning Total:	\$1,800,000	\$1,835,000	\$1,873,000	\$1,910,000	\$1,948,000	\$1,989,000	\$9,555,000

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* 2% escalation from FY 2016-17 Planning Base

\$48,571,000

Appendix A-4

OBAG 2 Federal-Aid Secondary FY 2017-18 through FY 2021-22 November 18, 2015

OBAG 2 - Federal-Aid Secondary (FAS)

County	FAS			Total OBAG 2 Rounded
	Regional Percentage	Annual FAS Funding *	5-Year FAS Funding	
Alameda	14.2%	\$355,761	\$1,778,805	\$1,779,000
Contra Costa	10.7%	\$268,441	\$1,342,205	\$1,343,000
Marin	6.7%	\$167,509	\$837,545	\$838,000
Napa	9.5%	\$237,648	\$1,188,240	\$1,189,000
San Francisco **	0.0%	\$0	\$0	\$0
San Mateo	7.1%	\$178,268	\$891,340	\$892,000
Santa Clara	13.6%	\$340,149	\$1,700,745	\$1,701,000
Solano	12.0%	\$301,159	\$1,505,795	\$1,506,000
Sonoma	26.1%	\$652,790	\$3,263,950	\$3,264,000
Total:	100.0%	\$2,501,725	\$12,508,625	\$12,512,000

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* As provided by Caltrans per State Statute

** San Francisco has no rural roads

Appendix A-5

OBAG 2 Safe Routes to School County FY 2017-18 through FY 2021-22 November 18, 2015

OBAG 2 - Safe Routes To School County Distribution

County	Public School Enrollment (K-12) *	Private School Enrollment (K-12) *	Total School Enrollment (K-12) *	FY 2013-14 Percentage	Total OBAG 2 Rounded
Alameda	222,681	24,036	246,717	21.4%	\$5,340,000
Contra Costa	173,020	15,825	188,845	16.4%	\$4,088,000
Marin	32,793	7,104	39,897	3.5%	\$864,000
Napa	20,868	2,913	23,781	2.1%	\$515,000
San Francisco	58,394	24,657	83,051	7.2%	\$1,797,000
San Mateo	94,667	15,927	110,594	9.6%	\$2,394,000
Santa Clara	276,175	41,577	317,752	27.5%	\$6,878,000
Solano	63,825	4,051	67,876	5.9%	\$1,469,000
Sonoma	70,932	5,504	76,436	6.6%	\$1,655,000
Total:	1,013,355	141,594	1,154,949	100%	\$25,000,000

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* From California Department of Education for FY 2013-14

Appendix A-6

OBAG 2 Priority Conservation Area FY 2017-18 through FY 2021-22 November 18, 2015

OBAG 2 - Priority Conservation Area (PCA)

PCA Program	Total OBAG 2
Northbay Program	
Marin	\$2,050,000
Napa	\$2,050,000
Solano	\$2,050,000
Sonoma	\$2,050,000
Subtotal:	\$8,200,000
Remaining Counties Competitive Program	
Subtotal:	\$8,200,000
Total	
Total:	\$16,400,000

Appendix A-7: OBAG 2 – CMA One Bay Area Grant County Program Outreach

The Metropolitan Transportation Commission (MTC) delegates authority for the county program project selection to the nine Bay Area Congestion Management Agencies (CMAs). The existing relationships the CMAs have with local jurisdictions, elected officials, transit agencies, community organizations and stakeholders, and members of the public within their respective counties make them best suited for this role. As one of the requirements for distributing federal transportation funding, MTC expects the CMAs to plan and execute an effective public outreach and local engagement process during development of the PDA Investment and Growth Strategy and the solicitation and project selection for the OBAG 2 program. CMAs also serve as the main point of contact for local sponsoring agencies and members of the public submitting projects for consideration for inclusion in the Transportation Improvement Program (TIP).

To comply with federal regulations, the CMAs must conduct a transparent process for the Call for Projects, and include the following activities:

1. Public Involvement and Outreach

Conduct countywide outreach to stakeholders and the public to solicit project ideas.

CMAs are expected to implement their public outreach efforts in a manner consistent with MTC's Public Participation Plan (MTC Resolution No. 4174), which can be found at <http://mtc.ca.gov/about-mtc/public-participation/public-participation-plan> . CMAs are expected at a minimum to:

- Execute effective and meaningful local engagement efforts during the call for projects by working closely with local jurisdictions, elected officials, transit agencies, community-based organizations, and the public through the project solicitation process;
- Explain the local call for projects process, informing stakeholders and the public about the opportunities for public comments on project ideas and when decisions are to be made on the list of projects to be submitted to MTC;
- Hold public meetings and/or workshops at times that are conducive to public participation to solicit public input on project ideas to submit;
- Post notices of public meetings and hearing(s) on their agency website; include information on how to request language translation for individuals with limited English proficiency. If agency protocol has not been established, please refer to MTC's Plan for Assisting Limited English Proficient Populations at <http://mtc.ca.gov/about-mtc/public-participation/get-language-assistance>;
- Offer language translations and accommodations for people with disabilities, if requested at least three days in advance of the meeting; and
- Hold public meetings in central locations that are accessible for people with disabilities and by public transit.

Document the outreach effort undertaken for the local call for projects. CMAs are to provide MTC with a:

- Description of how the public was involved in the process for nominating and/or commenting on projects selected for OBAG 2 funding.

2. Agency Coordination

- **Work closely with local jurisdictions, transit agencies, MTC, Caltrans, federally recognized tribal governments, and stakeholders to identify projects for consideration in the OBAG 2 Program.** CMAs will assist with agency coordination by:

- Communicating this call for projects guidance to local jurisdictions, transit agencies, federally recognized tribal governments, and other stakeholders.
- Documenting the steps taken to engage the above-listed organizations.

3. Title VI Responsibilities

- **Ensure the public involvement process provides underserved communities access to the project submittal process in compliance with Title VI of the Civil Rights Act of 1964.**

- Assist community-based organizations, communities of concern, and any other underserved community interested in having projects submitted for funding.
- Remove barriers for persons with limited-English proficiency to have access to the project submittal process.
- Document the steps taken to engage underserved communities.
- For Title VI outreach strategies, please refer to MTC's Public Participation Plan found at: <http://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>.
- Additional resources are available at:
 - i. <http://www.fhwa.dot.gov/civilrights/programs/tvi.htm>
 - ii. http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html#TitleVI
 - iii. http://www.mtc.ca.gov/get_involved/rights/index.htm

Appendix A-8: PDA Investment & Growth Strategy

The purpose of a PDA Investment & Growth Strategy is to ensure that CMAs have a transportation project priority-setting process for OBAG 2 funding that supports and encourages development in the region's PDAs, recognizing that the diversity of PDAs will require a range of different strategies. Some of the planning activities noted below may be appropriate for CMAs to consider for jurisdictions or areas not currently designated as PDAs if those areas are still considering future housing and job growth. Regional agencies will provide support, as needed, for the PDA Investment & Growth Strategies. From time to time, MTC shall consult with the CMAs to evaluate progress on the PDA Investment and Growth Strategy. This consultation may result in specific work elements shifting among MTC, ABAG and the CMAs. Significant modifications to the scope of activities may be formalized through future revisions to this resolution. The following are activities CMAs need to undertake in order to develop a project priority-setting process:

(1) Engaging Regional/Local Agencies

- Develop or continue a process to regularly engage local planners and public works staff. Understand the needs of both groups and share information with MTC and ABAG.
- Encourage community participation throughout the development of the Investment and Growth Strategy, consistent with the OBAG 2 Call for Projects Guidance (Appendix A-7).
- The CMA governing boards must adopt the final Investment & Growth Strategy.
- Participate as a TAC member in local jurisdiction planning processes funded through the regional PDA Planning Program or as requested by jurisdictions. Partner with MTC and ABAG staff to ensure that regional policies are addressed in PDA plans. Look for opportunities to support planning processes with technical or financial assistance.

(2) Planning Objectives – to Inform Project Priorities

- Keep apprised of ongoing transportation and land-use planning efforts throughout the county
- Encourage local agencies to quantify transportation infrastructure needs and costs as part of their planning processes
- Encourage and support local jurisdictions in meeting their housing objectives established through their adopted Housing Elements and RHNA.

The second round of PDA Investment & Growth Strategies will assess local jurisdiction success approving sufficient housing at all income levels. They will also, where appropriate, assist local jurisdictions in implementing local policy changes to facilitate achieving these goals¹. The locally crafted policies should be targeted to the specific circumstances of each PDA. For example, if the PDA currently has few moderate- or low-income households, any recommend policy changes should be aimed at promoting affordable housing. If the PDA currently is mostly low-income housing, any needed policy changes should be aimed at community stabilization.

¹ Such as inclusionary housing requirements, city-sponsored land-banking for affordable housing production, “just cause eviction” policies, policies or investments that preserve existing deed-restricted or “naturally” affordable housing, condo conversion ordinances that support stability and preserve affordable housing, etc.

MTC and ABAG staff will distribute a technical memo to guide this task by October 1, 2016, including data to identify jurisdictions' challenges (e.g. RHNA performance and current affordability) and a listing of the Bay Area's best housing policies that are intended to address a range of housing challenges. This section should identify planning costs needed to address policy changes and other barriers to creating or maintaining affordability.

(3) Establishing Local Funding Priorities

Develop funding guidelines for evaluating OBAG projects that support multi-modal transportation priorities based on connections to housing, services, jobs and commercial activity. Emphasis should be placed on the following factors when developing project evaluation criteria:

- **Projects located in high impact project areas.** Favorably consider projects in high impact areas, defined as:
 - a. PDAs taking on significant housing growth in the SCS (total number of units), including RHNA allocations, as well as housing production, especially those PDAs that are delivering large numbers of very low, low and moderate income housing units,
 - b. Dense job centers in proximity to transit and housing (both current levels and those included in the SCS) especially those which are supported by reduced parking requirements and TDM programs,
 - c. Improved transportation choices for all income levels (reduces VMT), proximity to quality transit access, with an emphasis on connectivity (including safety, lighting, etc.)
- **Projects located in Communities of Concern (COC)** – favorably consider projects located in a COC as defined by MTC or as defined by CMAs or Community Based Transportation Plans.
- **PDAs with affordable housing preservation, creation strategies** and community stabilization policies – favorably consider projects in jurisdictions with affordable housing preservation, creation strategies and community stabilization policies.
- **Projects that protect public health during construction and operation** – Favorably consider projects that implement the Best Practices in the Air District's Planning Healthy Places, or projects located in jurisdictions that have demonstrated a commitment to adopt, as policies and/or enforceable ordinances, best practices to reduce emissions of and exposure to local air pollution.²
- **PDAs that overlap or are co-located with: 1) populations exposed to outdoor toxic air contaminants as identified in the Air District's Community Air Risk Evaluation (CARE) Program and/or 2) freight transport infrastructure** – Favorably consider projects in these areas where local jurisdictions employ best management practices to mitigate PM and toxic air contaminants exposure.

² Guidance and maps have been developed in partnership with BAAQMD, CMAs, ABAG, and city staff, please see: <http://www.baaqmd.gov/plans-and-climate/planning-healthy-places>.

Process/Timeline

CMAAs will develop a new PDA Investment & Growth Strategy every four years, consistent with the update of the Regional Transportation Plan/Sustainable Communities Strategy. The Investment & Growth Strategy must be adopted by the CMA Board (new for OBAG 2). CMAAs will provide a status report update every two years.

APPENDIX A-9: Priority Conservation Area (PCA) Program

Program Goals and Eligible Projects

The goal of the Priority Conservation Area (PCA) Program is to support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands and open space in the Bay Area, for residents and businesses. These values include globally unique ecosystems, productive agricultural lands, recreational opportunities, urban greening, healthy fisheries, and climate protection (mitigation and adaptation), among others.

The PCA Program should also be linked to SB 375 goals which direct MPOs to prepare sustainable community strategies which consider resource areas and farmland in the region as defined in Section 65080.01. One purpose of the PCA program is to reinforce efforts to target growth in existing neighborhoods (PDAs), rather than allowing growth to occur in an unplanned “project-by-project” approach.

The PCA program is split into two elements:

1. North Bay Program (\$8 million)
2. Peninsula, Southern and Eastern Counties Program (\$8 million)

The North Bay program framework is to be developed by the four North Bay county Congestion Management Agencies (CMAs), building on their PCA planning and priorities carried out to date. Project eligibility is limited by the eligibility of federal surface transportation funding; unless the CMA can exchange these funds or leverage new fund sources for their programs.

The Peninsula, Southern and Eastern Counties Program will be administered by the Coastal Conservancy* in partnership with MTC based on the proposal provided below. The table below outlines screening criteria, eligible applicants, and the proposed project selection and programming process for the Peninsula, Southern and Eastern Counties.

Funding Amount	<ul style="list-style-type: none"> • \$8 million
Screening Criteria	<ul style="list-style-type: none"> • PCA Designation: Eligible projects must be within a designated PCA. The list of adopted PCAs can be found at: http://abag.ca.gov/priority/conservation/. • Regionally Significant: Indicators of regional significance include a project’s contribution to goals stated in regional habitat, agricultural or open space plans (i.e. <i>San Francisco Bay Area Upland Habitat Goals Project Report</i> at http://www.bayarealands.org/reports/), countywide Plans or ABAG’s PCA designations. Applicants should describe who will benefit from the project and the regional (greater-than-local) need it serves. • Open Space Protection In Place: Linkages to or location in a Greenbelt area that is policy protected from development. Land acquisition or easement projects would be permitted in an area without open space policy protections in place. • Non-Federal Local Match: 2:1 minimum match

	<ul style="list-style-type: none"> • Meets Program Goals: Projects that meet one of the following program goals (subject to funding eligibility—see below): <ul style="list-style-type: none"> ○ Protects or enhances “resource areas” or habitats as defined in California Government Code § 65080.01(a). ○ Provides or enhances bicycle and pedestrian access to open space / parkland resources. Notable examples are the Bay and Ridge Trail Systems. ○ Supports the agricultural economy of the region. ○ Includes existing and potential urban green spaces that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.
<p>Eligible Applicants</p>	<ul style="list-style-type: none"> • Local governments (cities, counties, towns), county congestion management agencies, tribes, water/utility districts, resource conservation districts, park and/or open space districts, land trusts and other land/resource protection nonprofit organizations in the nine-county San Francisco Bay Area are invited to nominate projects. Applicants are strongly encouraged to collaborate and partner with other entities on the nomination of projects, and partnerships that leverage additional funding will be given higher priority in the grant award process. Partnerships are necessary with cities, counties, or CMAs in order to access federal funds. Federally-funded projects must have an implementing agency that is able to receive a federal-aid grant (master agreement with Caltrans).
<p>Emphasis Areas / Eligible Projects</p>	<p>Eligible Projects</p> <ol style="list-style-type: none"> 1. Planning Activities 2. Pedestrian and Bicycle Facilities/ Infrastructure: On-road and off-road trail facilities, sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming, lighting and other safety related infrastructure, and ADA compliance, conversion and use of abandoned rail corridors for pedestrians and bicyclists. 3. Visual Enhancements: Construction of turnouts, overlooks and viewing areas. 4. Habitat / Environmental Enhancements: Vegetation management practices in transportation rights-of-way, reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats, mitigation of transportation project environmental impacts funded through the federal-aid surface transportation program. 5. Protection (Land Acquisition or Easement) or Enhancement of Natural Resources, Open Space or Agricultural Lands: Parks and

	<p>open space, staging areas or environmental facilities; or natural resources, such as listed species, identified priority habitat, wildlife corridors, wildlife corridors watersheds, or agricultural soils of importance.</p> <p>6. Urban Greening: Existing and potential green spaces in cities that increase habitat connectivity, improve community health, capture carbon emissions, and address stormwater.</p> <p>Note: MTC encourages PCA project applicants to partner with other agencies and programs to leverage other funds in order to maximize benefits. As such, PCA funded projects may become eligible to deliver net environmental benefits to a future Regional Advance Mitigation Planning (RAMP) program project, above any required mitigation requirements. Note that such projects may need to rely on funding exchanges with eligible non-federal funds because most land acquisition and habitat restoration projects that are not mitigation for transportation projects are not eligible for federal transportation funds. Any such funding exchange must be consistent with MTC’s fund exchange policy (MTC Resolution No. 3331).</p>
<p>Project Selection</p>	<p>Coastal Conservancy Partnership Program: MTC will provide \$8 million of federal transportation funds which will be combined with the Coastal Conservancy’s own program funds in order to support a broader range of projects (i.e. land acquisition and easement projects) than can be accommodated with federal transportation dollars alone. The Coastal Conservancy, MTC, and ABAG staff will cooperatively manage the call for projects. This approach would harness the expertise of the Coastal Conservancy, expand the pool of eligible projects, and leverage additional resources through the Coastal Conservancy.</p>

*The Coastal Conservancy is a state agency and the primary public land conservation funding source in the Bay Area, providing funding for many different types of land conservation projects. For more information see <http://scc.ca.gov/>.

APPENDIX A-10: Checklist for CMA and Local Jurisdiction Compliance with MTC Resolution No. 4202

One Bay Area Grant (OBAG 2) Checklist for CMA Compliance with MTC Resolution No. 4202

Federal Program Covering FY 2017-18 through FY 2021-22

The intent of this checklist is to delineate the requirements included in the OBAG 2 Grant Program (Resolution No. 4202), as adopted by MTC on November 18, 2015. This checklist must be completed by Congestion Management Agencies (CMAs) and submitted to MTC to certify compliance with the OBAG 2 requirements. MTC will not take action to program projects recommended by a CMA until a checklist demonstrating compliance has been submitted to MTC.

CMA Call for Projects Guidance: Appendix A-7

1. Public Involvement and Outreach, Agency Coordination, and Title VI	YES	NO	N/A
a. Has the CMA conducted countywide outreach to stakeholders and the public to solicit project ideas consistent with Appendix A-7?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the CMA performed agency coordination consistent with Appendix A-7?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the CMA fulfilled its Title VI responsibilities consistent with Appendix A-7?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Has the CMA documented the efforts undertaken for Items 1a-1c, above, and submitted these materials to MTC as an attachment to this Checklist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PDA Investment and Growth Strategy: Appendix A-8

2. Engage with Regional and Local Jurisdictions	YES	NO	N/A
a. Has the CMA developed a process to regularly engage local planners and public works staff in developing a PDA Investment and Growth Strategy that supports and encourages development in the county's PDAs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the CMA encouraged community participation throughout the development of the Investment and Growth Strategy, consistent with the OBAG 2 Call for Projects Guidance (Appendix A-7)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If "NO" or "N/A –Not Applicable" is marked in any box on the checklist, please include a statement at the end of the checklist to indicate why the item was not met.

c.	Has the CMA governing board adopted the final Investment and Growth Strategy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Has the CMA's staff or consultant designee participated in TAC meetings established through the local jurisdiction's planning processes funded through the regional PDA planning program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Has the CMA worked with MTC and ABAG staff to confirm that regional policies are addressed in PDA plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Planning Objectives to Inform Project Priorities	YES	NO	N/A
a.	Has the CMA kept itself apprised of ongoing transportation and land-use planning efforts throughout the county?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Has the CMA encouraged local agencies to quantify transportation infrastructure needs and costs as part of their planning processes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Has the CMA encouraged and supported local jurisdictions in meeting their housing objectives established through their adopted Housing Elements and RHNA?			
1.	Has the CMA received and reviewed information submitted to the CMA by ABAG on the progress that local jurisdictions have made in implementing their housing element objectives and identifying current local housing policies that encourage affordable housing production and/or community stabilization?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	In all updates of its PDA Investment & Growth Strategy, has the CMA assessed local jurisdiction efforts in approving sufficient housing for all income levels through the RHNA process and, where appropriate, assisted local jurisdictions in implementing local policy changes to facilitate achieving these goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Using guidance issued by MTC, has the Investment & Growth Strategy fully addressed items in C1 and C2, above?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Establishing Local Funding Priorities	YES	NO	N/A
a. Has the CMA developed funding guidelines for evaluating OBAG 2 projects that support multi-modal transportation priorities based on connections to housing, jobs and commercial activity and that emphasize the following factors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Projects located in high impact project areas – favorably consider projects in high impact areas, defined as:			
a) PDAs taking on significant housing growth (total number of units) in the Sustainable Communities Strategy (SCS), including RHNA allocations, as well as housing production, especially those PDAs that are delivering large numbers of very low, low and moderate income housing units;			
b) Dense job centers in proximity to transit and housing (both current levels and those included in the SCS) especially those which are supported by reduced parking requirements and Travel Demand Management (TDM) programs;			
c) Improved transportation choices for all income levels (reduces VMT), proximity to quality transit access, with an emphasis on connectivity (including safety, lighting, etc.).			
2. Projects located in Communities of Concern (COC) as defined by MTC:			
a) CMAs may also include additional COCs beyond those defined by MTC, such as those defined by the CMAs according to local priorities or Community Based Transportation Plans.			

3. PDAs with affordable housing preservation, creation strategies and community stabilization policies.
4. Specific scoring methodology for funding allocations to projects in PDAs or TPAs that rewards jurisdictions with the most effective housing anti-displacement policies.
5. Projects that implement the Best Practices identified in the Air District's Planning Healthy Places guidelines, or projects located in jurisdictions that have demonstrated a commitment to adopt, as policies and/or enforceable ordinances, best practices to reduce emissions of and exposure to local air pollution. ¹
6. PDAs that overlap or are co-located with: 1) populations exposed to outdoor toxic air contaminants, as identified in the Air District's Community Air Risk Evaluation (CARE) Program and/or 2) freight transport infrastructure.

b. Has the CMA submitted the documentation for item 4a to MTC as part of this Checklist?

c. Has the CMA provided a status report on their PDA Investment & Growth Strategy (required two years after the adoption of a PDA Investment and Growth Strategy)?

d. Has the CMA committed to developing a new PDA Investment & Growth Strategy by May 1, 2017 (new PDA required every four years), consistent with the update of the RTP/SCS?

¹ Guidance and maps have been developed in partnership with BAAQMD, CMAs, ABAG, and city staff, please see: <http://www.baaqmd.gov/plans-and-climate/planning-healthy-places>.

PDA Policies

5. PDA Minimum Investment Targets	YES	NO	N/A
a. Has the CMA met its minimum PDA investment target (70% for Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara and 50% for Marin, Napa, Sonoma, and Solano)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the CMA defined the term “proximate access,” for projects located outside of a PDA that should be counted towards the county’s minimum PDA investment target?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the CMA designated and mapped projects recommended for funding that are not geographically within a PDA but provide “proximate access” to a PDA, along with policy justifications for those determinations, and presented this information for public review when the CMA board acts on OBAG 2 programming decisions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Has the CMA submitted the documentation from items 5a-c, above, to MTC as part of this Checklist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Project Selection Policies

6. Project Selection	YES	NO	N/A
a. Has the CMA documented and submitted the approach used to select OBAG 2 projects including outreach, coordination, and Title VI compliance?	(See 1 & 2)		
b. Has the CMA issued a unified call for projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the CMA submitted a board adopted list of projects to MTC by July 31, 2017?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the CMA acknowledge that all selected projects must be submitted into MTC’s Fund Management System (FMS) along with a Resolution of Local Support no later than August 31, 2017?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

-
- e. Does the CMA affirm that the projects recommended for funding meet the following requirements?
1. Are consistent with the current Regional Transportation Plan (Plan Bay Area);
 2. Have completed project-specific Complete Streets Checklists;
-
- f. Does the CMA acknowledge the that OBAG 2 funding is subject to MTC's Regional Project Delivery Policy (Resolution No. 3606, or successor resolution) in addition to the following OBAG 2 deadlines?
1. Half of the CMA's OBAG 2 funds, must be obligated by January 31, 2020; and
 2. All remaining OBAG 2 funds must be obligated by January 31, 2023.
-

Performance and Accountability Policies

7. Ensuring Local Compliance	YES	NO	N/A
a. Has the CMA received confirmation that local jurisdictions have met the Performance and Accountability Policies requirements related to Complete Streets, local Housing Elements, surplus lands (general law cities and counties only unless and until a final court decision is rendered that charter cities are subject to the provisions of the State Surplus Land Act), local streets and roads, and transit agency project locations as set forth in pages 18-21 of MTC Resolution 4202? <i>Note: CMAs can use the Local Jurisdiction OBAG 2 Requirement Checklist to help fulfill this requirement.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the CMA affirmed to MTC that a jurisdiction is in compliance with the requirements of MTC Resolution 4202 prior to programming OBAG 2 funds to its projects in the TIP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Completion of Checklist	YES	NO	N/A
-----------------------------------	------------	-----------	------------

Has the CMA completed all section of this checklist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	--------------------------

If the CMA has checked "NO" or "N/A" to any checklist items, please include which item and a description below as to why the requirement was not met or is considered Not Applicable:

Attachments

- Documentation of CMA efforts for public outreach, agency coordination, and Title VI compliance (Checklist Items 1, 2).
- Documentation of CMA compliance with PDA minimum investment targets, including documentation that the information was presented to the public during the decision-making process (Checklist Item 6).

Review and Approval of Checklist

This checklist was prepared by:

Signature

Date

Name & Title (print)

Phone

Email

This checklist was approved for submission to MTC by:

Signature

Date

CMA Executive Director

One Bay Area Grant (OBAG 2) Checklist for Local Compliance with MTC Resolution No. 4202

Federal Program Covering FY 2017-18 through FY 2021-22

The intent of this checklist is to delineate the requirements for local jurisdictions included in the OBAG Grant Program (Resolution No. 4202), as adopted by MTC on November 18, 2015. This checklist must be completed by local jurisdictions and submitted to the CMA to certify compliance with the OBAG 2 requirements listed in MTC Resolution No. 4202. MTC will not take action to program projects for a local jurisdiction until the CMA affirms that the jurisdiction has met all requirements included in OBAG 2.

1. Compliance with the Complete Streets Act of 2008	YES	NO	N/A
a. Has the jurisdiction met MTC’s Complete Street Requirements for OBAG 2 prior to the CMA submitting its program to MTC through either of the following methods? <ol style="list-style-type: none"> 1. Adopting a Complete Streets resolution incorporating MTC’s nine required complete streets elements; or 2. Adopting a significant revision to the General Plan Circulation Element after January 1, 2010 that complies with the California Complete Streets Act of 2008. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the jurisdiction submitted documentation of compliance with Item a. (copy of adopted resolution or circulation element) to the CMA as part of this Checklist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the jurisdiction submitted a Complete Streets Checklist for any project for which the jurisdiction has applied for OBAG 2 funding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Housing Element Certification	YES	NO	N/A
a. Has the jurisdiction’s General Plan Housing Element been certified by the California Department of Housing and Community Development (HCD) for 2014-2022 RHNA prior to May 31, 2015? If not, has the jurisdiction’s Housing Element been fully certified by HCD by June 30, 2016?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the jurisdiction submitted the latest Annual Housing Element Report to HCD by April 1, 2017?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c. Does the jurisdiction acknowledge that the Annual Housing Element Report must be submitted to HCD each year through the end of the OBAG 2 program (FY22) in order to be eligible to receive funding?

d. Has the jurisdiction submitted documentation of compliance with Item 2 (copy of certified housing element or annual report, or letter of compliance from HCD) to the CMA as part of this Checklist?

3. Surplus Land Act

a. Has the jurisdiction met MTC’s Surplus Land Requirements for OBAG 2 prior to the CMA submitting its program, through adoption of a resolution demonstrating compliance with the State’s Surplus Land Act (AB 2135 amended)? Resolution requirement applies only to general law cities and counties unless and until a final court decision is rendered that charter cities must comply with the provisions of this Act.

4. Local Streets and Roads

YES NO N/A

a. Does the jurisdiction have a certified Pavement Management Program (StreetSaver® or equivalent) updated at least once every three years (with a one-year extension allowed)?

b. Does the jurisdiction fully participate in the statewide local streets and roads needs assessment survey?

c. Does the jurisdiction provide updated information to the Highway Performance Monitoring System (HPMS) at least once every 3 years (with a one-year grace period allowed)?

5. Projects Sponsored by Other Agencies

YES NO N/A

a. Does the jurisdiction acknowledge that the jurisdiction in which a project is located must comply with OBAG 2 requirements (MTC Resolution No. 4202) in order for any project funded with OBAG 2 funds to be located within the jurisdiction, even if the project is sponsored by an outside agency (such as a transit agency)?

6. Regional Project Delivery Requirements	YES	NO	N/A
a. Does the jurisdiction acknowledge that it must comply with the regional Project Delivery Policy and Guidance requirements (MTC Resolution No. 3606) in the implementation of the project, and that the jurisdiction must identify and maintain a Single Point of Contact for all projects with FHWA-administered funding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Completion of Checklist	YES	NO	N/A
Has the jurisdiction completed all sections of this checklist?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the jurisdiction has checked "NO" or "N/A" to any of the above questions, please provide an explanation below as to why the requirement was not met or is considered not applicable:

Attachments

- Documentation of local jurisdiction's compliance with MTC's Complete Streets Requirements, including copy of adopted resolution or circulation element (Checklist Item 1).
- Documentation of compliance with MTC's Housing Element Requirements, such as a copy of certified housing element or annual report, or a letter of compliance from HCD (Checklist Item 2).
- Documentation of compliance with the State's Surplus Land Act, such as a copy of the adopted resolution (Checklist Item 3). This requirement applies only to general law cities and counties unless and until a final court decision is rendered that charter cities must comply with the provisions of this Act.

Review and Approval of Checklist

This checklist was prepared by:

Signature

Date

Name & Title (print)

Phone

Email

This checklist was approved for submission to <INSERT NAME>City/County by:

Signature

Date

City Manager/Administrator or designee

Attachment B-1
MTC Resolution No. 4202
OBAG 2 Regional Programs
FY 2017-18 through FY 2021-22
March 2017

MTC Res. No. 4202 Attachment B-1
 Adopted: 11/18/15-C
 Revised: 07/27/16-C 10/26/16-C 12/21/16-C 03/22/17-C

OBAG 2 Regional Programs Project List

PROJECT CATEGORY AND TITLE	COUNTY	SPONSOR	TOTAL STP/CMAQ
OBAG 2 REGIONAL PROGRAMS*			\$475,905,000
1. REGIONAL PLANNING ACTIVITIES			
Regional Planning	Regionwide	MTC	\$9,555,000
1. REGIONAL PLANNING ACTIVITIES			TOTAL: \$9,555,000
2. PAVEMENT MANAGEMENT PROGRAM			
Pavement Management Program	Regionwide	MTC	\$1,500,000
Pavement Technical Advisory Program (PTAP)	Regionwide	MTC	\$7,500,000
Statewide Local Streets and Roads (LSR) Needs Assessment	Regionwide	MTC/Caltrans	\$250,000
2. PAVEMENT MANAGEMENT PROGRAM			TOTAL: \$9,250,000
3. PDA PLANNING & IMPLEMENTATION			
PDA Planning and Implementation	Regionwide	MTC	\$18,500,000
Community-Based Transportation Plan (CBTP) Updates	Regionwide	MTC	\$1,500,000
3. PDA PLANNING & IMPLEMENTATION			TOTAL: \$20,000,000
4. CLIMATE INITIATIVES			
Climate Initiatives Program of Projects	TBD	TBD	\$22,000,000
Spare the Air Youth Program - 2	Regionwide	MTC	\$1,417,000
SMART Multi-Use Pathway - 2nd to Andersen (from WETA RM2)	Marin	SMART	\$1,000,000
4. CLIMATE INITIATIVES			TOTAL: \$24,417,000
5. REGIONAL ACTIVE OPERATIONAL MANAGEMENT			
AOM Implementation	Regionwide	MTC	\$22,500,000
511 Next Gen	Regionwide	MTC	\$37,215,000
Rideshare			
Rideshare Implementation	Regionwide	MTC	\$720,000
Carpool Program	Regionwide	MTC	\$7,280,000
Vanpool Program	Regionwide	MTC	\$2,000,000
Commuter Benefits Implementation	Regionwide	MTC	\$674,000
Commuter Benefits Program	Regionwide	MTC	\$1,111,000
Bay Bridge Forward			
Transbay Higher Capacity Bus Fleet/Increased Service Frequencies	Alameda	AC Transit	\$1,200,000
Pilot Transbay Express Bus Routes	Alameda	AC Transit	\$800,000
Eastbay Commuter Parking	Alameda	MTC	\$2,500,000
Transbay Higher Capacity Bus Fleet/Increased Service Frequencies	Contra Costa	WestCat	\$2,000,000
Columbus Day Initiative (CDI)			
Freeway Performance	Regionwide	MTC	\$43,000,000
US 101/Marin Sonoma Narrows B2 Phase 2	Sonoma	SCTA	\$1,000,000
Arterial/Transit Performance	Regionwide	MTC	\$18,000,000
Connected Vehicles/Shared Mobility	Regionwide	MTC	\$5,000,000
Transportation Management System			
Field Equipment Devices O&M	Regionwide	MTC	\$19,000,000
Incident Management	Regionwide	MTC	\$13,000,000
5. REGIONAL ACTIVE OPERATIONAL MANAGEMENT			TOTAL: \$177,000,000
6. TRANSIT PRIORITIES			
BART Car Replacement/Expansion	Various	BART	\$110,000,000
GGB Suicide Deterrent (BART Car Exchange)	SF/Marin	GGBH&TD	\$40,000,000
Clipper	Regionwide	MTC	\$24,000,000
<i>Unprogrammed Balance</i>			\$15,283,000
6. TRANSIT CAPITAL PRIORITIES			TOTAL: \$189,283,000
7. PRIORITY CONSERVATION AREA (PCA)			
<i>Regional Peninsula, Southern and Eastern Counties PCA Program</i>			
Peninsula, Southern and Eastern Counties PCA Program	TBD	MTC/CCC	\$8,200,000
<i>Local Northbay PCA Program</i>			
Marin PCA Program	Marin	TAM	\$2,050,000
Napa PCA Program	Napa	NCTPA	\$2,050,000
Solano PCA Program	Solano	STA	\$2,050,000
Sonoma PCA Program	Sonoma	SCTA	\$2,050,000
7. PRIORITY CONSERVATION AREA (PCA)			TOTAL: \$16,400,000

Attachment B-1
MTC Resolution No. 4202
OBAG 2 Regional Programs
FY 2017-18 through FY 2021-22
March 2017

MTC Res. No. 4202 Attachment B-1
 Adopted: 11/18/15-C
 Revised: 07/27/16-C 10/26/16-C 12/21/16-C 03/22/17-C

OBAG 2 Regional Programs Project List

PROJECT CATEGORY AND TITLE	COUNTY	SPONSOR	TOTAL STP/CMAQ
OBAG 2 REGIONAL PROGRAMS*			\$475,905,000
8. LOCAL HOUSING PRODUCTION INCENTIVE			
Local Housing Production Incentive	TBD	TBD	\$30,000,000
8. LOCAL HOUSING PRODUCTION INCENTIVE		TOTAL:	\$30,000,000
OBAG 2 REGIONAL PROGRAMS *		TOTAL:	\$475,905,000

*NOTE: Does not include \$583,000 balance remaining from WETA RM2 Exchange, available for reprogramming at a later date

**Attachment B-2
MTC Resolution No. 4202
OBAG 2 County Programs
FY 2017-18 through FY 2021-22
April 2017**

MTC Res. No. 4202 Attachment B-2
Adopted: 11/18/15-C
Revised: 07/27/16-C 12/21/16-C 04/26/17-C

OBAG 2 County Programs Project List

PROJECT CATEGORY AND TITLE	COUNTY	SPONSOR	OBAG 2 STP/CMAQ
OBAG 2 COUNTY PROGRAMS			\$385,512,000
ALAMEDA COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Alameda	ACTC	\$5,489,000
Federal Aid Secondary (FAS)	Alameda	Alameda County	\$1,779,000
Alameda County Safe Routes To School (SRTS) Program	Alameda	ACTC	\$5,340,000
Alameda County Safe Routes To School - Supplemental	Alameda	ACTC	\$650,000
TBD	Alameda	TBD	\$63,397,000
ALAMEDA COUNTY			TOTAL: \$76,655,000
CONTRA COSTA COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Contra Costa	CCTA	\$4,342,000
Federal Aid Secondary (FAS)	Contra Costa	Contra Costa County	\$1,343,000
Safe Routes To School (SRTS)	Contra Costa	CCTA/Various	\$4,088,000
TBD	Contra Costa	TBD	\$46,363,000
CONTRA COSTA COUNTY			TOTAL: \$56,136,000
MARIN COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Marin	TAM	\$3,822,000
Federal Aid Secondary (FAS)	Marin	Marin County	\$838,000
Safe Routes To School (SRTS)	Marin	TAM/Various	\$864,000
TBD	Marin	TBD	\$5,346,000
MARIN COUNTY			TOTAL: \$10,870,000
NAPA COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Napa	NCTPA	\$3,822,000
Federal Aid Secondary (FAS)	Napa	Napa County	\$1,189,000
Safe Routes To School (SRTS)	Napa	NCTPA/Various	\$515,000
TBD	Napa	TBD	\$2,624,000
NAPA COUNTY			TOTAL: \$8,150,000
SAN FRANCISCO COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	San Francisco	SFCTA	\$3,997,000
Safe Routes To School (SRTS)	San Francisco	SFCTA/Various	\$1,797,000
TBD	San Francisco	TBD	\$42,389,000
SAN FRANCISCO COUNTY			TOTAL: \$48,183,000
SAN MATEO COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	San Mateo	CCAG	\$3,822,000
Federal Aid Secondary (FAS)	San Mateo	San Mateo County	\$892,000
Safe Routes To School (SRTS)	San Mateo	CCAG/Various	\$2,394,000
TBD	San Mateo	TBD	\$25,437,000
SAN MATEO COUNTY			TOTAL: \$32,545,000
SANTA CLARA COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Santa Clara	VTA	\$6,078,000
Federal Aid Secondary (FAS)	Santa Clara	Santa Clara County	\$1,701,000
Safe Routes To School (SRTS)	Santa Clara	VTA/Various	\$6,878,000
TBD	Santa Clara	TBD	\$89,416,000
SANTA CLARA COUNTY			TOTAL: \$104,073,000
SOLANO COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Solano	STA	\$3,822,000
Federal Aid Secondary (FAS)	Solano	Solano County	\$1,506,000
Safe Routes To School (SRTS)	Solano	STA/Various	\$1,469,000
TBD	Solano	TBD	\$14,380,000
SOLANO COUNTY			TOTAL: \$21,177,000
SONOMA COUNTY			
<i>Specific projects TBD</i>			
Planning Activities Base	Sonoma	SCTA	\$3,822,000
Federal Aid Secondary (FAS)	Sonoma	Sonoma County	\$3,264,000
Sonoma County Safe Routes To School (SRTS)	Sonoma	SCTA/Various	\$1,655,000
TBD	Sonoma	TBD	\$18,982,000

**Attachment B-2
MTC Resolution No. 4202
OBAG 2 County Programs
FY 2017-18 through FY 2021-22
April 2017**

MTC Res. No. 4202 Attachment B-2
Adopted: 11/18/15-C
Revised: 07/27/16-C 12/21/16-C 04/26/17-C

OBAG 2 County Programs Project List

PROJECT CATEGORY AND TITLE	COUNTY	SPONSOR	OBAG 2 STP/CMAQ
OBAG 2 COUNTY PROGRAMS			\$385,512,000
SONOMA COUNTY		TOTAL:	\$27,723,000
OBAG 2 COUNTY PROGRAMS		TOTAL:	\$385,512,000

July 11, 2016

BY EMAIL

David Ory and Michael Reilly
Metropolitan Transportation Commission
375 Beale Street
San Francisco, California

Re: Uncertainty in UrbanSim Housing Distribution, and Minority Population in Communities of Concern

Dear David and Michael:

Thank you for meeting with us on June 9 to answer some of our questions and take some of our initial feedback on the modeling you are undertaking in connection with Plan Bay Area 2040. Since then we have had a chance to look into some of the issues that came up in that meeting – specifically around the uncertainty in the housing distribution and the challenges in assuming that people of color will live in the same concentration in 25 years as they do today in “communities of concern.” We write now to request two analyses related to these issues.

Uncertainty in the Housing Distribution: In reviewing the state of practice with respect to the UrbanSim model that MTC/ABAG use, it has come to our attention that the uncertainties associated with the modeling can be significant. In particular, because the model is probabilistic, it relies on inputs that are often expressed as averages and/or there may be influential factors that are omitted from the modeling. These uncertainties can have a significant effect on the housing distribution that is the output of the model. Stated differently, the housing distribution that results from a particular run of the model is but one of a range of possible future housing distributions with a range of probabilities distributed on a bell curve.

We understand that these uncertainties may be difficult to adequately assess. However, we believe it is important that the public and decision makers have some sense of the uncertainty that is present in the housing distributions that are ultimately predicted by UrbanSim, and how that uncertainty affects the performance of each scenario and EIR alternative against performance measures.

The question of model uncertainty is particularly acute in Plan Bay Area, which relies on Priority Development Areas (PDAs) as a critical means for reducing vehicle miles traveled by concentrating new housing growth in certain transit-oriented places. The PDAs were specifically called out for their ability to “enhance mobility and economic growth”¹ by improving the linkage between jobs, housing and transit. Moreover, PDAs play a critical role in helping the region to achieve SB 375 greenhouse gas (GHG) reduction mandates. The transit priority project (TPPs)

¹ Plan Bay Area (2013) DEIR, pg. ES-2.

David Ory and Michael Reilly
July 11, 2016

Uncertainty in UrbanSim Housing Distribution and Minority Population in Communities of Concern

areas include 74% of the PDA acreage and the TPPs were specifically targeted as important areas for emphasizing jobs-housing balances in order to reduce commute distances. Thus, understanding the uncertainties in housing predictions for the PDAs is fundamental to assessing the region's ability to meet the performance targets MTC and ABAG have adopted, including SB 375 mandates relating to GHG targets.

The Puget Sound Regional Council (PSRC), in its last RTP update, estimated the 80% confidence intervals for its UrbanSim housing projections, both at an aggregate and sub-aggregate level.^{2,3} This enabled the public to understand that the projections had uncertainty, while also providing useful information for the subsequent transportation investment modeling. The confidence intervals also captured the high degree of fluidness that is attached to land use change over the long periods of time comprised in the RTP planning horizon. PSRC's approach has been peer reviewed.⁴

The exceptionally high level of technical modeling expertise at MTC and ABAG should be more than adequate to estimate the confidence intervals in the same manner, and to determine the resulting performance against Plan Bay Area 2040 performance measures. Doing so is critically important given the reliance on PDAs/TPPs for achieving GHG reductions and meeting other performance measures of the new Plan Bay Area. We anticipate that the differences in housing would be distributed according to non-PDA/TPP model probabilities. That is, any outstanding households should go into (or draw from) forecast zones proportional to the estimated probabilities.

Minority Population in Communities of Concern: In addition, we would like for you to estimate the confidence intervals for the 2040 expected minority population within the communities of concern. The equity metrics depend critically on how these communities evolve over time. Without a clear estimate, with confidence intervals, of the expected minority population within these areas, it will be impossible to gauge the validity or reliability of any subsequent metric assessment.

Please let us know whether there is any reason that you would not be able to (1) replicate PSRC's assessment of 80% confidence intervals around the Bay Area's UrbanSim housing projections produced for the PDAs and TPPs, in time to bring that information forward prior to the board-level discussions leading to the selection of a preferred alternative, and (2) provide the requested analysis of the confidence intervals for the minority population in communities of concern in the horizon year of the Plan, prior to the development of the draft Equity Analysis.

² PSRC. "Analysis and Forecasting at PSRC." 2012 Land Use Forecast. Seattle: Puget Sound Regional Council, 2012. http://www.psrc.org/assets/2936/UrbanSim_White_Paper_2012_final.pdf.

³ Additional information can be accessed via Mark Simonson (msimonson@psrc.org; 206-971-3273) or Hana Sevcikova (hsevcikova@psrc.org; 206-587-4820).

⁴ Sevcikova, Hana, Mark Simonson, and Michael Jensen. "Assessing and Integrating Uncertainty into Land-Use Forecasting." *Journal of Transport and Land Use* 8, no. 3 (2015). <https://www.jtlu.org/index.php/jtlu/article/view/614>.

David Ory and Michael Reilly
July 11, 2016

Uncertainty in UrbanSim Housing Distribution and Minority Population in Communities of Concern

Please also incorporate into the scenario modeling results how the upper and lower confidence intervals for each of these requests will change the performance of each scenario against the adopted performance measures.

We would be happy to set up a time to discuss this request at your convenience.



Deb Niemeier, Ph.D, P.E.
Principal, SSR, LLC



Richard A. Marcantonio
Managing Attorney, Public Advocates Inc.

cc: Miriam Chion, ABAG
Cynthia Croll, ABAG

A Place to Call Home

Housing in the
San Francisco Bay Area

2007



Acknowledgements

Association of Bay Area Governments Officers

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Vice Mayor, City of San José

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Rose Jacobs Gibson
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Sponsored by the ABAG Affordable Housing Financing Program:

The ABAG Affordable Housing Financing Program provides low-cost capital for smaller urban projects and an efficient, competitive lending vehicle for larger developments. This program provides tax-exempt bond financing for the acquisition, construction and rehabilitation of affordable multifamily and senior housing. To date, the program has successfully completed 74 affordable housing project financings that have helped to either create or preserve more than 9,700 units.

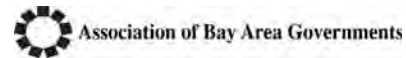
Cover Photo: Paseo Villas, San José. ABAG Photo Library.

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A Place to Call Home: Housing in the San Francisco Bay Area

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The Bay Area Housing Challenge

The San Francisco Bay Area is a unique and diverse region—home to 7.2 million people living in big cities, suburbs, and small towns. Each one of the region’s communities has its strengths, resources, opportunities, and challenges. In the Bay Area, people have access to a wide variety of distinctive communities, beautiful natural environments, a diverse economy, and unique recreation areas.

Although Bay Area communities are unique places, they share a common dilemma. Their common challenge is how to accommodate future growth in ways that support the diversity and uniqueness of each community and the region as a whole. How can communities make room for more people while protecting and enhancing the qualities that make the Bay Area special?

Increasingly, there are signs that our current development pattern—auto-dependent developments at the edges of the region far from employment centers—is straining the region’s resources. Residents contend with the highest housing prices in the United States, miles of traffic congestion on area roads and freeways, the loss of key natural resources to development, and negative impacts on low-income populations and public health.

The people who live and work in the Bay Area have the ability to choose a different path. We can make decisions about what our communities will be like in the future. If we work together now, we have the opportunity to shape local communities, and the region as a whole, in ways that provide a better quality of life for all residents.

Across the region, local communities, with increased support from state and regional agencies, are working to promote a different land use pattern—one that reconsiders where and how residential neighborhoods are built. Local communities are planning housing development in existing communities and near public transit at relatively higher densities than the surrounding community.

With good design that is sensitive to the existing neighborhoods, these developments can build upon the unique features of each community and help make a local area more desirable by increasing housing and transportation choices for residents. Such developments may also contribute to the overall sustainability of the region, by helping to stem the outward spread of development and the impacts of that growth pattern.



Jingletown, Oakland



Petaluma



Richmond



Napa

The Emerging Consensus

After decades of development of auto-oriented communities, support is growing for more traditional styles of development. In particular, there is increased support for more compact communities near public transit that are not focused around the demands of the automobile. There is a growing demand for homes in areas that include jobs, shops, and services close to transit so that people can walk, bike or take public transit, in addition to using their car.

In the Bay Area, the State, regional agencies, and local governments are promoting planning and developments that are consistent with a more compact land use pattern. As a result of this momentum, resources are being shifted to support efforts to add housing in “infill” locations (areas that are already part of an existing community) and near transit services around the San Francisco Bay.

For example, the State of California includes infill development and efficient development patterns as objectives of the Regional Housing Needs Allocation (RHNA) process, which requires each jurisdiction in the Bay Area to develop a plan for meeting its share of the region’s housing need.¹

In addition, the passage of Proposition 1C in 2006 was the result of collaboration between Governor Schwarzenegger and the state legislature to support infill housing and transportation infrastructure in urban areas. Prop 1C provides \$300 million toward Transit-Oriented Housing Development, \$850 million toward infill housing, and an additional \$1.4 billion toward affordable housing development. While it has not yet been determined exactly how this money will be spent, it is clear that the State considers promoting housing development in existing communities a priority.

Bay Area regional agencies have long been supporters of developing housing near transit and in existing communities. For example, the Metropolitan Transportation Commission (MTC) has directed transportation funding to local governments that plan for housing in infill areas and near transit through its Station Area Planning, Transportation for Livable Communities, and Housing Incentive Programs. For the 2007-2014 RHNA period, the Association of Bay Area Governments (ABAG) worked with local governments to create a methodology that directs new housing to existing communities and areas near jobs and transit. The goal of creating more compact communities near transit

has also been a major component of Focusing Our Vision (FOCUS)—the planning effort led by ABAG, MTC, the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) to create a shared development and conservation strategy for the Bay Area.

During outreach conducted for FOCUS and a regional study of three Bay Area transportation corridors (East 14th Street, San Pablo Avenue, and El Camino Real—examined as part of ABAG’s Corridor Program), it became clear that local governments in the Bay Area also understand the need for adding housing in infill areas and near transit. Many communities are creating plans that identify target areas for infill development near transit and create policies to promote the addition of housing in these areas. Cities of all sizes are building housing to revitalize downtowns and place commuters near rail stations and along major transportation corridors.

There is a clear emerging consensus at all levels of government to pursue the strategic implementation of a compact development pattern that adds to the housing supply in the state and in the region.

Benefits of Infill and Homes Near Transit

Each year, the Bay Area Council, a business-sponsored public policy advocacy organization, performs a public opinion survey to identify the major regional issues in the Bay Area. Each year the economy, housing costs, and traffic congestion are among the top concerns identified by residents.² While these may seem to be separate issues, in reality, they are interconnected. The number of new homes built and their location impacts housing costs, traffic patterns, and the ability of employers to attract workers to an area where the cost of living is high.

To address these complicated issues, it is important to consider how changes to the underlying pattern of growth might benefit the Bay Area. Shifting growth away from the edges of the region toward the existing communities around San Francisco Bay encourages reinvestment in these areas while limiting the loss of undeveloped land. The potential benefits of changing the emphasis of our current development pattern include a more efficient use of existing investments in infrastructure and public transit, improved housing choices and affordability, expanded transportation choices and less reliance on driving, and the protection of key natural assets and agricultural lands.

More Efficient Development Pattern

Compact infill development promotes a more efficient development pattern. Housing and jobs developed in existing communities can take advantage of the infrastructure that is already in place—reducing the costs of building and maintaining new roads, sewers, parks, and the other systems and amenities needed to support residents. New development in these areas also encourages reinvestment in areas with outdated land uses. This can lead to the revitalization of an area by attracting shopping, employment, community facilities, and other services that benefit residents.

Focusing housing growth in the areas closest to San Francisco Bay is also more efficient in terms of energy use. The climate around the Bay is more moderate than in the eastern-most reaches of the region and in the Central Valley, where currently more and less expensive housing is being constructed. As a result, homes built near the Bay use less energy for cooling and heating. This is significant because energy production is a major source of the greenhouse gases that contribute to climate change.

Housing Choice and Affordability

Adding housing in infill locations and in areas with a variety of transportation options can also provide more opportunities for homes that people can afford. Most infill housing is built in locations where higher densities are appropriate, such as downtowns, commercial corridors, and near transit stations. As a result, there are opportunities to create a wider variety of housing choices, including apartments, townhouses, and condominiums.

Since multi-family housing comes in a range of sizes and prices, these units are often more affordable to individuals and families. Development of these types of homes can offer options to community members who currently struggle to find homes they can afford, including seniors, young families, and low- and moderate-income households. The need for more housing choices will continue to grow as the demographics of Bay Area residents continue to change. For example, the region's population is aging, and the number of households without children is increasing. In many cases, people in these groups do not need space for large families and are looking for smaller homes that do not require as much maintenance.

More Transportation Options

There is increased demand for housing that is linked to a variety of transportation options. When new housing is added in infill locations, especially near transit, residents have the opportunity to reduce their dependence on automobiles. Housing built in existing communities is often surrounded by a variety of shops, restaurants, parks, and other amenities within close proximity. A mix of uses enables residents to take care of more of their daily tasks on foot or by bicycle. Lifestyles that are less car-oriented are appealing to many people in the Bay Area. In a recent poll by MTC, 55 percent of Bay Area residents expressed a preference for living in a mixed-use neighborhood where they could walk to stores, schools, and services.³ In addition, having transportation options and access to services is particularly important for low-income residents and seniors, many of whom rely on walking or public transit to get around because they do not have access to an automobile or the ability to drive.

Providing housing that is linked to transportation options can be particularly beneficial for working families—many of whom currently cannot afford to live in the communities in which they work. Low- and moderate-income households often spend a significant portion of their incomes on housing and transportation costs. Access to opportunities for transit, walking, and biking can help these households reduce their overall expenditures by spending less on

transportation. Nationally, households with good transit access spend about 9 percent of their income on transportation, compared to 19 percent for the average household.⁴

Homes near employment centers and transit services help families avoid the paradox of seeing the savings on housing costs they get from moving to the edges of the region eaten up by the higher transportation costs of a longer commute. Thus, access to transit can allow a family to put a larger share of its income toward housing, education, or other necessities. Good transit service also increases economic freedom by providing access to a wider range of jobs.

Shorter Commutes and Less Traffic

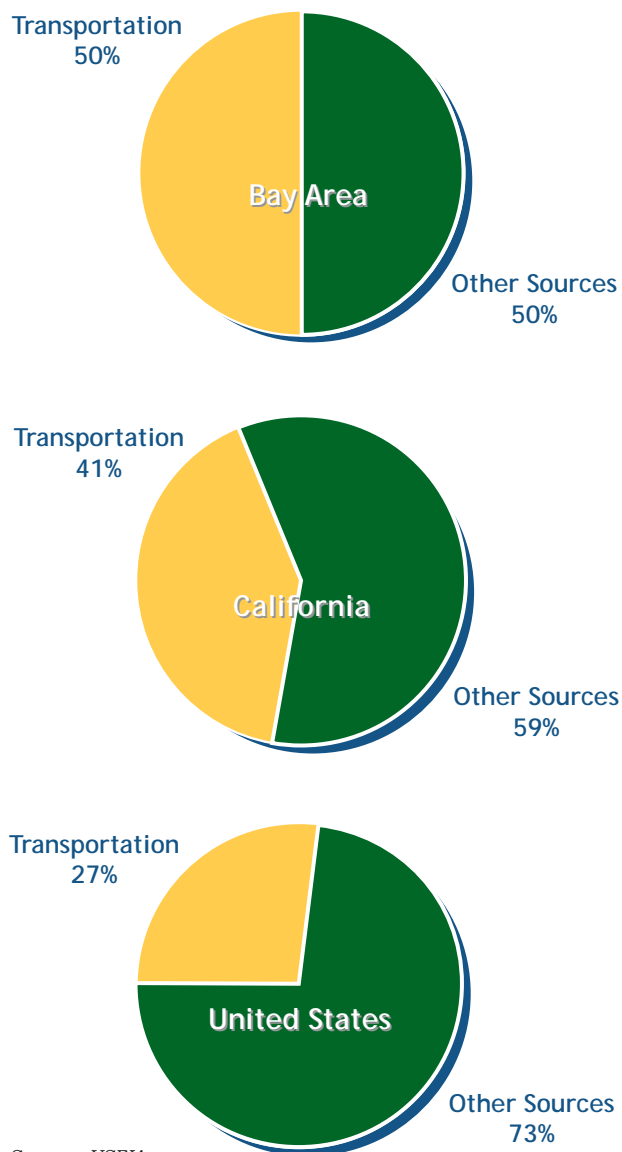
Putting housing closer to jobs and transit also enables workers in the Bay Area to drive fewer miles and to, therefore, spend less time behind the wheel. In the Bay Area, nearly 20 percent of workers have a commute of 45 minutes or more.⁵

A large share of the region's workforce has accepted a long commute in exchange for less expensive housing options at the edges of the region. Since most jobs in the region are located in a limited number of centralized locations, including San Francisco and the Silicon Valley, adding housing in these core areas offers workers the potential for a shorter commute and more time for other activities.

We have the opportunity to create a legacy that advances the quality of life in our region. The homes that we plan for and the development patterns we establish today will last for generations. We can choose local land use decisions that will create a more sustainable community and region.

—Dave Cortese
ABAG President and
San José Vice Mayor

Figure 1. Greenhouse Gas Emissions from Transportation



Sources: USEIA, USEPA, California Climate Action Team, BAAQMD

Recent studies show that the expanded opportunities for walking, biking, and transit use mean that households living near transit drive about half the number of miles compared to other residents in the region.⁶ Thus, building homes in infill locations and near transit can help to alleviate growth in traffic congestion on the region’s roads and highways. As development has been pushed to the edges of the region, and into neighboring regions, the average number of hours per day that vehicles throughout the region spend stuck in traffic has grown from 68,500 in 1995 to 124,190 in 2004—an increase of 181 percent.⁷ Although people living at the edges of the region have the farthest to travel, the resulting traffic congestion affects everyone.

The Benefits of Driving Less

Driving less could have positive impacts on climate change, air pollution, and public health. In the long run, the location of new housing and its impacts on automobile use will be significant factors in the fight against global warming. In the Bay Area, 50 percent of the greenhouse gas emissions that contribute to climate change are from transportation, a higher proportion than the state or the country. Eighty-five percent of those emissions come from on-road vehicles.⁸ Choosing a development pattern that reduces the need for a car would, therefore, contribute greatly to reductions in the amount of greenhouse gases this region produces.

In the Bay Area, motor vehicles are the single largest source of the gases that make Ozone⁹ and are also a significant source of particulate matter. The region currently does not meet California air quality standards for several types of particulate matter and Ozone.¹⁰ These pollutants are linked to significant health effects, including asthma and cancer, especially in people who live near major transportation corridors and areas with heavy truck use. Partly due to worsened air quality from auto emissions, asthma is now the most common chronic childhood disease, occurring in approximately 54 of every 1000 children in the U.S.¹¹

Designing communities in ways that reduce reliance on automobiles has the potential to positively impact public health. Several studies have linked neighborhood design to public health issues, including stress, depression, and obesity.¹² For example, living in an area that can only be navigated by car reduces a person’s physical activity, leading to an increased risk of obesity. Obesity is a major concern because it increases a person’s risk of coronary artery disease, hypertension, arthritis, diabetes, and some cancers.¹³ In part, as a result of the prevalence of car-oriented communities, during the past ten years Californians have gained an average of 10 pounds.¹⁴ Putting housing in existing communities where residents have the opportunity to walk to a variety of services, such as shops, restaurants, and parks may encourage a healthier lifestyle.

Protecting Open Space and Agricultural Lands

Housing development is one of the biggest threats to open space and agricultural lands in the Bay Area. According to Greenbelt Alliance, 400,000 acres of the area's open spaces (or approximately ten percent of all the land in the region) are at risk of being lost to low-density housing development within 30 years. The majority—84 percent—of the lands at risk are in Solano, Sonoma, Santa Clara, and Contra Costa Counties. Most of this land is threatened by planned development, including new housing, on the urban fringe.¹⁵ Encouraging compact development in infill locations may reduce the pressure for growth in undeveloped areas. This could help protect open space and agricultural lands that make the Bay Area unique and are an integral part of the region's economy, natural systems, and recreational opportunities.

Revitalizing Existing Communities

Older commercial strip malls, vacant lots, and surface parking lots offer limited benefits to a community; they can affect safety and detract from the vitality of a neighborhood. However, these areas do offer opportunities to build on existing community strengths by adding new housing, jobs, and services. If designed well—with attractive streetscapes, open spaces, and other pedestrian amenities—new housing in these locations could encourage more pedestrian activity. This is especially true if small shops and other neighborhood services are integrated into the development. Additional people on the street may also reduce crime, encourage businesses to invest in the area, and contribute to the long-term vitality of a neighborhood.



Nugent Square, East Palo Alto



Railroad Square, Santa Rosa



Pacific Pines, Pacifica

Regional Efforts to Promote Housing

The Bay Area has started to address its challenges. Work has been undertaken to put the region on a more sustainable course for the future. In 2002, regional agencies, local governments, community groups, and residents in the Bay Area created a vision for the region to address housing and traffic problems while improving the quality of life for all residents. Working together, these groups identified several goals to guide regional growth, including:

- Strengthen and support existing communities
- Create compact communities with a diversity of housing, jobs, activities, and services to meet the daily needs of residents
- Increase housing choices
- Improve housing affordability
- Increase transportation efficiency and choices
- Protect and steward natural habitat, open space, and agricultural land
- Improve social and economic equity
- Promote economic and fiscal health
- Conserve resources, promote sustainability, and improve environmental quality
- Protect public health and safety.

In 2002, ABAG’s Executive Board resolved to use regional policies as the basis for *Projections*, ABAG’s long-term growth forecast. This decision changed *Projections* from a trends-based forecast to a policy-based one that forecasts more growth in existing communities and near transit, with less growth in undeveloped areas. Since *Projections* is the basis for the Regional Housing Need Allocation (RHNA), these same regional policies influence how to plan for future housing need within the region.

There are several planning efforts currently happening in the Bay Area that incorporate the regional goals for growth to promote housing in the right locations. These efforts include RHNA and FOCUS, which both promote infill development and the addition of homes near transit to enhance existing neighborhoods and provide housing and transportation choices for all residents while protecting open space and agricultural areas.

Regional Housing Needs Allocation

The need for more housing choices and more affordable options is a problem that plagues communities throughout much of California. In response, the State of California has made increasing the housing supply a priority. The State requires each city and county to

identify a sufficient amount of land to accommodate its “fair share” of the state’s housing need.

In the RHNA process, the California Department of Housing and Community Development (HCD) gives each region a number representing the amount of housing needed, for all income groups, based on existing need and expected population growth. As the Bay Area’s designated Council of Governments, ABAG is required by the State to create an allocation methodology that allocates a portion of the region’s housing need to each local jurisdiction and sets targets for developing homes that are affordable to people at all income levels.

Several laws were passed in 2004 to clarify the policy objectives of RHNA, to give local governments more input, and to make the planning process more transparent. By law, the methodology that ABAG adopts must satisfy the objectives and rules spelled out in the statutes, and must be adopted using a fair and open public process.

Once it receives its allocation, each jurisdiction must demonstrate how it will accommodate these units in the Housing Element of its General Plan. The General

Plan is the document that outlines the community’s long-term growth strategy. Once completed, Housing Elements are then certified by HCD.

Local Concerns About RHNA

Local communities understand the need to address the housing shortage and the need for more homes that people can afford. The League of California Cities has shown its support for addressing this need, and has identified expanding the supply of affordable housing as one of its top goals for 2007.¹⁶

Although they acknowledge the need for action, most cities and counties across the state have negative views about the RHNA process. Many jurisdictions see the State mandate as an unwarranted intrusion on local authority. Local governments resent being “forced” to plan for more housing, even though they have autonomy in planning where and at what densities it can occur. There is also a perception that the State’s estimates of future growth, and consequently the number of housing units for which local communities must plan, are unrealistically high.

Many jurisdictions resent the goals set by the State because they believe that the estimates do not adequately consider local issues and growth constraints. Many communities in the Bay Area consider themselves to be “built out,” with no room for growth. In addition,

RHNA Performance, 1999-2006*

As part of the RHNA process, the State estimates the amount of housing needed in the Bay Area. These estimates are based on demographic data about the population in the region that will form new households, and need homes to move into. The number of households formed is determined by both the age of the population and migration. Most new households are formed by young people moving out of their parents’ homes or by people who move into the region to take advantage of job opportunities.

During the 1999-2006 RHNA period, Bay Area local governments issued building permits for 92 percent of the total estimated need for the region. While this performance is better than what jurisdictions have achieved in past decades, it still demonstrates the region is not building enough housing to meet the need.

Jurisdictions also met 44 percent of the target for very low-income units, 75 percent for low-income units, 37 percent for moderate-income units, and 153 percent for above moderate units.

These units are affordable to households making 50 percent or less, 50 to 80 percent, 80 to 120 percent, and 120 percent or more, respectively, of the Area Median Income (AMI). For example, in Alameda County a very low-income unit would be affordable for a family of four making \$41,900 per year, a low-income unit would be affordable to a family with an income of \$66,250, and a moderate-income unit would be affordable for a family that makes \$83,800.¹

* Information in this section and the table below was updated in August 2007, based on corrections affecting Santa Clara and Solano Counties.

¹ Creswell, C. *Official State Income Limits for 2007*. Department of Housing and Community Development.

Table 1. Bay Area RHNA Performance, 1999 to 2006

County	RHNA Allocation	Housing Permits Issued	Allocation Minus Permits	Percent of Allocation Permitted
Alameda	46,793	33,697	13,096	72%
Contra Costa	34,710	47,956	-13,246	138%
Marin	6,515	5,772	743	89%
Napa	7,063	5,245	1,818	74%
San Francisco	20,372	17,439	2,933	86%
San Mateo	16,305	10,289	6,016	63%
Santa Clara	57,991	52,018	5,973	90%
Solano	18,681	18,572	109	99%
Sonoma	22,313	20,971	1,342	94%
Regional Total	230,743	211,363	19,380	92%

Source: ABAG Analysis



Many people are confused about who is responsible for the RHNA process, and are dissatisfied with its limited scope. While the cartoon above cites “New ABAG Goals,” in actuality they are the State of California’s goals.

there is the perception that planning for housing promotes growth and that, if communities simply do not plan for it, it will not happen. What goes unacknowledged is that this growth does occur, and local land use policy choices put significant pressure on neighboring regions, including the Central Valley, to absorb spillover growth.

Another concern about the RHNA process is that it focuses on planning for housing, rather than producing housing. Even though most jurisdictions are able to identify sufficient development potential to satisfy their RHNA targets, the housing goals set by the State are generally not met. The plans local governments create influence how and where growth occurs, but they cannot control the market forces and decisions that determine if the housing actually gets built.

Although local planning alone cannot solve the problem, ensuring that development can occur is a key first step in meeting housing needs. Thus, despite the limitations of the RHNA process, many cities acknowledge that Housing Element updates spur them to focus attention on the housing needs in their communities and to develop creative solutions for addressing them. Housing developers in both the for-profit and nonprofit sectors also indicate that the RHNA process, a State mandate, is an important part of the solution.

Another concern with RHNA is that the process makes no distinction for where new housing is built, and many jurisdictions that are able to meet their RHNA targets do so by building housing on previously undeveloped land where there is no public transit or access to jobs. In addition, there is a lack of funding for the process and for supporting the development of housing for very low-, low- and moderate-income households, which impedes communities that seek to implement their Housing Elements.

For those communities that want to provide more housing options to residents, but think there is no more room, identifying development potential helps them to develop new strategies for accommodating housing. These jurisdictions recognize that, given the popularity of the Bay Area, population growth will continue and, therefore, real thought should be given to how that growth can best serve local communities and the region.

RHNA Methodology, 2007 - 2014

The Bay Area is currently working on the RHNA process for the 2007-2014 planning period. The methodology has been completed, and housing allocations will be made to local jurisdictions in July 2007.

The two primary purposes of the RHNA process are to increase the supply of housing and to ensure that local governments consider the housing needs of individuals at

all income levels. As a result, the two major components of the RHNA methodology are a formula for allocating units among jurisdictions and another formula that separates each jurisdiction's total need into the four income categories defined by the State.¹⁷ The methodology also includes rules for how to address issues such as spheres of influence, the relationship to subregions, and voluntary transfers of housing units between jurisdictions.¹⁸

Given the concerns and reservations that many jurisdictions have about RHNA, ABAG took steps to ensure local government involvement in the process, and to make sure the methodology reflected local conditions and concerns about regional growth. One of ABAG's first steps was to create the Housing Methodology Committee (HMC), which brought together elected officials and local staff to advise ABAG staff on the allocation methodology. Each of the nine Bay Area counties had three representatives and there were also six members to represent stakeholder groups, such as Greenbelt Alliance, the Non-Profit Housing Association of Northern California, and the Home Builders Association of Northern California.

The HMC was tasked with creating a methodology that would meet the statutory requirements for RHNA and also reflect local conditions and support the Bay Area's regional goals for growth (page 8). The four statutory objectives of RHNA include

increasing housing supply, affordability, and housing types; encouraging efficient development and infill; promoting jobs-housing balance; and reducing concentrations of poverty.¹⁹ These objectives are consistent with the Bay Area's regional policies regarding growth.

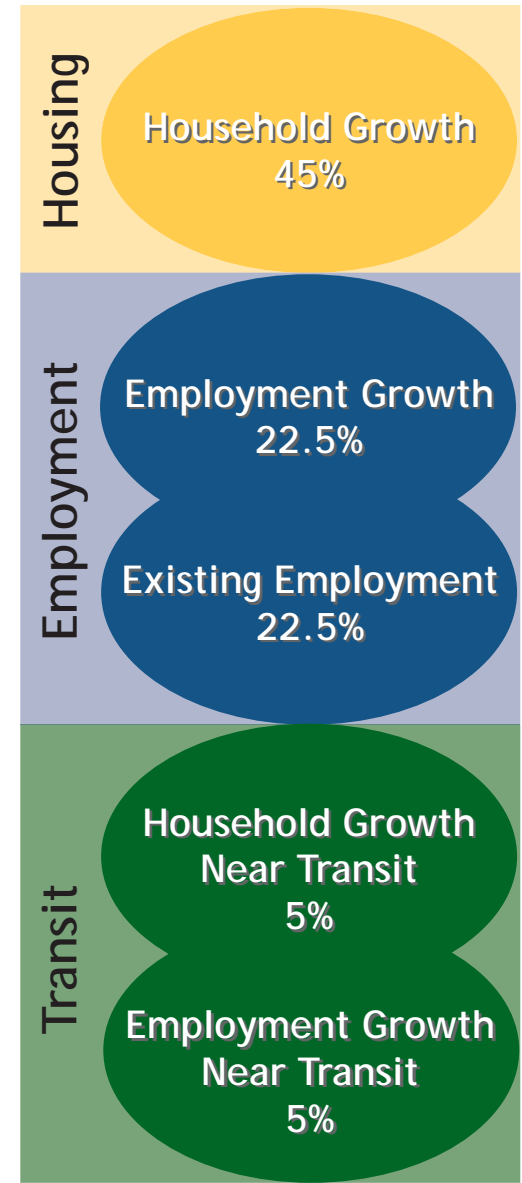
The allocation methodology²⁰ includes factors related to housing, employment, and public transit. The specific factors used are household growth, employment growth, existing employment, and both household and employment growth near transit stations.

These factors are all based on data from the *Projections 2007* forecast. The methodology is intended to:

- Direct housing units to areas where housing growth is expected
- Ensure that housing and job growth happen together while also addressing existing jobs-housing imbalances
- Encourage housing development along major transit corridors
- Allocate fewer units to outlying areas to reduce development pressures on agricultural lands

Members of the HMC felt it was particularly important to weight the housing- and employment-related factors equally, as a way to encourage a better jobs-housing balance. By including transit factors, the methodology

Figure 2. Weighted Factors, RHNA Methodology 2007-2014



The methodology factors use data from *Projections 2007*.

also builds on the regional policies that are already in *Projections* that assume additional growth along transit corridors and in existing communities. Some jurisdictions felt this made the transit factors in the methodology unnecessary, but most felt it was important to include them to be consistent with the regional goals for growth.

ABAG's Executive Board adopted the final methodology with a resolution that committed ABAG to working with its regional agency partners to secure incentives for the jurisdictions that accepted significantly higher RHNA allocations. The intent was both to support the jurisdictions taking a larger share of the regional housing need and to mitigate the potential "shortfall" resulting from smaller allocations to other jurisdictions. Specific funding possibilities are discussed in the Housing Incentives section (page 13).

To accomplish the second part of the housing need allocation, which is the separation of each jurisdiction's allocation into the four income categories, the methodology moves the income distribution in each jurisdiction 175 percent toward the regional income distribution. Using this approach, those jurisdictions that have a larger proportion of households in an income category will receive a smaller allocation of housing units in that category. Conversely, those jurisdictions that have a relatively low

proportion of households in a category would receive a higher allocation of housing units in that category.

The effect of the 175 percent shift is to change the income distribution in each jurisdiction to more closely match the regional distribution. This is done by taking both a jurisdiction's existing conditions and future development into account. By addressing existing concentrations of low-income households, these scenarios more aggressively promote an equitable regional income distribution while ensuring that all communities do their fair share to provide affordable housing.

For example, a city where 12 percent of existing households are in the very low-income category is compared to the regional average of 23 percent of very low-income households.²¹ This difference—11 percent—is multiplied by 175 percent and the result is added to the city's initial proportion of very low-income households. In the end, the city will have 31 percent of its total allocation in the very low-income category.

RHNA Next Steps

In April 2007, HCD determined that, at a minimum, the Bay Area must plan for 214,500 units during the 2007-2014 period. ABAG must use the adopted methodology to allocate this regional need to each city and county in the Bay Area in July 2007. Once

these numbers are released, the public and local jurisdictions will have several opportunities to provide comments. Once these comments have been taken into consideration, final allocations will be issued by ABAG in 2008. After this point, local jurisdictions will have one year to incorporate these housing targets into the Housing Elements of their General Plans.

Subregions

The laws passed in 2004 gave contiguous cities and counties the opportunity to form a subregion that would plan for the allocation of housing units for its member jurisdictions. The 21 jurisdictions in San Mateo County decided to pursue this subregional option. These jurisdictions have a history of working together and saw the subregional process as an opportunity to continue that tradition. They also wanted the chance to have greater local control and flexibility in developing solutions to the housing challenges that face the county as a whole.

The San Mateo County subregion received a share of the region's total housing need that is consistent with its projected household growth during the 2007-2014 period. Based on household growth, the San Mateo share of the regional allocation is 15,738 units. The San Mateo subregion was responsible for developing its own allocation methodology. As with the regional process, the subregion's adopted methodology and resulting allocations must achieve state housing goals, including



Meridian Apartments, San Bruno



Victoria by the Bay, Hercules



Oakland



Novato

the objective that every jurisdiction do its “fair share” to provide affordable housing. In the end, the San Mateo County subregion opted to use a method identical to the regional method.

Identification of Priority Areas Through FOCUS

FOCUS serves as a platform for engaging Bay Area local governments and stakeholders in a regional dialogue to create a specific and shared concept of where growth in the region can best be accommodated and what areas need protection.

Interested local governments have the opportunity to apply to the regional agencies for **Priority Development Area** and **Priority Conservation Area** designations. As is consistent with the regional goals for growth, a **Priority Development Area** must be an

area within an existing community, near existing or planned fixed transit or served by comparable bus capacity, and planned or in the planning process for more housing. Once these areas have been adopted, the FOCUS program will work to direct existing and future incentives to these areas.

To identify **Priority Conservation Areas**, regional agencies have been working with the Green Vision group, a coalition of regional and local open space organizations. Regional staff will collaborate with local governments to determine Priority Conservation Areas, based upon local plans, the results of the Green Vision project, and criteria related to urgency, community support, and regional significance. Open space acquisition of Priority Conservation Areas will be determined relative to state-level open space funds based upon regional significance and

local support for preservation. The deadline for nominating a Priority Conservation Area is August 17, 2007.

The application process for Priority Development Areas is now complete, and local and regional staff are reviewing applications to ensure that the three basic criteria are met. The Priority Development Areas and Priority Conservation Areas will be adopted by the regional agencies in Fall 2007.

Housing Incentives

RHNA and FOCUS planning efforts will establish the framework for future growth in the region. However, creating on-the-ground change requires the support and action of local governments. Local jurisdictions will need a variety of resources to enable implementation of plans and projects that move the region toward its goals.



Half Moon Bay



City Heights, San José



Park Place, Mountain View

To assist local governments, regional agencies are currently working to identify and secure incentives related to planning funds, technical assistance, and capital infrastructure that can be aligned with local Priority Development Areas as established in FOCUS. Subsequent to adoption, jurisdictions with Priority Development Areas will be eligible to apply for the incentives.

The primary objective of these resources will be to facilitate infill development, especially near transit. Allocation of incentives will emphasize achieving results and providing examples of how Priority Development Areas can be developed as “complete communities” that provide for the day-to-day needs of current and future residents. The incentives will include capital and planning grants as well as services to assist local governments with priority area planning and development activities. These services will include technical and outreach assistance, networking assistance, and best practices information.

Potential sources include future funding from MTC’s Transportation for Livable Communities and Housing Incentive Program, as well as additional transportation funds from MTC’s Regional Transportation Plan (RTP) 2009 Update. How the RTP funds might be directed to align with priority development areas will be a primary consideration as the RTP update process proceeds. The State is also considering aligning funding from the recently passed housing and resource bonds to be consistent with regional priorities, potentially including FOCUS priority areas.

Local Efforts to Promote Housing

The RHNA process and FOCUS initiative will help provide a roadmap for how the Bay Area can move forward to address the housing needs of the region's residents. FOCUS represents a shared partnership between regional agencies and local governments to encourage a pattern of growth that will increase the vitality and walkability of existing neighborhoods, provide more housing and transportation choices for all residents, and reduce growth pressures on undeveloped lands.

As noted in previous sections, regional agencies are working to identify available incentives, including financial and technical assistance, that can help local governments pursue the addition of housing in infill locations and near transit. However, since local governments control local land use decisions, they play a key role in ensuring success. It is a daunting task to pursue a new pattern of growth, and there are many challenges to adding homes in infill locations near transit. But many local governments throughout the region are already finding solutions and achieving success. Some of the strategies they have used to expand housing choices in their communities are outlined in the following sections.

Making Room for Housing

Land use regulations are necessary to protect and promote public health and safety, and to ensure that developments meet community needs. Many factors combine to make a community vibrant and desirable, including access to jobs, shopping and services, parks and recreational opportunities, community spaces, and a diverse range of housing choices. All of these different features and uses must be accommodated in a local government's land use plans. Since most communities have a finite amount of land with which to work, local governments and the public must make choices about their priorities and how best to dedicate available resources, including land.

Many communities in the Bay Area have land use plans and zoning codes that do not provide enough development potential for housing, compared to the region's need. This is partly because, to maximize tax revenues, many jurisdictions emphasize commercial development, while limiting residential development. There are also significant concerns about the impacts of housing growth on the need for additional public services, such as schools and police and fire services. Other communities have adopted policies to protect certain types of land uses, such as open space or single-family neighborhoods.

Although these policies protect some of the features that make the Bay Area special and give the region its unique sense of place, they also limit the amount of land available for providing a wider variety of housing choices, such as townhomes and apartments.

Since local plans must balance the need for housing, employment, retail services, schools, parks, and other land uses, it is important for policies that limit growth in certain areas to be part of a comprehensive vision for how growth should occur. To ensure that it is meeting its housing needs, a community should consider implementing complementary policies that make room for housing. For example, more development sites and higher densities could be allowed in downtowns and near available transit options. These areas often consist of older commercial and industrial sites that might bring greater benefits to the community if revitalized with new housing, retail services, and the people they bring.

Revisiting Zoning Codes and Development Standards

One of the most important steps local governments can take to encourage housing production is to ensure there is land available for housing. Since many communities in the Bay Area are already developed, with little

Green Building

How homes are designed and built impacts the environment. People living in homes use water and energy—21 percent of all the energy in the country¹ and 64 percent of all urban water use in the region.² The construction and demolition of homes also use a number of resources and contribute significantly to the waste stream. Forty-two percent of all the wastes in California come from the construction and operation of homes.³

Green building is an approach to designing and constructing buildings that reduces the impact on the environment. Green building design encourages use of recycled, non-toxic materials; energy and water conservation; and a positive impact on the indoor and outdoor environments. Green buildings incorporate features such as energy-producing solar panels, stormwater retention and recycling, design that reduces the need for air conditioning or heating, and recycled building materials.

Green homes offer a number of benefits to local governments, developers, and residents. Green homes can create energy and use less water, reducing the demand on jurisdictions for electricity, water, and waste disposal services. Green homes can also assist in managing stormwater, reducing the load on local stormwater systems during storms. Energy and water savings translate into lower utility bills for residents—making a green home more affordable in the long run. Developers can also save money with green building by reusing materials from demolition or qualifying for green building incentives.



Sara Conner Court, Hayward

Photo Provided by Katie Lamont, Eden Housing and Bruce Masi, Build It Green

Across the region, local governments are actively promoting green homes. Many governments have adopted “Construction and Demolition” ordinances that require a certain amount of construction waste to be recycled. Several cities in the Bay Area have passed ordinances that require new homes to be designed according to green building standards. A larger number of cities have voluntary green building programs that offer services—such as design guidelines, technical expertise, and financial incentives—to builders and residents. Local governments can learn more through Build It Green’s Public Agency Council,⁴ a coalition of public agencies promoting green building in the region.

¹ United States Department of Energy. *Buildings Energy Data Book*. 2006. Washington, D.C.: United States Department of Energy.

² State of California Department of Water Resources. *California Land and Water Use*. 2007. Available at: www.landwateruse.water.ca.gov/annualdata/datalevels.cfm.

³ State of California Integrated Waste Management Board. *Statewide Waste Characterization Study*. December 2004.

⁴ For more information, see www.builditgreen.org/guild/index.cfm?fuseaction=agencies.

vacant land available, they have had to identify creative solutions for finding land that could be used for housing. In this regard, the most significant impact of the RHNA process is that cities and counties must zone enough sites to accommodate their housing need allocations. Although there are critics of RHNA, many local governments acknowledge that the State mandate has been a primary motivation for identifying ways to promote housing development.

It is particularly important for cities and counties to classify specific sites where multi-family housing is allowed. This is not to say that every jurisdiction must adopt zoning codes that allow for the types of development that would be found in a major city. However, cities should consider whether allowing higher densities or taller buildings in some areas of their community might enhance the vitality of existing neighborhoods while providing more housing options.

There may also be opportunities to make adjustments to policies that can facilitate housing development. For example, the City of Vacaville adopted a zoning strategy that allows certain commercially zoned sites to be used for multi-family housing without requiring a General Plan amendment or zoning change. To promote affordable housing, the City of San Francisco prohibits market-rate housing development in its Service/Light Industrial District. Residential developments in these

areas must include 100 percent affordable or single room occupancy units. These kinds of changes help simplify the development process for those trying to provide a wider range of housing choices, especially affordable options.

When considering ways to make more room for housing in existing communities, it is important for local governments to think proactively about making zoning and development standards more inclusive. In some areas, requirements for single-use zoning create missed opportunities for mixed-use development that can provide additional space for housing units and also create more vibrant neighborhoods that link housing, jobs, local services, and retail.

In addition, the requirements for successful infill housing development are often different than those for suburban-style neighborhoods. Given the constraints of working in already-developed areas, standards such as large minimum lot sizes, and limitations on heights and densities can act as barriers to housing development. For example, a study of opportunities for development near transit in San Mateo County suggested allowing reduced setback requirements, exemption from height limit or Floor Area Ratio (FAR) requirements, and increased densities on smaller parcels for infill projects.²²

Revitalizing Underutilized Land

As communities change over time, the way they use land changes as well. Many jurisdictions end up with developed lands that no longer meet the needs of residents and workers. Adding a mix of uses, higher-density housing, and pedestrian amenities can often revitalize underused areas such as older shopping centers, surface parking lots, and surplus lands. With designs that respect surrounding neighborhoods, these underused commercial spaces can be transformed into vital focal points for community interaction and activity.

For example, traditional suburban-style shopping centers, regional malls, and other commercial spaces often use significant amounts of land for both retail space and parking. Rezoning commercial strips to mixed-use can both add housing and help create a more walkable environment. In Marin County, for example, planners and citizens have collaborated to create a conceptual master plan for Marinwood Village, a mixed-use center with up to 100 units (up to 50 of which will be affordable), a grocery store, and other shops. This village will replace what is now a failing strip commercial center with many vacant stores.

Communities of all types are also considering surface parking lots near transit as places for new homes or mixed-use development. The close proximity of parking lots to the stations



The Arbors, Rohnert Park



Palo Alto



Abella Paseo Homes, San Pablo

makes these prime locations for development that takes advantage of transit services. In the Bay Area, this type of development has occurred around a wide variety of transit services, including commuter rail stations, light rail stops, ferry terminals, and stops along bus corridors.

For example, the Santa Clara Valley Transit Authority (VTA) and Eden Housing have constructed affordable housing and community facilities on a former 1,100-space lot along the Guadalupe light-rail line. The site now accommodates diverse uses and is part of the neighborhood. Called Ohlone-Chynoweth Commons, it includes 194 units of affordable housing, retail, a community center, and 369 parking spaces. VTA benefits from the development because it allows residents to have easy access to the light rail line. VTA also receives a dedicated source of funding due to the ground lease, which should bring in at least \$250,000 each year for the next several decades.²³

In addition to surface parking lots, local governments and transit agencies have also been looking at surplus publicly-owned land as future locations for housing. As part of its *Transit-Oriented Development Opportunity Study*, the San Mateo County Transit District inventoried publicly-owned property near BART and Caltrain stations and highlighted parcels for redevelopment.

In Dublin, the Alameda County Surplus Property Authority obtained a vacant military property near the Dublin Transit Center. Recognizing that retail employees in the area needed homes they could afford, the County worked with EAH Housing to provide family-friendly apartments and townhouses. The resulting development, Camellia Place, provides an opportunity for some of those employees to live near their jobs, reducing the environmental impact and other burdens created by commuters who travel to the Tri-Valley area every day for work.

Converting Industrial Sites to Homes

Many cities in the Bay Area have identified industrial lands as areas for infill housing. Economic forces and the shift toward more service-oriented jobs have reduced the need for industrial land in the region. Underutilized industrial areas are prime targets for residential uses because they tend to be low-density uses and in many communities are often near transit stations. Redeveloping industrial buildings into multi-family apartments can create new residential communities with minimal impact on older neighborhoods. As a result, many local governments have been converting these lands to housing to meet the existing demand.

The question of whether or not to redevelop vacant industrial lands depends on local needs and opportunities. Many cities want to preserve industrial areas as a way to promote

economic development, including living-wage jobs and green, localized industries, and so maintain the existing industrial infrastructure in the region. However, cities can use policies such as raising allowable floor area ratios to better utilize industrial lands. This type of strategy enables jurisdictions to maintain land for industrial uses while opening up opportunities for housing development on excess sites.

When considering converting industrial lands, jurisdictions should also consider how residential and industrial uses may conflict and whether industrial areas proposed for housing can function as complete neighborhoods. It is important to plan for how residents will access necessary amenities and services, such as shopping, transit, schools, and parks. In addition, careful planning is needed to avoid potential conflicts between new residents and existing industrial operations. Possible negative impacts include exposure to noise pollution, harmful chemicals, or poor air quality—all of which can affect the health of residents. Residents' concerns about these issues can also make it difficult for the businesses to continue operations.

For those cities that want to convert underutilized industrial spaces into new housing, a checklist of these factors can be a useful tool for evaluating proposals to convert industrial to residential land. The City of

Santa Clara's *Industrial to Residential Conversion Planning Criteria Guidelines* evaluate proposed conversions for General Plan and zoning compatibility, residential suitability, environmental compatibility, service availability, and other criteria. A copy of the checklist is available at www.bayareavision.org/ta/localresources.html

Flexibility and Incentives Encourage Housing Choice

In addition to identifying sites for housing development, many cities and counties in the Bay Area are taking other significant steps to promote housing. These efforts often involve changing policies that present impediments to housing production as well as offering incentives to encourage more housing.

Many developers, both for-profit and nonprofit, cite the permitting and entitlement process as a barrier to increased housing production. They assert that the tangle of regulations they often encounter causes delay and uncertainty. In some cases, this situation is made worse by a lack of coordination between different regulatory agencies that must approve a project. For developers, a lengthy approval process translates into costs that will be passed on to consumers—homeowners and renters—which ultimately reduces housing affordability.

Oxford Plaza, Berkeley

In the City of Berkeley, construction is underway to transform a city-owned parking lot into a centerpiece mixed-use development. The development will consist of the David Brower Center, a major environmental center and space for cultural activities, a parking garage (to replace existing parking), and Oxford Plaza, a 96-unit affordable apartment building with ground-floor retail.



This project is notable for its contribution to sustainable and equitable development. The buildings will be an excellent example of infill on an underused site located near the Berkeley BART station in Downtown Berkeley. Parking standards are dramatically reduced for the residential portion of the project, and densities are appropriate to support the available transit. The units will be a mix of studios and one- to three-bedroom rental units that are affordable to a mix of incomes (from extremely low- to low-income). The residential building, Oxford Plaza, will also incorporate many green and sustainable elements into its design.

Due to the varied uses (residential, office, retail, and civic), this project required an extensive process that involved establishing a diverse project team and

assembling a wide range of funding sources. It is being developed through a partnership between the nonprofit Resources for Community Development and the David Brower Center, and the project will be jointly owned by those two organizations and the City of Berkeley. For the residential portion of the project, the City used \$12 million in local funds, including \$6.2 million in funds from the City's Housing Trust Fund Program, Redevelopment Agency, and HUD Section 108 loan funds. The total \$12 million local investment was leveraged with approximately \$70 million in other private and state funds to complete the rest of the project. The project process also consisted of a five-year community engagement process.



Villa Montanaro, Pleasant Hill

The Pleasant Hill BART station area was the location of one of the first transit villages to be planned in the region, as part of the Pleasant Hill BART Specific Plan in 1983. Villa Montanaro, the latest development in the area, increases housing choices by adding 163 rental units in a city that is mostly ownership units. It includes nine units affordable to very low-income households and three for moderate-income residents.

Villa Montanaro replaced an underutilized and deteriorated site that is 1/4 mile from the BART station and close to shops and services. The development has a density of 40 units per acre. Even though the building height of 50 feet exceeded the city's current limit of 35 feet, it was approved and supported by the community because of the project's strengths and location, as well as a recognition of the importance of expanding housing choices in Pleasant Hill.

Villa Montanaro won the 2007 ABAG Growing Smarter Together Award: On the Ground—Getting It Done.

Another factor often highlighted as contributing to escalating housing costs are the impact fees imposed by cities, counties, and special districts for new housing development. Since property tax revenues are limited, many communities use impact fees as a way to cover the costs of providing services to new residents. Impact fees, however, do not cover the continuing costs of these services. Although these fees are an important funding source that enables jurisdictions to provide needed services, they add to the costs of developing housing, which can act as a barrier to housing affordability.

There is a range of policy changes and incentives local governments can offer to promote housing production, and affordable housing in particular. Some of the options in use by Bay Area jurisdictions include permit streamlining, density bonuses, fee waivers, and land assembly.

The City of Fremont provides one example of a jurisdiction that has developed comprehensive strategies for encouraging affordable housing. Developments with five or more units can qualify for a density bonus if affordable units are included. In addition to the density bonus, other incentives include site identification assistance, marketing and tenant screening, modification of development standards, and streamlined processing of plans and permits.

In Fremont's new multiple family zone, additional incentives include reduced parking requirements for affordable units, allowance for commercial uses on the ground floor of multi-family residential buildings on major streets, and the option for creating live-work units. In addition, for projects where at least 49 percent of the units are affordable, Fremont offers deferred impact fee payments, financial assistance, help with community engagement, and assistance in identifying possible sites.

Developing Infill and Homes Near Transit

Development in infill locations and in areas with access to public transit is a major component of the region's vision for growth. It is a key strategy for expanding housing and transportation choices. However, building homes in these areas involves a variety of challenges that do not usually arise when building on undeveloped land. Cities that want to promote infill development often encounter challenges related to attracting developers to infill sites, working with small parcels, applying appropriate transportation and parking standards, and responding to the needs and concerns of existing residents.

Targeting Development with Specific Plans

Building on infill parcels often involves a great deal of complexity, since the development must fit in with the streets and buildings that are already part of a neighborhood. In this situation, jurisdictions,

developers, and the community must work together to determine how best to integrate a new development into the existing fabric of the community.

Creating a specific plan, neighborhood plan, precise plan, or other detailed plan for a community also provides an opportunity to engage community members in thinking broadly about how to incorporate more housing into a neighborhood while addressing some of their concerns about the potential impacts of new residents. The process of developing a specific plan allows a local government to consider the best way to link new housing to existing transportation networks, community services, and retail locations.

Identifying areas where housing is desired encourages housing production because it provides certainty to developers and sends a strong signal that the community is supportive of proposals for more housing. In addition, since the design and aesthetics of a development are particularly important to existing residents, giving developers guidance about desired development types and design standards shows them how best to meet the needs and desires of the community. This kind of guidance can lead to faster and better results from the entitlement process—for both the developer and the community.

Redwood City recently adopted a Downtown Precise Plan that uses the strong regional demand for housing as an engine for local community revitalization.²⁴ Created with extensive community input, the Precise Plan articulates the city’s collective vision in careful detail. The plan describes distinct zones, each with its own unique design guidelines. It directs new developments to maximize public benefits by treating the street as a public space. Permitted building heights of up to 12 stories are calculated to minimize the need for public subsidies. Clear, well-researched, and community-based development guidelines have attracted local and national developer interest and help to ensure that new construction fulfills the city’s goals.

The City of Milpitas has also created a vision for their Midtown area in the Midtown Specific Plan. This plan takes advantage of rail stations (VTA and BART) in the area to increase housing choices and densities, and create a walkable district focused along Main Street. As part of the plan, Milpitas identified 252 acres of vacant land that can accommodate up to 4,900 housing units based on allowable densities. These new housing units will be interspersed with and linked by pedestrian and bike trails as outlined in the city’s Streetscape and Trails Plans. The city is refining this vision by creating the Milpitas Transit Area Specific Plan, which focuses on a subset of the midtown area adjacent to BART and VTA stations.



San Mateo



Suisun City



Domicilio, Santa Clara



Greenridge, South San Francisco



Alma Apartments, Walnut Creek



Cochrane Village, Morgan Hill

Working with Small Parcels

A common refrain in Bay Area cities is that infill housing is impossible without land assembly. Underused parcels of land in urban areas are often small or oddly-shaped, particularly near transit stations crossed with rail lines and street alignments. Many real estate developers are interested in multi-acre properties, and need local government assistance to obtain neighboring parcels. In turn, cities look for financial assistance to purchase properties and tools such as eminent domain to negotiate with property owners in blighted areas. However, large parcels and parcel assembly are not always financially feasible, even with public assistance. The process of assembling parcels can sometimes take many years and, as a result, in some cases this strategy can slow down new infill development.

An alternative to land assembly may be to alter the development strategy to favor buildings on small parcels. On small parcels, developers can achieve high densities at a small scale, if allowed by local zoning codes. Physical and financial analyses show that projects can achieve densities ranging from 70 to 139 units an acre on parcels that are a fraction of an acre in size.²⁵ What makes this development feasible is allowing a mix of uses (retail adds to the profitability of a project), and reducing parking standards. Berkeley and Redwood City have achieved densities of 100 units per acre on parcels of less than one acre and in projects that are five stories or less.

Building on small lots may be more beneficial to a city than large-scale developments, especially when this strategy is coordinated through a detailed area plan that helps weave new projects into the existing community. Small projects can work within the confines of a city's existing street grid pattern and often result in diverse building types and aesthetically interesting streetscapes for people—making neighborhoods more walkable. In addition, a neighborhood where older buildings are preserved has a better opportunity to support both high- and low-rent businesses, allowing for a mix of chain and independent businesses that often makes a community unique. They also enhance, instead of alter, existing communities and are more likely to gain community support—especially if they also offer needed housing choices and services. Furthermore, developers of small parcels tend to be local entrepreneurs with knowledge of the community. These benefits have encouraged communities to work closely with developers to get projects built on small parcels.

Redefining Transportation Standards

In much of the region, automobiles are the primary mode of transportation, and land use and development patterns are arranged to meet the needs of drivers. In contrast, one of the primary benefits of infill locations is that they encourage alternative transportation options, such as walking, bicycling, and public transit use. Recent studies have shown that people who live within a half mile from transit

are twice as likely to walk and four times more likely to take transit for all trips.²⁶

Unfortunately, housing production in infill locations is often hampered by the application of transportation standards that do not take into account these differences in travel patterns. When considering approval of a proposed development, planners must consider potential impacts on traffic in the area. City planners often use Institute of Transportation Engineers (ITE) standards, which are developed using data from suburban-style developments, to estimate the number of trips a project will generate and the impact it will have on traffic congestion and delay at nearby intersections (known as “Level of Service” or “LOS” standards).

Use of these conventional standards can result in an overstatement of potential auto trips and the resulting traffic congestion. Although new development may lead to an increase in local traffic, evidence indicates development in urban areas generates fewer auto trips than in suburban areas. In addition, meeting LOS standards poses a particular challenge for higher-density and infill projects, since they are generally located in dense areas that already have traffic congestion. For example, pedestrian-oriented downtowns are places where cars naturally move slowly and experience delays. Therefore, these areas often have poor or failing LOS grades.

Downtown River Apartments, Petaluma

The City of Petaluma in Sonoma County has emerged as a housing leader in the region, exceeding its RHNA allocations in all income categories. The Downtown River Apartments is an excellent example of how affordable housing can contribute to community revitalization while providing housing for working people and families.



This development consists of 81 income-restricted apartments with one-, two- and three-bedroom units. It is home to families paying no more than \$1100 for a three bedroom apartment. The project has plentiful common space, both in an inner courtyard and a small park along the river. It is located directly across the river from the city's historic downtown, a walkable district with a variety of stores and services in the midst of a revitalization. It has contributed to this revitalization with new homes, stores, and public spaces where an underutilized lot used to be.

The city's partnerships with nonprofit partners are a key to the success of the city's housing program. The city works actively with nonprofits to leverage funds and to develop and manage properties. Eden Housing, Inc. used a variety of state and local funds to develop the Downtown River Apartments, and the nonprofit continues to manage the development. The city also partners with the Boys and Girls Club in this and all family-oriented affordable developments to provide after school activities.

The use of conventional standards to assess these developments can have significant implications for whether or not these projects are successful. The reported congestion often results in neighborhood resistance to a development. In response to community concerns about traffic, cities often plan and approve development at lower densities. In

some cases, these required changes can keep the project from being financially feasible, which means the loss of an opportunity to add housing units to a community.

Although these standards are perceived to be objective, since they rely largely on data from auto-oriented sites, they overweight the



Virginia Grove, Novato

In the most expensive county in the Bay Area, a small suburban town has found an innovative way to provide affordable homeownership opportunities in an existing single-family neighborhood. Virginia Grove consists of eight single-family homes, four of which are deed-restricted for low-income families.

The development does not rely on public subsidies to make the homes affordable. Instead, the design focuses on smaller homes to maximize the efficient use of the land. With the use of a density bonus, Virginia Grove will replace a single-family home with eight homes, for an increase in residential density from 1.5 to 12 units per acre.

The development's design also ensures that it is sensitive to the existing surroundings. The project includes a number of environmentally-friendly features, including retention of native trees, vegetated swales, and passive solar heating and cooling. While Virginia Grove is a small project, it provides a reproducible model for providing affordable homes in an exclusively suburban area.

importance of automobiles at the expense of the needs of people—which runs counter to the goal of creating and enhancing vibrant, walkable neighborhoods and community centers. It is also important to note that these standards for measuring local traffic congestion do not take into account the added regional traffic burden created by pushing new housing to the edges of the region and into neighboring regions and forcing people to drive to reach job centers and other destinations in central areas.

Bay Area cities have found ways to navigate around these challenges. Cities can develop policies that accept lower LOS standards, explicitly allowing for some amount of traffic delay, as a way to add new construction without widening streets or harming a pedestrian-oriented downtown.

San Leandro has a lower LOS standard for its downtown area than for the rest of the city, which ensures that downtown will continue to be a pedestrian area. The City of San José has an “intersection protection policy” that designates certain intersections where no further increases in width or capacity are allowed. Design changes at these intersections to encourage walking, biking, and transit use reduce the need for new lanes and other improvements that expand automobile capacity. To encourage use of these alternative forms of transportation, LOS grades at these intersections can be poor or failing.

Rethinking Parking

In addition to measures of trip generation and traffic congestion, many cities and counties have parking requirements that are also based on suburban-style development. While this might be appropriate for single-family neighborhoods, the needs of people living in infill and transit-oriented developments are different. As noted above, people who live near transit are more likely to use it, reducing their dependence on automobiles. In addition, a study by MTC found that residents who live within a half-mile of transit stations own fewer cars than people who live further away. Nearly one third of households near transit do not own a car at all.²⁷ In infill locations, where the amount of land is limited and multi-level parking structures are necessary (and expensive), using conventional parking standards can be a significant impediment to housing development, especially affordable units.

As a result, many jurisdictions in the Bay Area have made changes to their parking standards to encourage a range of development choices, and to make housing more affordable. The City of San Francisco replaced minimum parking standards for its downtown with a maximum that allows no more than 0.75 spaces per unit.²⁸ The City of San José provides automatic parking reductions for low-income housing, senior housing, and housing near transit.²⁹ The City of San Rafael also lowered parking standards for housing in its downtown after

surveying parking use in existing apartment developments in the area. A complementary policy is to “unbundle” parking, which means that residents pay for parking separately. This allows people who do not want access to a parking space to pay less, making units more affordable.

In addition to reduced parking requirements, jurisdictions are also conducting studies to examine existing parking resources and find ways to manage them more effectively. Successful parking management strategies can reduce the need for additional spaces and, in some cases, can make surface parking lots unnecessary—opening up land for development. To manage parking, cities are using pricing to encourage individuals to drive less and to direct drivers to underused parking spaces. Another strategy is to allow developments that create demand for parking at different times, such as an office building and a movie theater, to share parking spaces. Shared parking lowers the amount of land devoted to parking, while still offering enough spaces to meet the needs of drivers.

In June 2007, MTC released a toolkit of regional best parking strategies, including pricing and shared spaces strategies. This report will be an excellent resource for local communities looking for alternative ways to manage parking.³⁰

Overcoming Community Resistance

One of the primary barriers that developers and local governments face in producing housing—particularly in infill locations—is opposition from existing residents. Although community members may recognize the need for more housing, they may still oppose new developments because of anxiety about how a proposed development will affect their neighborhood. Residents often object to projects because of concerns that more housing, especially higher-density housing, will lead to increased traffic, displace existing residents, or change the character of the neighborhood. As a result of community resistance, proposals for new housing often must be reworked with lower densities or, in some cases, are denied entirely. In addition, many developers focus on creating housing in undeveloped areas to avoid the challenges of dealing with neighborhood opposition.

Many local governments have come to realize that the best way to reduce community resistance to new housing development is to give community members an active role in determining what kind of housing and amenities their community will have. Giving community members a real voice requires that local governments go beyond the minimum outreach requirements mandated by law to find ways to truly engage residents and others in the planning and decision-making processes.

When residents are engaged as partners and seen, and see themselves, as part of the solution then a collaborative relationship is possible. If, on the other hand, residents are viewed solely as customers then the... underlying dynamic can become adversarial and the opportunity for collaborative change missed.

—Strong Neighborhoods Initiative,
City of San Jose



Murphy Ranch, Morgan Hill

Murphy Ranch is an affordable housing community in Morgan Hill that incorporates a variety of environmentally-friendly features. It was funded, in part, by the Santa Clara County Housing Trust Fund and consists of 100 units that are affordable to tenants who earn 22-60 percent of the Area Median Income (AMI). At 14 units per acre, it is more dense than most housing in the area, but the buildings were designed to fit in with the rural character of Morgan Hill.

Murphy Ranch is near downtown and within walking distance of a Caltrain station, a bus stop, and various stores and services. To encourage transit use, residents are given an Eco-Pass that provides unlimited free rides on the county's bus and light rail system.

The green building features of the project include use of recycled-content building materials and non-toxic finishes, energy-efficient appliances, water-conserving landscaping, and solar panels to meet the power needs of the community center.

One strategy for successful community engagement is for local governments to work with community members to establish a vision for the future. This can help to alleviate residents' concerns and help them see how new housing is part of a larger vision to enhance existing neighborhoods. The City of Hercules and the Town of Windsor have revitalized portions of their communities with new housing based upon plans that came out of visioning processes. Community members are now highly supportive of development projects that fit the concepts from the visioning process. New homebuyers have increased confidence that they will enjoy their community decades into the future.

Other innovative community engagement strategies include the City of Richmond's "plan van," which travels to schools and community events to gather input into the process for updating the City's General Plan. Richmond also established a Youth Visioning Program to engage students in the update. The City of Pittsburg has made use of local and regional community-based organizations to help spread information to local neighborhood and church groups about their Railroad Avenue eBART Specific Plan. As part of their Better Neighborhoods Program, the City of San Francisco includes "talk to the planner" walk-in sessions for community residents and business owners.

It is also important for local governments to include residents during the development

process. By doing so, a jurisdiction can make sure development projects fit the shared vision for an area, and can get constructive community buy-in early on. Using community-based organizations, neighborhood organizations, and other grassroots institutions to distribute information to the community can be an excellent means of reaching many community members with relative ease. Cities can also attract more residents to meetings by making public meetings more accessible. This includes using less technical and procedural language, as well as providing translation, food, and childcare.

Some jurisdictions are trying to move beyond one-time, issue-based community engagement to build a base of citizens who share responsibility and decision-making processes with the local government. By doing so, local governments create a long-term strategy that directly involves citizens in shaping their communities. For example, Redwood City has focused on community building, where citizens share in the decision-making yet are in part responsible for the results of public efforts. Redwood City encourages active citizenry through a citizen's academy, speaker series, and town hall meetings that discuss community issues, including those related to planning and development.

Through the Strong Neighborhoods Initiative, the City of San Jose has realigned its approach to manage neighborhood services based upon a series of neighborhood plans. This initiative is a partnership between the City, the Redevelopment Agency, and the community to improve neighborhood conditions and livability while building strong, independent, and capable neighborhood organizations and leaders. Partners develop Neighborhood Improvement Plans, and prioritize “Top-Ten” Action Agendas. Comprehensive engagement strategies such as San José’s ensure that changes to neighborhoods are long-term, popular, and sustainable. They build on community assets and strengths, and help community members understand policy decisions, resource limitations and trade-offs.

For more outstanding examples of community engagement, visit the FOCUS Best Practices Conference Series webpage. (www.bayareavision.org/outreach/sce.html)

Making Affordable Housing Happen

In the Bay Area, there is a continuing need for more homes that are affordable. During the 1999-2006 RHNA period, jurisdictions in the region issued permits for only 47 percent of their allocations for units affordable to very low-, low-, and moderate-income households. Local governments had the most success at creating units affordable to low-income households, issuing permits for 79 percent

of the RHNA allocation. Making homes affordable for very low-income households is challenging because these units require larger subsidies, which are hard to obtain. Providing homes affordable to moderate-income households is equally difficult because there are few subsidies available for people in this income group.

There are a variety of strategies to increase housing choices for people at all incomes. These approaches focus on increasing the supply of homes people can afford and creating new sources of funding to devote to developing more affordable homes.

Inclusionary Housing

For many Bay Area communities, inclusionary housing—including a certain percentage of units that are affordable to lower-income households in market-rate developments—is a key policy driving creation of affordable housing. In 1970, Petaluma and Palo Alto were the first local jurisdictions in California to adopt inclusionary housing ordinances. Use of this strategy has expanded tremendously so that, by 2006, 65 of the region’s 101 cities and 9 counties have inclusionary ordinances.³¹

The goal of inclusionary housing policies is to ensure the continued growth of the region makes room for people at all income levels, but specific policies and requirements vary by individual jurisdiction. Most communities

encourage development of the affordable units on the same site as the market-rate homes; many also try to offer developers flexibility in how they meet the inclusionary requirements. In some cases, developers can construct the affordable units on a different site, or they may be able to count excess units from one project as the inclusionary requirement of a different project.

Some ordinances offer alternatives to construction of the required affordable units, such as allowing the developer to donate land or pay an “in-lieu” fee into a local fund dedicated to construction of affordable homes. The City of Santa Rosa has made use of in-lieu fees, in conjunction with other funds, to create a large amount of affordable housing in their city.

For these options to be effective, the local jurisdiction must ensure the donated land is suitable for affordable development and that the in-lieu fee is sufficient to cover the costs of constructing the affordable units. These alternatives can allow consolidated projects that may provide housing in a more cost-effective way. This is particularly true for very-low income housing and housing that serves special needs populations.

Criticism of inclusionary ordinances has centered on the idea that developers, land owners or purchasers of market-rate housing must bear the cost of subsidizing the

My housing mantra is that to make affordable housing happen you need three things: political will, money, and sophisticated nonprofits. It will only work if all three of these things are present. In addition, you must keep things simple, flexible, and enforceable.

**—Bonne Gaebler
Housing/CDBG Administrator
City of Petaluma**

inclusionary units. However, these costs can be offset in a number of ways. For instance, developers can receive “density bonuses” as part of an inclusionary ordinance. This means more units can be included in a project, which reduces the per-unit cost and increases its overall value. In addition, cities can charge partial “in-lieu” fees, reducing costs for the developer yet allowing the city to receive money which it can then leverage and apply toward new housing.

While the Home Builders Association of Northern California opposes inclusionary housing policies, they recently worked with the Non-Profit Housing Association of Northern California to develop a number of key principles that improve inclusionary housing policies. Those principles include:

- Affordable housing policies that require the development of “like for like” units distributed uniformly throughout the market-rate development are often not the most efficient way of providing affordable housing.
- To increase effectiveness and efficiency, inclusionary housing programs should provide flexibility and allow a range of alternative methods of providing affordable units.
- Affordable housing policies that maximize resources by providing more housing opportunities or deeper levels of

affordability at the same or less cost should be encouraged.

- Local communities with inclusionary housing programs have a responsibility to contribute tangible and substantial resources so that the cost of providing affordable housing is spread fairly across the community.³²

Preservation of Existing Affordable Units

One of the major issues affecting the supply of homes that people can afford is the conversion of affordable units to market-rate units. The loss of affordable units not only displaces current tenants, but also represents a permanent loss of affordable housing choices in a community. Preserving and rehabilitating the existing affordable housing stock is, therefore, an integral part of a community’s strategy for providing affordable housing choices.

The use of public subsidies is the primary method for producing homes that very low- and low-income households can afford. These subsidies come from a variety of federal, state, and local sources. In return for receiving public subsidies, owners of the properties developed agree to keep them affordable for a certain number of years. Many of these subsidy programs have been around for several decades and the rent restrictions on many older buildings are expiring. This allows the owner to convert affordable units

to market-rate units. Since it usually costs two to three times as much to replace an affordable apartment as it does to preserve it,³³ there is the potential that the units the community loses will not be replaced.

There is a variety of strategies that local governments can use to promote the preservation of units whose affordability restrictions are expiring. A key first step is to obtain information about units that are “at-risk,” meaning that the restrictions will expire within five years. Local governments can contact the California Housing Partnership Corporation, which maintains information about at-risk projects, or the local U.S. Department of Housing and Urban Development (HUD) office, which requires that owners who wish to end affordability restrictions notify them in advance. Local governments can also register as “*Qualified Entities*” with HCD³⁴ to receive notices from all owners that intend to convert units. *Qualified Entities* are given the first opportunity to offer to buy a property in order to maintain its affordability.

Local governments can also take an active role in helping purchasers acquire properties to preserve rent restrictions. Some cities have a staff person who is dedicated to coordinating efforts related to preserving affordable units. This person can identify potential purchasers in advance, and then

help match them to owners who wish to sell. Jurisdictions can also make local funds, such as federal grant money or housing trust fund dollars, available for purchasing units for preservation.

Cities and counties that take some of these steps can help ensure affordable housing choices are available in their community. These suggestions were adapted from information provided by the California Housing Partnership Corporation. For more information, visit their website at www.chpc.net.

Table 2. Bay Area Affordable Units At-Risk, 2006

County	At-Risk Units
Alameda	2,097
Contra Costa	373
Marin	12
Napa	0
San Francisco	1,143
San Mateo	355
Santa Clara	1,866
Solano	867
Sonoma	189
Regional Total	6,902

Source: California Housing Partnership Corporation. At Risk Data by County. Available at: www.chpc.net/at-risk/index.php.

Better Financing for Affordable Housing

One of the primary barriers to the production of more affordable housing is the lack of sufficient funding. To make homes available to low-income individuals and families, public subsidies are needed in order to bridge the gap between what they can afford and what the housing actually costs. Unfortunately, these subsidies are in short supply. Historically the federal government provided most of the public financial support for affordable housing. However, the federal government’s commitment to providing funds for affordable housing has declined, and funding has not kept up with the need.

Most available federal funds are devoted to providing financial resources, such as rental vouchers and down payment assistance, to help individuals pay for housing, rather than to constructing new affordable homes. Given the continuing shortage of housing units in the Bay Area, compared to the demand for those units, increasing the supply of affordable housing is essential to reducing housing costs.

There are two primary funding sources for affordable housing construction in the region—Low Income Housing Tax Credits (LIHTC) and tax-exempt housing revenue bonds issued by state and local governmental agencies and joint powers authorities, such as the ABAG Housing Finance Authority. The LIHTC program, which is offered at the federal and state levels, allows investors to purchase

affordable housing credits that reduce their tax liability. In California, the program provides about \$80 million in tax credits annually.³⁵ For 2007, the State tax-exempt housing revenue bond program will allocate up to \$2.4 billion to housing projects and programs, including \$1.7 billion for multi-family projects.³⁶ The bonds issued are purchased by the private sector and the repayment is not an obligation of the state or of the federal government.³⁷

To complement ABAG’s housing policy and planning efforts, the ABAG Finance Authority’s housing finance program offers a practical tool for local governments dealing with the increasing shortage of affordable housing in their own jurisdictions. The program seeks to provide low-cost financing for smaller urban projects and an efficient, competitive lending vehicle for larger developments.

Providing conduit bond financing for the acquisition, construction, and rehabilitation of multi-family and senior housing, the program offers assistance in overcoming the many obstacles to completing projects that create more affordable housing options. The flexibility of working with the Authority and its low-cost structure allows borrowers efficient and economical access to the tax-exempt bond market. Through June 2007, the Authority has issued 74 multi-family housing bond issues, aggregating approximately \$932

million for 74 different affordable housing projects—in all helping to preserve or construct in excess of 9,700 apartment units.

The State of California has also issued bonds to fund development of affordable housing. In 2002, voters passed Proposition 46, a \$2.1 billion general obligation bond dedicated to affordable housing. As of March 2006, the Bay Area had received \$478 million in Proposition 46 awards during the last four years, which have been used to leverage an additional \$1.28 billion and to create nearly 13,000 affordable homes.³⁸ Funds available from Proposition 46 will be spent by the end of 2007. Since then, voters passed Proposition 1C providing money to continue affordable housing development in California.

Proposition 46, along with the LIHTC program and redevelopment agency bonds, account for around 80 percent of Bay Area affordable housing construction. Direct federal funding and a variety of programs, including inclusionary housing, contribute the remaining 20 percent.³⁹

Since there is no single source that provides adequate funding, the production of affordable housing requires consolidating funds from multiple sources. Nonprofit developers often point to these fragmented programs as making the development of affordable housing more difficult.

The Lincoln Court Senior Apartments in Oakland demonstrates the complexity of financing affordable housing. The development consists of 82 housing units that are affordable to extremely low- and very low- income seniors, many with disabilities. These apartments replaced a blighted motel that was a notorious site of illegal activity. Lincoln Court is within walking distance of a variety of retail services and stores, and also provides easy access to public transit.

Complexities of Financing Affordable Housing

The Lincoln Court Senior Apartments in Oakland has 82 housing units affordable to extremely low- and very low-income seniors. The development required the following funding sources:

Construction Funds:

ABAG Finance Authority Bonds	\$ 9,500,000
US Bank Second Loan	2,675,000
City of Oakland Loan	3,500,000
Tax Credit Equity	646,000

Total	\$16,321,000
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Permanent Funds:

ABAG Finance Authority Bonds	\$ 978,200
City of Oakland Loan	3,500,000
Tax Credit Equity	6,460,040
HCD Multifamily Housing Program Loan	6,687,170
Deferred Developer Fee	1,132,980

Total	\$18,758,390
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Four different funding sources were used to finance construction of the development (see sidebar). These sources included \$9.5 million in conduit bonds issued by the ABAG Finance Authority, a \$2.675 million second loan from US Bank, a \$3.5 million loan from the City of Oakland, and nearly \$650,000 in tax credits.

These initial funds were used to finance construction, and additional sources available after construction allowed the developer to pay down some of the higher rate construction loans. These sources included approximately \$5.8 million in additional tax credits, an approximately \$6.7 million loan from the California Multifamily Housing Program (MHP), and just over \$1.1 million in deferred developer fees.⁴⁰

Local Funding for Affordable Homes

In addition to funds provided by the federal and state governments, there are several approaches that local governments can take to raise and allocate additional financial resources to housing. For instance, the inclusionary housing programs mentioned above are one mechanism for directing the resources of developers to the production of affordable units.

In many communities, funds generated from redevelopment areas are a primary source of money for affordable housing. To fund its programs, a redevelopment agency can use tax increment financing, which is the

increase in tax revenues that occurs as property values rise as a result of the agency's revitalization efforts. Currently, state law requires that redevelopment agencies use at least 20 percent of their revenues for affordable housing activities. Local jurisdictions can increase affordable housing funds by committing a larger proportion of these revenues for affordable housing. The City of San Francisco dedicates 50 percent of redevelopment revenues to affordable homes, while Oakland increased its level to 25 percent.

Another commonly-used option is the creation of a housing trust fund. A housing trust fund generally dedicates revenues from a specific tax or fee to support affordable housing. These trust funds provide a steady source of funding and allow communities to focus spending on projects and programs that are high priorities locally. Eight Bay Area counties and thirty-seven cities now have housing trust funds.⁴¹

The Housing Trust of Santa Clara County has become a national model. While most housing trust funds rely almost exclusively on public money, Santa Clara's trust fund relies on the private sector as a continuing source of funds. Contributions come from private citizens, employers, and employer foundations as well as the County and all 15 Santa Clara County cities and towns. One of the Trust's strengths is its flexibility in terms of the loans they



Rohnert Park



Emeryville



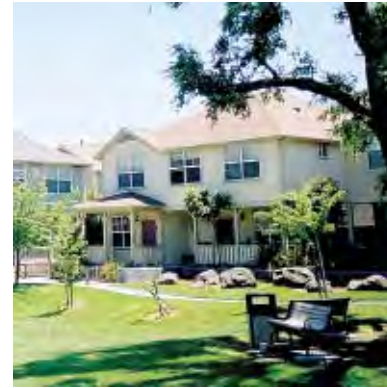
Marlin Cove, Santa Clara



2000 Post, San Francisco



City Center Plaza, Redwood City



Old Elm Village, Petaluma



North Park, San José

offer and the fact that they commit funding in advance, which can help project managers leverage funds from other lenders. Founded in 1999, the Trust has helped 4,500 families.⁴²

Similar to the Housing Trust of Santa Clara County, the Housing Endowment and Regional Trust (HEART) of San Mateo County also leverages public and private funds for affordable housing. As a private-public partnership, HEART works with both cities and businesses on solutions for workforce housing. Between 2003 and 2006, HEART contributed \$4 million to help fund 398 affordable units, and has a \$2.5 million revolving loan fund to develop new homes.⁴³

Local governments can also partner with local nonprofits to obtain access to funding that cities cannot receive on their own. These funds may come from major financial

institutions, which often make grants and loans to nonprofit housing developers to fulfill their obligation through the Community Reinvestment Act. Foundations also often only grant money to nonprofits. The City of Petaluma has partnered extensively with local non-profit developers, allowing them to both develop and manage most of their affordable and special needs projects.

Funding for affordable housing might also be supported through a real estate transfer fee. Some cities already have the authority to impose transfer fees for this purpose. For example, Santa Rosa allocates a portion of fees collected for real estate transfers to affordable housing programs.

Finally, local governments can impose a commercial linkage fee as a way to develop funds for affordable housing. This policy seeks

to ensure that adequate housing is available as jobs are added in a community. Thus, in general, a developer is charged a certain amount for every square foot of commercial space developed, and the money is dedicated to housing. Communities as diverse as Dublin, Oakland, Napa County, and Walnut Creek have adopted linkage fees as a way to promote development of homes people can afford.

Conclusion: Meeting the Housing Challenge

The need to expand the range of housing choices in the Bay Area is one of the most significant challenges that the region faces. Production of more homes is necessary to ensure that people at all income levels can find a home they can afford. As consideration is given to *how* to add more housing, it is also critical to think about *where* to add these new homes. As this report has shown, the pattern of growth has significant impacts on the region's housing affordability, roads and highways, natural assets, and overall quality of life. Thus, it is important that we add homes in the right places.

How the Bay Area grows and changes is not something that should be left to chance. The region has an opportunity to choose what we want our communities to be in the future. The methodology adopted for the pending RHNA cycle and, in particular, the FOCUS initiative are region-wide efforts to help us envision what the Bay Area might look like in the future. These efforts have provided a framework for a shift in growth toward compact development in existing communities near transit services. Encouraging this development pattern has the potential to provide more housing and transportation choices in the region.

A key to achieving this shift in development patterns is implementation by local governments. Success in this endeavor is possible and progress is being made. Jurisdictions are having success using a variety of strategies and innovative approaches to get housing built, particularly affordable housing. Those communities that are already working to expand housing and transportation choices are demonstrating what is possible. They are models for their regional neighbors.

In recognition of the key role that local governments play in advancing a more sustainable region, the regional agencies are working to direct available financial resources and incentives to those communities that are planning for more housing. The planning framework established by FOCUS will be supported by other planning activities, including the update of the Regional Transportation Plan and decisions about how incentives made available by the passage of state bonds will be spent. The convergence of these planning efforts shows the extent to which there is an emerging consensus about the future direction of the region.

However, the housing challenge can only be met by the cooperative efforts of government, the private sector, nonprofits, and the community at large. While recent efforts are encouraging, we will continue to need new funds for affordable housing and more opportunities to make housing part of our communities. A limited range of housing choices affects us all. It means businesses are less competitive and they have more difficulty attracting qualified employees. It means that local areas have more difficulty sustaining an attractive community and prosperous local economy. It means that most current residents or their families will face difficult choices as their households change. It is a big challenge. But by working together we can find ways to increase housing choices in the Bay Area and make the region's vision a reality.

Endnotes

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- ¹⁷ Very low-income is 50 percent or less of area median income (AMI), low-income is 50 to 80 percent of AMI, moderate-income is 80 to 120 percent of AMI, above-moderate is 120 percent or more of AMI.
- ¹⁸ For more details about these sections of the methodology, please see ABAG's website at www.abag.ca.gov/planning/housingneeds.
- ¹⁹ California Govt. C. Sec. 65584(d).
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Appendix A: Bay Area RHNA Performance, 1999 to 2006

Bay Area Affordable Housing, 1999 to 2006

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
Alameda County													
Alameda ^a	443	300	68%	265	36	14%	611	120	20%	843	496	59%	952
Albany ^a	64	5	8%	33	10	30%	77	54	70%	103	91	88%	160
Berkeley ^a	354	239	68%	150	257	171%	310	94	30%	455	762	167%	1,352
Dublin ^a	796	263	33%	531	243	46%	1,441	378	26%	2,668	2,948	110%	3,832
Emeryville ^a	178	124	70%	95	63	66%	226	183	81%	278	1,452	522%	1,822
Fremont ^a	1,079	361	33%	636	142	22%	1,814	340	19%	3,179	2,128	67%	2,971
Hayward ^a	625	40	6%	344	17	5%	834	818	98%	1,032	1,727	167%	2,602
Livermore ^a	875	202	23%	482	259	54%	1,403	657	47%	2,347	2,628	112%	3,746
Newark ^a	205	0	0%	111	0	0%	347	0	0%	587	314	53%	314
Oakland ^a	2,238	610	27%	969	690	71%	1,959	155	8%	2,567	6,847	267%	8,302
Piedmont ^a	6	0	0%	4	0	0%	10	0	0%	29	9	31%	9
Pleasanton ^a	729	120	16%	455	410	90%	1,239	272	22%	2,636	1,589	60%	2,391
San Leandro ^a	195	108	55%	107	0	0%	251	161	64%	317	1,245	393%	1,514
Union City ^a	338	177	52%	189	55	29%	559	59	11%	865	1,561	180%	1,852
Unincorporated ^a	1,785	50	3%	767	253	33%	1,395	4	0%	1,363	1,571	115%	1,878
Total	9,910	2,599	26%	5,138	2,435	47%	12,476	3,295	26%	19,269	25,368	132%	33,697

^a Data was provided by local planning or housing staff.

^b Data was estimated by ABAG staff. Total housing units based on data from the Construction Industry Research Board (CIRB). Estimates of affordable units in the low- and very low-income categories were produced by using CDLAC and TCAC data. Projects were identified as "Placed in Service" and having received funding between 1998 and 2005. ABAG staff reviewed data to ensure the units in projects that received funding from both sources were not double counted. Redevelopment Agency reports to the State Department of Housing and Community Development were used to estimate moderate-income housing production. This data may include rehabilitated units as well as new construction.

^c Data for 1999-2005 was provided by local planning or housing staff. ABAG staff estimated data for 2006.

^d Partial data provided by local planning or housing staff. Other data estimated by ABAG staff.

Bay Area Affordable Housing, 1999 to 2006

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
Contra Costa County													
Antioch ^a	921	435	47%	509	403	79%	1,156	1,923	166%	1,873	3,213	172%	5,974
Brentwood ^a	906	376	42%	476	238	50%	958	2,166	226%	1,733	7,687	444%	10,467
Clayton ^a	55	67	122%	33	17	52%	84	16	19%	274	119	43%	219
Concord ^a	453	171	38%	273	115	42%	606	76	13%	987	2,411	244%	2,773
Danville ^c	140	85	61%	88	56	64%	216	84	39%	666	496	74%	721
El Cerrito ^a	37	0	0%	23	5	22%	48	19	40%	77	210	273%	234
Hercules ^a	101	96	95%	62	68	110%	195	93	48%	434	1,818	419%	2,075
Lafayette ^a	30	15	50%	17	2	12%	42	0	0%	105	186	177%	203
Martinez ^b	248	0	0%	139	0	0%	341	0	0%	613	424	69%	424
Moraga ^a	32	21	66%	17	0	0%	45	0	0%	120	65	54%	86
Oakley ^a	209	168	80%	125	293	234%	321	51	16%	553	1,888	341%	2,400
Orinda ^b	31	0	0%	18	0	0%	43	0	0%	129	157	122%	157
Pinole ^a	48	34	71%	35	6	17%	74	80	108%	131	52	40%	172
Pittsburg ^a	534	247	46%	296	381	129%	696	800	115%	987	2,477	251%	3,905
Pleasant Hill ^a	129	95	74%	79	69	87%	175	226	129%	331	362	109%	752
Richmond ^a	471	200	42%	273	1,093	400%	625	131	21%	1,234	805	65%	2,229
San Pablo ^a	147	214	146%	69	70	101%	123	16	13%	155	366	236%	666
San Ramon ^a	599	157	26%	372	407	109%	984	1,143	116%	2,492	5,538	222%	7,245
Walnut Creek ^a	289	99	34%	195	80	41%	418	175	42%	751	1,123	150%	1,477
Unincorporated ^a	1,101	372	34%	642	177	28%	1,401	77	5%	2,292	5,151	225%	5,777
Total	6,481	2852	44%	3,741	3,480	93%	8,551	7,076	83%	15,937	34,548	217%	47,956

Bay Area Affordable Housing, 1999 to 2006

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
Marin County													
Belvedere ^a	1	0	0%	1	0	0%	2	2	100%	6	7	117%	9
Corte Madera ^a	29	0	0%	17	0	0%	46	0	0%	87	99	114%	99
Fairfax ^a	12	0	0%	7	0	0%	19	0	0%	26	18	69%	18
Larkspur ^a	56	7	13%	29	6	21%	85	3	4%	133	37	28%	53
Mill Valley ^a	40	69	173%	21	28	133%	56	41	73%	108	32	30%	170
Novato ^a	476	297	62%	242	527	218%	734	496	68%	1,130	1,646	146%	2,966
Ross ^b	3	0	0%	2	0	0%	5	0	0%	11	22	200%	22
San Anselmo ^b	32	0	0%	13	0	0%	39	0	0%	65	70	108%	70
San Rafael ^a	445	25	6%	207	87	42%	562	388	69%	876	684	78%	1,184
Sausalito ^a	36	22	61%	17	0	0%	50	0	0%	104	51	49%	73
Tiburon ^a	26	4	15%	14	3	21%	32	0	0%	92	144	157%	151
Unincorporated ^a	85	104	122%	48	100	208%	96	110	115%	292	643	220%	957
Total	1,241	528	43%	618	751	122%	1,726	1040	60%	2930	3453	118%	5,772

Napa County

American Canyon ^a	230	114	50%	181	60	33%	353	51	14%	559	2,110	377%	2,335
Calistoga ^c	44	3	7%	31	15	48%	41	0	0%	57	60	105%	78
Napa ^a	703	177	25%	500	351	70%	859	582	68%	1,307	1,287	98%	2,397
St. Helena ^a	31	10	32%	20	10	50%	36	22	61%	55	82	149%	124
Yountville ^a	21	0	0%	15	2	13%	20	19	95%	31	46	148%	67
Unincorporated ^a	405	30	7%	272	45	17%	466	63	14%	826	106	13%	244
Total	1,434	334	23%	1,019	483	47%	1,775	737	42%	2,835	3,691	130%	5,245

Bay Area Affordable Housing, 1999 to 2006

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
San Francisco City & County													
San Francisco ^a	5,244	4,203	80%	2,126	1,101	52%	5,639	661	12%	7,363	11,474	156%	17,439

San Mateo County

Atherton ^a	22	0	0%	10	0	0%	27	0	0%	107	5	5%	5
Belmont ^a	57	24	42%	30	20	67%	80	10	13%	150	287	191%	341
Brisbane ^a	107	7	7%	43	1	2%	112	7	6%	164	93	57%	108
Burlingame ^a	110	0	0%	56	0	0%	157	72	46%	242	32	13%	104
Colma ^b	17	0	0%	8	73	913%	21	0	0%	28	14	50%	87
Daly City ^a	282	11	4%	139	22	16%	392	0	0%	578	383	66%	416
East Palo Alto ^c	358	57	16%	148	155	105%	349	15	4%	427	492	115%	719
Foster City ^a	96	88	92%	53	0	0%	166	44	27%	375	401	107%	533
Half Moon Bay ^b	86	0	0%	42	106	252%	104	0	0%	226	250	111%	356
Hillsborough ^c	11	0	0%	5	15	300%	14	19	136%	54	109	202%	143
Menlo Park ^b	184	0	0%	90	0	0%	245	11	4%	463	204	44%	215
Millbrae ^a	67	0	0%	32	0	0%	90	0	0%	154	262	170%	262
Pacifica ^a	120	0	0%	60	10	17%	181	0	0%	305	169	55%	179
Portola Valley ^a	13	12	92%	5	3	60%	13	2	15%	51	44	86%	61
Redwood City ^a	534	36	7%	256	70	27%	660	18	3%	1,094	341	31%	465
San Bruno ^a	72	138	192%	39	187	479%	110	0	0%	157	542	345%	867
San Carlos ^b	65	0	0%	32	0	0%	89	1	1%	182	207	114%	208
San Mateo ^a	479	125	26%	239	85	36%	673	50	7%	1,046	1,511	144%	1,771
So. San Francisco ^a	277	121	44%	131	71	54%	360	104	29%	563	1,014	180%	1,310
Woodside ^b	5	0	0%	3	0	0%	8	0	0%	25	126	504%	126
Unincorporated ^a	252	31	12%	146	0	0%	454	0	0%	828	1,982	239%	2,013
Total	3,214	650	20%	1,567	818	52%	4,305	353	8%	7,219	8,468	117%	10,289

Bay Area Affordable Housing, 1999 to 2006

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
Santa Clara County*													
Campbell ^a	165	23	14%	77	14	18%	214	98	46%	321	482	150%	617
Cupertino ^a	412	36	9%	198	12	6%	644	79	12%	1,466	1,212	83%	1,339
Gilroy ^a	906	189	21%	334	327	98%	1,030	425	41%	1,476	1,636	111%	2,577
Los Altos ^a	38	24	63%	20	16	80%	56	2	4%	147	705	480%	747
Los Altos Hills ^a	10	26	260%	5	6	120%	15	5	33%	53	195	368%	232
Los Gatos ^a	72	13	18%	35	73	209%	97	16	16%	198	505	255%	607
Milpitas ^a	698	524	75%	351	177	50%	1,146	464	40%	2,153	2,153	100%	3,318
Monte Sereno ^a	10	12	120%	5	7	140%	13	15	115%	48	59	123%	93
Morgan Hill ^a	455	258	57%	228	298	131%	615	313	51%	1,186	1,466	124%	2,335
Mountain View ^a	698	118	17%	331	5	2%	991	128	13%	1,403	1,233	88%	1,484
Palo Alto ^a	265	214	81%	116	130	112%	343	134	39%	673	1,955	290%	2,433
San Jose ^a	5,337	4,415	83%	2,364	3,886	164%	7,086	776	11%	11,327	18,184	161%	27,261
Santa Clara ^a	1,294	279	22%	590	479	81%	1,786	665	37%	2,669	3,340	125%	4,763
Saratoga ^a	75	60	80%	36	1	3%	108	108	100%	320	455	142%	624
Sunnyvale ^a	736	55	7%	361	57	16%	1,075	194	18%	1,664	1,861	112%	2,167
Unincorporated ^a	325	325	100%	158	158	100%	651	152	23%	312	786	252%	1,421
Total	11,496	6,571	57%	5,209	5,646	108%	15,870	3,574	23%	25,416	36,227	143%	52,018

* Data was updated in August 2007, based on corrections to the permits issued by the City of Campbell.

Bay Area Affordable Housing, 1999 to 2006

	Very Low			Low			Moderate			Above Moderate			Total Permits Issued
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	
Solano County*													
Benicia ^d	70	54	77%	49	128	261%	90	165	183%	204	385	189%	732
Dixon ^c	268	0	0%	237	0	0%	379	15	4%	580	1,002	173%	1,017
Fairfield ^a	761	57	7%	573	192	34%	972	631	65%	1,506	5,421	360%	6,301
Rio Vista ^b	357	12	3%	190	27	14%	342	0	0%	502	1,679	334%	1,718
Suisun City ^a	191	16	8%	123	64	52%	256	36	14%	434	890	205%	1,006
Vacaville ^a	860	87	10%	629	691	110%	1,172	1,463	125%	1,975	2,165	110%	4,406
Vallejo ^d	690	322	47%	474	231	49%	779	4	1%	1,299	2,408	185%	2,965
Unincorporated ^a	500	0	0%	363	71	20%	771	0	0%	1,085	356	33%	427
Total	3,697	548	15%	2,638	1,404	53%	4,761	2,314	49%	7,585	14,306	189%	18,572

Sonoma County													
	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	RHNA Allocation	Permits Issued	Percent of Allocation Permitted	Total Permits Issued
Cloverdale ^a	95	104	109%	51	59	116%	128	138	108%	149	721	484%	1,022
Cotati ^a	113	74	65%	63	40	63%	166	59	36%	225	347	154%	520
Healdsburg ^a	112	76	68%	78	112	144%	171	31	18%	212	297	140%	516
Petaluma ^a	206	250	121%	124	201	162%	312	361	116%	502	944	188%	1,756
Rohnert Park ^a	401	293	73%	270	467	173%	597	546	91%	856	1,551	181%	2,857
Santa Rosa ^a	1,539	591	38%	970	1,338	138%	2,120	2154	102%	3,025	4,241	140%	8,324
Sebastopol ^a	58	0	0%	35	5	14%	75	28	37%	106	88	83%	121
Sonoma ^a	146	111	76%	90	68	76%	188	66	35%	260	587	226%	832
Windsor ^a	430	161	37%	232	171	74%	559	33	6%	850	1,516	178%	1,881
Unincorporated ^a	1,311	650	50%	1,116	339	30%	1,563	317	20%	2,809	1,836	65%	3,142
Total	4,411	2,310	52%	3,029	2,800	92%	5,879	3,733	63%	8,994	12,128	135%	20,971

Total Bay Area*	47,128	20,595	44%	25,085	18,918	75%	60,982	22,783	37%	97,548	149,663	153%	211,959
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* Data was updated in August 2007, based on corrections to the permits issued by the City of Campbell and the City of Vallejo.



For more information
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San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

About the data: The following is a summary compiled by the Association of Bay Area Governments of housing permits issued for all San Francisco Bay Area jurisdictions for the period between 2007 and 2014. This data was compiled primarily from Annual Housing Element Progress Reports (APRs) filed by jurisdictions with the California Department of Housing and Community Development (HCD). In certain instances when APR data was not available but permitting information could be found through other sources ABAG made use of the data sources below:

- Adopted and certified housing elements for the period between 2007 and 2014
- Draft housing elements for the period between 2014-2022
- Permitting information sent to ABAG directly by local planning staff

Note: Given that calendar year 2014 is in-between the 2007-14 and the 2014-2022 RHNA cycles, HCD provides Bay Area jurisdictions with the option of counting the units they permitted in 2014 towards either the past (2007-2014) or the current (2014-2022) RHNA cycle. ABAG did not include 2014 permitting information in this report for jurisdictions that requested that their 2014 permits be counted towards their 2014-2022 allocation. Those jurisdictions are indicated by an asterisk (*).

For more information and other housing datasets please visit ABAG's website at www.abag.ca.gov/planning/housing

Bay Area	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Alameda	10,017	3,095	31%	7,616	1,699	22%	9,078	1,140	13%	18,226	13,681	75%	44,937	19,615	44%
Contra Costa	6,512	1,353	21%	4,325	1,035	24%	4,996	3,654	73%	11,239	10,758	96%	27,072	16,800	62%
Marin	1,095	250	23%	754	256	34%	977	219	22%	2,056	818	40%	4,882	1,543	32%
Napa	879	135	15%	574	71	12%	713	268	38%	1,539	960	62%	3,705	1,434	39%
San Francisco	6,589	3,920	59%	5,535	1,481	27%	6,754	1,234	18%	12,315	13,468	109%	31,193	20,103	64%
San Mateo	3,588	702	20%	2,581	641	25%	3,038	746	25%	6,531	6,080	93%	15,738	8,169	52%
Santa Clara	13,878	3,798	27%	9,567	2,692	28%	11,007	2,371	22%	25,886	35,962	139%	60,338	44,823	74%
Solano	3,038	283	9%	1,996	481	24%	2,308	1,067	46%	5,643	3,141	56%	12,985	4,972	38%
Sonoma	3,244	715	22%	2,154	826	38%	2,445	1,033	42%	5,807	3,065	53%	13,650	5,639	41%
Bay Area Totals	48,840	14,251	29%	35,102	9,182	26%	41,316	11,732	28%	89,242	87,933	99%	214,500	123,098	57%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

ALAMEDA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Alameda	482	80	17%	329	2	1%	392	3	1%	843	80	9%	2,046	165	8%
Albany ¹	64	-	0%	43	6	14%	52	176	338%	117	13	11%	276	195	71%
Berkeley	328	83	25%	424	87	21%	549	23	4%	1,130	1,055	93%	2,431	1,248	51%
Dublin	1,092	189	17%	661	85	13%	653	69	11%	924	3,394	367%	3,330	3,737	112%
Emeryville*	186	110	59%	174	3	2%	219	28	13%	558	588	105%	1,137	729	64%
Fremont	1,348	198	15%	887	54	6%	876	240	27%	1,269	2,061	162%	4,380	2,553	58%
Hayward	768	246	32%	483	-	0%	569	50	9%	1,573	1,719	109%	3,393	2,015	59%
Livermore	1,038	72	7%	660	50	8%	683	196	29%	1,013	637	63%	3,394	955	28%
Newark	257	-	0%	160	-	0%	155	-	0%	291	14	5%	863	14	2%
Oakland	1,900	1,282	67%	2,098	385	18%	3,142	22	1%	7,489	2,342	31%	14,629	4,031	28%
Piedmont	13	16	123%	10	2	20%	11	15	136%	6	13	217%	40	46	115%
Pleasanton*	1,076	59	5%	728	29	4%	720	79	11%	753	794	105%	3,277	961	29%
San Leandro	368	195	53%	228	759	333%	277	19	7%	757	83	11%	1,630	1,056	65%
Union City	561	177	32%	391	50	13%	380	32	8%	612	692	113%	1,944	951	49%
Alameda County	536	388	72%	340	187	55%	400	188	47%	891	196	22%	2,167	959	44%
County Totals	10,017	3,095	31%	7,616	1,699	22%	9,078	1,140	13%	18,226	13,681	75%	44,937	19,615	44%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

CONTRA COSTA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Antioch	516	8	2%	339	20	6%	381	834	219%	1,046	381	36%	2,282	1,243	54%
Brentwood	717	192	27%	435	58	13%	480	175	36%	1,073	1,608	150%	2,705	2,033	75%
Clayton	49	-	0%	35	1	3%	33	2	6%	34	46	135%	151	49	32%
Concord*	639	2	0%	426	-	0%	498	8	2%	1,480	216	15%	3,043	226	7%
Danville ²	196	2	1%	130	84	65%	146	101	69%	111	287	259%	583	474	81%
El Cerrito	93	142	153%	59	38	64%	80	13	16%	199	163	82%	431	356	83%
Hercules ³	143	-	0%	74	-	0%	73	-	0%	163	153	94%	453	153	34%
Lafayette ²	113	47	42%	77	8	10%	80	8	10%	91	170	187%	361	233	65%
Martinez	261	48	18%	166	-	0%	179	4	2%	454	148	33%	1,060	200	19%
Moraga	73	-	0%	47	-	0%	52	-	0%	62	9	15%	234	9	4%
Oakley*	219	242	111%	120	191	159%	88	874	993%	348	331	95%	775	1,638	211%
Orinda	70	72	103%	48	20	42%	55	22	40%	45	137	304%	218	251	115%
Pinole	83	2	2%	49	1	2%	48	10	21%	143	59	41%	323	72	22%
Pittsburg	322	79	25%	223	126	57%	296	666	225%	931	839	90%	1,772	1,710	97%
Pleasant Hill	160	9	6%	105	1	1%	106	8	8%	257	194	75%	628	212	34%
Richmond	391	74	19%	339	153	45%	540	243	45%	1,556	892	57%	2,826	1,362	48%
San Pablo	22	-	0%	38	1	3%	60	35	58%	178	-	0%	298	36	12%
San Ramon	1,174	196	17%	715	255	36%	740	302	41%	834	2,247	269%	3,463	3,000	87%
Walnut Creek	456	150	33%	302	25	8%	374	19	5%	826	1,206	146%	1,958	1,400	72%
Contra Costa County*	815	88	11%	598	53	9%	687	330	48%	1,408	1,672	119%	3,508	2,143	61%
County Totals	6,512	1,353	21%	4,325	1,035	24%	4,996	3,654	73%	11,239	10,758	96%	27,072	16,800	62%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

MARIN COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Belvedere	5	2	40%	4	5	125%	4	2	50%	4	11	275%	17	20	118%
Corte Madera	68	64	94%	38	30	79%	46	4	9%	92	165	179%	244	263	108%
Fairfax	23	-	0%	12	-	0%	19	5	26%	54	8	15%	108	13	12%
Larkspur	90	25	28%	55	10	18%	75	9	12%	162	92	57%	382	136	36%
Mill Valley*	74	23	31%	54	50	93%	68	23	34%	96	67	70%	292	163	56%
Novato	275	72	26%	171	13	8%	221	118	53%	574	119	21%	1,241	322	26%
Ross	8	1	13%	6	3	50%	5	3	60%	8	1	13%	27	8	30%
San Anselmo ⁸	26	12	46%	19	15	79%	21	1	5%	47	8	17%	113	36	32%
San Rafael	262	32	12%	207	26	13%	288	-	0%	646	109	17%	1,403	167	12%
Sausalito	45	8	18%	30	17	57%	34	3	9%	56	20	36%	165	48	29%
Tiburon*	36	-	0%	21	3	14%	27	-	0%	33	9	27%	117	12	10%
Marin County*	183	11	6%	137	84	61%	169	51	30%	284	209	74%	773	355	46%
County Totals	1,095	250	23%	754	256	34%	977	219	22%	2,056	818	40%	4,882	1,543	32%

NAPA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
American Canyon*	169	-	0%	116	-	0%	143	2	1%	300	86	29%	728	88	12%
Calistoga*	17	14	82%	11	9	82%	18	2	11%	48	8	17%	94	33	35%
Napa	466	88	19%	295	26	9%	381	162	43%	882	495	56%	2,024	771	38%
St. Helena	30	2	7%	21	8	38%	25	16	64%	45	25	56%	121	51	42%
Yountville ²	16	20	125%	15	22	147%	16	12	75%	40	20	50%	87	74	85%
Napa County	181	11	6%	116	6	5%	130	74	57%	224	326	146%	651	417	64%
County Totals	879	135	15%	574	71	12%	713	268	38%	1,539	960	62%	3,705	1,434	39%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

SAN FRANCISCO	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
San Francisco ⁵	6,589	3920	59%	5,535	1481	27%	6,754	1234	18%	12,315	13468	109%	31,193	20103	64%
County Totals	6,589	3,920	59%	5,535	1,481	27%	6,754	1,234	18%	12,315	13,468	109%	31,193	20,103	64%

SAN MATEO COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Atherton	19	18	95%	14	-	0%	16	-	0%	34	(8)	-24%	83	10	12%
Belmont	91	-	0%	65	-	0%	77	4	5%	166	45	27%	399	49	12%
Brisbane ⁵	91	-	0%	66	-	0%	77	7	9%	167	137	82%	401	144	36%
Burlingame	148	-	0%	107	-	0%	125	9	7%	270	93	34%	650	102	16%
Colma	15	-	0%	11	-	0%	13	-	0%	26	2	8%	65	2	3%
Daly City ²	275	76	28%	198	51	26%	233	43	18%	501	386	77%	1,207	556	46%
East Palo Alto	144	4	3%	103	-	0%	122	74	61%	261	119	46%	630	197	31%
Foster City*	111	15	14%	80	40	50%	94	5	5%	201	248	123%	486	308	63%
Half Moon Bay ⁸	63	-	0%	45	-	0%	53	-	0%	115	18	16%	276	18	7%
Hillsborough	20	76	380%	14	10	71%	17	8	47%	35	22	63%	86	116	135%
Menlo Park	226	66	29%	163	11	7%	192	24	13%	412	188	46%	993	289	29%
Millbrae	103	2	2%	74	3	4%	87	18	21%	188	461	245%	452	484	107%
Pacifica	63	5	8%	45	1	2%	53	44	83%	114	158	139%	275	208	76%
Portola Valley* ⁸	17	-	0%	12	-	0%	14	-	0%	31	-	0%	74	-	0%
Redwood City	422	82	19%	304	84	28%	358	94	26%	772	2,442	316%	1,856	2,702	146%
San Bruno	222	16	7%	160	299	187%	188	281	149%	403	170	42%	973	766	79%
San Carlos	137	2	1%	98	5	5%	116	14	12%	248	121	49%	599	142	24%
San Mateo	695	163	23%	500	56	11%	589	105	18%	1,267	863	68%	3,051	1,187	39%
South San Francisco	373	108	29%	268	7	3%	315	10	3%	679	128	19%	1,635	253	15%
Woodside	10	7	70%	7	5	71%	8	5	63%	16	42	263%	41	59	144%
San Mateo County ²	343	62	18%	247	69	28%	291	1	0%	625	445	71%	1,506	577	38%
County Totals	3,588	702	20%	2,581	641	25%	3,038	746	25%	6,531	6,080	93%	15,738	8,169	52%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

SANTA CLARA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Campbell	199	32	16%	122	300	246%	158	67	42%	413	217	53%	892	616	69%
Cupertino	341	38	11%	229	31	14%	243	58	24%	357	657	184%	1,170	784	67%
Gilroy	319	29	9%	217	70	32%	271	65	24%	808	1,262	156%	1,615	1,426	88%
Los Altos	98	23	23%	66	22	33%	79	12	15%	74	784	1059%	317	841	265%
Los Altos Hills	27	25	93%	19	10	53%	22	5	23%	13	76	585%	81	116	143%
Los Gatos*	154	2	1%	100	41	41%	122	5	4%	186	180	97%	562	228	41%
Milpitas	689	336	49%	421	109	26%	441	264	60%	936	6,442	688%	2,487	7,151	288%
Monte Sereno	13	6	46%	9	12	133%	11	3	27%	8	14	175%	41	35	85%
Morgan Hill	317	98	31%	249	100	40%	246	43	17%	500	1,286	257%	1,312	1,527	116%
Mountain View	571	237	42%	388	28	7%	488	4	1%	1,152	2,387	207%	2,599	2,656	102%
Palo Alto	690	156	23%	543	9	2%	641	128	20%	986	787	80%	2,860	1,080	38%
San Jose*	7,751	1,774	23%	5,322	1,038	20%	6,198	144	2%	15,450	13,073	85%	34,721	16,029	46%
Santa Clara	1,293	412	32%	914	111	12%	1,002	198	20%	2,664	5,952	223%	5,873	6,673	114%
Saratoga	90	-	0%	68	13	19%	77	5	6%	57	20	35%	292	38	13%
Sunnyvale	1,073	572	53%	708	402	57%	776	1,204	155%	1,869	2,403	129%	4,426	4,581	104%
Santa Clara County	253	58	23%	192	396	206%	232	166	72%	413	422	102%	1,090	1,042	96%
County Totals	13,878	3,798	27%	9,567	2,692	28%	11,007	2,371	22%	25,886	35,962	139%	60,338	44,823	74%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

SOLANO COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Benicia*	147	-	0%	99	3	3%	108	-	0%	178	94	53%	532	97	18%
Dixon	197	117	59%	98	4	4%	123	2	2%	310	20	6%	728	143	20%
Fairfield	873	-	0%	562	-	0%	675	33	5%	1,686	1,529	91%	3,796	1,562	41%
Rio Vista	213	23	11%	176	213	121%	207	426	206%	623	427	69%	1,219	1,089	89%
Suisun City	173	112	65%	109	81	74%	94	21	22%	234	206	88%	610	420	69%
Vacaville	754	14	2%	468	150	32%	515	582	113%	1,164	644	55%	2,901	1,390	48%
Vallejo	655	16	2%	468	13	3%	568	-	0%	1,409	210	15%	3,100	239	8%
Solano County ^{5,6,7}	26	1	4%	16	17	106%	18	3	17%	39	11	28%	99	32	32%
County Totals	3,038	283	9%	1,996	481	24%	2,308	1,067	46%	5,643	3,141	56%	12,985	4,972	38%

San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)

SONOMA COUNTY	Very Low (0-50% AMI)			Low (50-80% AMI)			Moderate (80-120% AMI)			Above Moderate (120%+ AMI)			Total		
	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met	RHNA	Permits Issued	Percent of RHNA Met
Cloverdale	71	2	3%	61	1	2%	81	39	48%	204	-	0%	417	42	10%
Cotati	67	-	0%	36	2	6%	45	5	11%	109	11	10%	257	18	7%
Healdsburg	71	60	85%	48	23	48%	55	8	15%	157	91	58%	331	182	55%
Petaluma*	522	136	26%	352	53	15%	370	28	8%	701	645	92%	1,945	862	44%
Rohnert Park ³	371	24	6%	231	-	0%	273	1	0%	679	6	1%	1,554	31	2%
Santa Rosa	1,520	323	21%	996	481	48%	1,122	646	58%	2,896	1,100	38%	6,534	2,550	39%
Sebastopol	32	37	116%	28	62	221%	29	9	31%	87	35	40%	176	143	81%
Sonoma	73	40	55%	55	32	58%	69	29	42%	156	84	54%	353	185	52%
Windsor	198	52	26%	130	36	28%	137	28	20%	254	53	21%	719	169	24%
Sonoma County	319	41	13%	217	136	63%	264	240	91%	564	1,040	184%	1,364	1,457	107%
County Totals	3,244	715	22%	2,154	826	38%	2,445	1,033	42%	5,807	3,065	53%	13,650	5,639	41%

1 No data available permits issued in 2013 or 2014

2 Data provided by local staff. Building permits finalized.

3 Data from RHNA 4 (2007-2014) Housing Element.

4 No data available for this jurisdiction

5 Data is for Certificates of Occupancy issued.

6 Jurisdiction did not specify very low income units; ABAG counted all units affordable to below 80% AMI as low income

7 Data from RHNA 5 Housing Element (2014-2022).

8 Data is available only for 2014

* Jurisdiction opted to have 2014 permits counted towards its 2014-2022 RHNA allocation.



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Re: Comments on Plan Bay Area 2040 Regional Transportation Plan/Sustainable Communities Strategy Draft Environmental Impact Report and Draft Equity Analysis Report

Dear MTC EIR Project Manager:

We write on behalf of Public Advocates Inc. (“Public Advocates”) to offer the following comments on the Plan Bay Area 2040 Regional Transportation Plan (“RTP”)/Sustainable Communities Strategy (“SCS”) Draft Environmental Impact Report (“DEIR”) and the Draft Equity Analysis Report (“DEAR”). Public Advocates is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transportation equity, and climate justice. As result, we have a strong interest in ensuring that the RTP/SCS DEIR integrates and adequately considers land use, housing, and transportation planning impacts.

Transportation, housing, and jobs are inextricably linked, and how they function together has profound consequences for the environment, the economy, and equity across the Bay Area. Individuals and families depend on transportation to get from home to work, school, and healthcare providers. Access to transportation is therefore access to economic and social opportunity. The increasing distance between housing and jobs described in the DEAR creates barriers to economic opportunity and makes commuting to work unpredictable, lengthier, and more expensive. Policies that put affordable housing and economic opportunity for low income residents at the center of transportation planning therefore result in fewer (and less significant) physical impacts and the most equitable outcomes.

The Draft Plan Bay Area 2040 recognizes the need to integrate land use, housing, and transportation, and rightly notes the ongoing crisis in housing affordability and neighborhood stability. Housing pressures affect households of all income levels but are particularly acute for low income families. The Draft Plan notes (at 12), for example, that “the vast majority of households with annual incomes below \$50,000 experience an excessive housing cost burden” and that “more than half of low income households live in neighborhoods at risk of or already experiencing displacement and gentrification pressures.” It also acknowledges that displacement is exacerbated by the “lack of adequate tenant protections—or availability of subsidized or ‘naturally affordable’ market-rate units in neighborhoods with quality transit service and other amenities.”

Displacement risks affect a broad segment of the regional population. Approximately 25% of the Bay Area population are low-income residents and approximately 25% of the regional population live in communities of concern.¹ That is on the order of 1.7 million people. As noted above, nearly half of those—or around 850,000 persons—are at risk of displacement. These households spend a much higher share of their income on transportation and rent or the cost of owning a home compared to higher-income households (on average, more than 67% of their income), which has direct implications for both a household's budget and its vulnerability to being priced out of a neighborhood as costs rise faster than wages.²

The environmental impacts of displacement can be severe. Given insufficient availability of affordable housing in areas of the greatest economic opportunity, rising prices drive low- and moderate-income households to outlying jurisdictions farther away from jobs, transit, and amenities. These households then face costly, long-distance commutes which exacerbate traffic congestion and air pollution, result in a variety of adverse health impacts, and worsen mass transit crowding. As displacement pressures increase, pressure for development in outlying areas intensifies, which poses threats to open space. The consequences of inadequate housing extend throughout the region, not only putting affordable residential neighborhoods at risk but also threatening parks, recreation areas, and local farms and pasture land.

The effects of the pressure for housing can be seen everywhere and every day: in demographic shifts in outlying areas (*i.e.*, the suburbanization of poverty),³ the notorious traffic bottlenecks on I-80 in Alameda and Contra Costa Counties and I-580 in eastern Alameda County, and in the increasingly long lines for BART and buses. Freeway congestion delay per commuter and weekday rail ridership are already at record levels. Even if just one-fifth of those at risk of displacement are forced to relocate to outlying areas—even areas covered by the Proposed Plan—the scale of the impacts would be almost unimaginable. Such a mass displacement would mean 170,000 more people commuting into San Francisco, Oakland, and the South Bay each day, adding to congestion, crowding, and pollution. It would also mean decreased access to recreation opportunities for all Bay Area residents within and outside the Bay Area, as outlying open space areas are developed to meet the need for affordable housing. In short, displacement of low-income residents from transit-oriented communities to the far reaches of the region is a crisis, both for the affected communities and families and for the economic and environmental sustainability of the region.⁴

All of this is to say that the lack of affordable housing for low income residents has significant and immediate physical impacts that must be properly accounted for by MTC/ABAG. The DEIR must integrate consideration of land use, (affordable) housing, and transportation planning. And the DEIR must discuss

¹ DEAR at 2-3.

² Draft Plan Bay Area at 12.

³ See, e.g., Attachment A, *Urban Habitat, Race, Inequality, and the Resegregation of the Bay Area* (November 2016) (available at <http://urbanhabitat.org/sites/default/files/UH%20Policy%20Brief2016.pdf>) (“Urban Habitat Report”). The report notes, for example, that there was a clear and dramatic shift in Black populations from the inner to the outer region, and that poverty in Black populations increased most in the outer region. Likewise, poverty in Latino communities increased disproportionately in the outer parts of the region. The proportion of renter-occupied units to owner-occupied increased most in the outer region as well.

⁴ 6 Wins for Social Equity Network, *Displacement: A Regional Crisis* (Attachment B).

feasible measures to mitigate the impacts of displacement. However, as discussed in our comments below, the DEIR fails to satisfy the requirements of CEQA for at least three principal reasons:

- **Failure to Adequately Integrate Housing Affordability.** The DEIR pays lip service to the need to consider equity in transportation planning. However, the DEIR never grapples with effects of the Plan on housing affordability at the level of detail necessary to reveal either the significant additional physical impacts caused by displacement under the Proposed Plan or the better outcomes under the Equity, Environment, and Jobs (“EEJ”) Alternative.
- **Failure to Adequately Assess Impacts of Displacement.** The DEIR fails to quantify the increased environmental impacts associated with displacement, such as increased transportation distance, effects on air quality, increased strain on transportation infrastructure, and pressures on open spaces and agricultural lands.
- **Failure to Identify and Consider Feasible Alternatives and Mitigation.** The DEIR barely skims the surface of feasible alternatives to reduce or mitigate displacement and the lack of affordable housing. The DEIR ignores mitigation measures, including those within the scope of MTC/ABAG’s authority and that have been used successfully in the past, that could facilitate more equitable outcomes. By failing to adequately identify, evaluate, or adopt feasible mitigation measures, the DEIR fails to satisfy CEQA.

We provide detailed comments on the DEIR and supporting documents below. In light of the legal deficiencies in the DEIR, Public Advocates requests that the DEIR and DEAR be revised and recirculated for additional public comment before MTC/ABAG finalizes the EIR and adopts Plan Bay Area 2040.

General Comments

Much effort and resources were devoted to the Plan, the DEIR, and the companion reports. Notwithstanding the time and resources spent during the planning process, the DEIR suffers from critical legal deficiencies:

- The DEIR fails to adequately assess the impacts of the project and its alternatives
- The DEIR makes unrealistic and unreasonable assumptions regarding housing construction that undermine the models and impact assessments
- The DEIR fails to identify and analyze feasible mitigation measures
- The DEIR improperly prioritizes GHG reductions over SB 375’s mandate to house the entire Bay Area population at all income levels.

The DEIR lacks adequate consideration of affordability in its land use analysis. If housing is theoretically available, yet still unaffordable, there will be greater displacement in areas both within and

outside of the Bay Area than the DEIR predicts (even after accounting for “filtering”).⁵ This means greater impacts,⁶ including impacts on air quality and increased strain on transportation infrastructure, as persons are forced to commute farther distances.⁷ And a failure to adequately account for the effects of affordability leads the DEIR to simultaneously underestimate both the benefits of the EEJ Alternative and the adverse impacts of the Proposed Plan.

The DEIR also fails to account not only for the disparity between “planned” affordable housing units and reality, but also for the significant difference between the number of housing units assumed in the land use and transportation models and the Regional Housing Need Allocation (“RHNA”). This means that either the modeling is incorrect or the housing needs are under-estimated.

Mitigation measures can be developed to both foster creation of affordable housing units and minimize displacement—that is, facilitate more equitable outcomes with fewer physical impacts. But, the DEIR does not identify or adequately assess such feasible and available measures, nor does it study how those mitigation measures could change outcomes. On page 1.2-21, the DEIR states that the Proposed Plan does not mandate any changes to local zoning rules, general plans or processes for reviewing projects; nor is the Plan an enforceable direct or indirect cap on development locations or targets in the region. To the extent that discussion suggests that MTC/ABAG must avoid taking action to *influence* local decisions, the DEIR is flawed. Just because MTC/ABAG lacks authority to *mandate* changes to local land use and development plans does not absolve MTC/ABAG from exercising its available powers, including its grant-making and CEQA streamlining authority, to influence local decisions. For example, MTC has previously piloted mitigation measures specifically designed to facilitate equitable outcomes, such as basing funding distribution on RHNA planning and production, providing incentives for local housing production, and favoring projects that include anti-displacement policies.⁸ By failing to adequately identify, evaluate, or adopt feasible *regional* mitigation measures that take these pilots to scale, the DEIR fails to satisfy CEQA.

Further, even though it is true that local jurisdictions will ultimately decide whether many of the *local* mitigation measures are actually implemented, the DEIR and Draft Plan should nevertheless identify

⁵ Filtering is an controversial theory that refers to the movement of housing stock from higher- to lower-income households as it ages and deteriorates, supposedly resulting in reductions in the prices of older housing.

⁶ See, e.g., Attachment C, *San Mateo County Eviction Report for 2016* (discussing hidden epidemic of displacement in San Mateo County and the deep and long lasting health consequences). The report notes that families desperate to secure housing often accept unsafe or unhealthy housing conditions such as overcrowding, increased noise, and mold or pest exposure, increasing the chances of contracting communicable diseases, asthma, and respiratory illness, and increasing mental distress. See also Attachment D, Olivia Allen-Price, *How Many Are Being Displaced by Gentrification in Oakland?* (available at <https://ww2.kqed.org/news/2017/02/09/how-many-are-being-displaced-by-gentrification-in-oakland/>); Attachment E, Devin Katayama, *An Oakland Diaspora: What Drives Longtime Residents to Leave?* (available at <https://ww2.kqed.org/news/2016/03/02/an-oakland-diaspora-what-drives-longtime-residents-to-leave/>).

⁷ See, e.g., Urban Habitat Report, at 1 (noting that “[d]istances from work increased for people living in places with the highest growth rates of poverty”).

⁸ See, e.g., OBAG 2 One Bay Area Grant Program Project Selection Criteria and Programming Policy, Attachment A, at 3-4 (distribution formula), 5 (Surplus Land Requirement), 12 (Naturally Occurring Affordable Housing), 15 (housing production incentive), and 17 (project selection and anti-displacement policies) (available at http://mtc.ca.gov/sites/default/files/RES-4202_approved.pdf) (“Attachment F”).

and discuss the policy tools available to local jurisdictions to address the Bay Area housing affordability crisis. Where the DEIR assumes that local jurisdictions will use a policy tool, such as inclusionary zoning, to address housing access equity or displacement under the Proposed Plan or any of the alternatives, it should clearly state these assumptions. Where the Draft Plan identifies impacts associated with displacement or a lack of low income housing access, it should identify policy tools that can be used by local jurisdictions to address those impacts, even if those policy tools are not available to MTC/ABAG directly. This will allow the final EIR to best serve its programmatic function under CEQA, and better inform the public about possible avenues for mitigation of significant impacts by lead agencies overseeing the environmental analysis of individual development projects included in the Plan.

SB 375 requires the Plan both to achieve GHG reduction targets assigned by the state and to house the entire Bay Area population at all income levels. Cal. Gov't Code, § 65080(b)(2)(B). Yet, the DEIR analysis simply assumes sufficient housing for the regional population, an assumption that is at odds with reality and with the policies in the Plan. Doing so not only assumes what state law mandates—a plan that will actually house the population—but also gives the impression of meeting the region's GHG-reduction targets based on a development footprint that is neither reflective of the region's past experience nor made more likely by anything in the Plan itself.

At bottom, the DEIR does not fulfill its basic legal function to fully inform the public of the impacts of the Draft Plan. As the California Supreme Court has recognized, “[t]he preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [] For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed”. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-45. In order to meet this standard, an EIR “must include a meaningful discussion of both project alternatives *and* mitigation measures.” *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 40 (emphasis in original). Here, the dynamic effects of affordability put more than 800,000 people at risk of displacement—a displacement crisis that will lead to significant and unassessed physical impacts within the Bay Area and beyond. Those impacts are not meaningfully discussed in the DEIR. The DEIR also fails to even recognize the availability of feasible mitigation measures that can reduce the adverse physical effects associated with displacement.

In light of these significant and substantive deficiencies in the DEIR, it cannot adequately inform the public about the environmental effects of the Draft Plan. Public Advocates respectfully requests that MTC/ABAG revise the DEIR and recirculate it for additional public review and comment.

Specific Comments

Section 1.2, *Project Description*

Even though MTC and ABAG determined that the EEJ alternative was the environmental superior alternative in the EIR for Plan Bay Area in 2013, the discussion of the scenario analysis on page 1.2-11 does not even mention the EEJ alternative, and indeed, MTC/ABAG made clear throughout the process of

developing the Plan that the EEJ alternative was not being considered. This omission suggests that MTC/ABAG did not “analyze, review and discuss the alternative in good faith” in detail commensurate with its feasibility as required by CEQA.⁹ An EIR “must disclose the analytic route the . . . agency traveled from evidence to action,” which in this case is the full course of the planning process and the full scope of the Plan.¹⁰ Moreover, omitting the alternative from the project description, as the DEIR has done, effectively curtails and distorts the project description, undermining its fundamental purpose to inform decisionmakers and the public consideration and throwing its legal sufficiency into doubt.¹¹

The DEIR also segregates much of the analysis and description of the EEJ alternative from that of the other alternatives and fails to include it in the initial project description. The limited analysis of the EEJ alternative is relegated to the DEAR, which suggests a bias against the alternative that is manifest in the DEIR’s overall failure to adequately consider the EEJ alternative benefits or mitigation measures that could facilitate achieving those benefits. The discussion of the EEJ alternative and the comparison of it against the Proposed Plan in the separate DEAR is not a replacement for a detailed substantive discussion integrated into the EIR itself.¹²

Section 2.0, *Approach to Analysis*

The DEIR states that mitigation is proposed, where feasible, to reduce potentially significant environmental impacts. While MTC and ABAG do not have direct regulatory or approval authority in some cases, MTC and ABAG nevertheless can identify specific mitigation measures in the DEIR that will enable local agencies to take advantage of streamlined environmental review for subsequent projects. *See* DEIR at 1.1-9 (noting that, under SB 375, “[p]rojects eligible for streamlining must incorporate mitigation measures required by an applicable prior environmental document, such as this EIR if it is certified by MTC and ABAG”). Just as important is the fact that MTC and ABAG can make commitments that themselves function as mitigation measures, as noted in the DEIR. *See, e.g.*, DEIR at 2.0-3. As discussed in more detail below, there are a number of mitigations measures that MTC/ABAG have not identified in the DEIR, but that would be feasible mitigation measures for the recognized displacement impacts.

Section 2.1, *Transportation*

The Plan’s discussion of transportation examines the effects of the changes in projected land use and transportation projects. But, it ignores the effects of affordability in causing geographic shifts of low-

⁹ *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1458 (“Although the level of detail will vary depending upon an alternative’s potential for feasibility, in every case, the EIR must disclose “the analytic route the . . . agency traveled from evidence to action.” . . . And the lead agency itself must travel that analytic route.”).

¹⁰ *Laurel Heights, supra*, 47 Cal.3d at 404.

¹¹ “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *Cty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–93.

¹² “[A]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” *Laurel Heights, supra*, 47 Cal.3d. at 405.

income communities and communities of concern further away from areas of opportunity and towards the outer reaches of the Bay Area and beyond. This is reflected in the fact that, in general, areas of displacement and displacement risk are concentrated around high capacity transit corridors such as Caltrain on the Peninsula, BART in the East Bay, and in the region's three largest cities. As noted above, by failing to account for the fact that displaced low-income households are likely to have longer commutes following displacement, the DEIR does not adequately consider physical impacts, including increased congestion on roads and highways and increased crowding on transit, or the changes in travel times, accessibility to jobs, vehicle miles traveled per capita, and transit utilization that would result from the implementation of the proposed Plan. The DEIR similarly overestimates the benefits of planned projects because it has not accounted for the shifts in demographics caused by displacement or the resulting changes in physical impacts associated with such displacement.

As a consequence of the DEIR's failure to account for displacement, the Transportation Investment Analysis performed in the DEAR is also flawed. *See* DEAR at 5-4 to 5-9. In reality, low-income residents will enjoy very different—and likely fewer—benefits from the transportation investments called for under the Draft Plan than indicated in the DEAR's Transportation Investment Analysis.

Section 2.2, *Air Quality*

On page 2.2-1, the DEIR recognizes the public concern about air quality impacts associated with economic displacement and jobs-housing imbalances that was expressed in comments on the Notice of Preparation. Section 2.2 does not actually address any of these comments, however. The DEIR does not assess the additional vehicle miles traveled as a result of economic displacement, effects of a poor jobs-housing geographic balance or “fit,” or transit utilization. As a result, the DEIR fails to adequately assess the impacts of the proposed Plan on air quality, contrary to CEQA.

Given that the DEIR does not quantify the air quality and transportation impacts associated with the displacement generated by the proposed project, MTC/ABAG has not demonstrated that the Proposed Project's air quality and transportation impacts are not significant. *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841-42 (holding that a conclusory statement “unsupported by empirical or experimental data, scientific authorities, or explanatory information” affords “no basis for a comparison of the problems involved with the proposed project”).

Section 2.3, *Land Use and Physical Development*

Failure to Account for Affordability

There is no disputing the fact that housing affordability is an important aspect of balanced regional growth. On page 2.3-22, the DEIR states that the “EIR land use analysis addresses the following issues: community displacement and disruptions, including potential loss of housing; physical divisions of communities; proposed Plan consistency with adopted land use plans; conversion or loss of important agricultural lands or open space; and loss of forest land.” Yet, it is not clear that the DEIR adequately accounted for affordability, or displacement triggered by a lack of affordability, in the land use analysis or supporting model. Similarly, its discussion of transit-oriented development fails to adequately address affordability and housing accessibility. If housing is theoretically available, yet unaffordable, there will be

greater displacement than otherwise predicted, leading to longer commutes. Because it failed to fully account for housing affordability, the DEIR severely understated the true magnitude of the impacts and performance failures on the Year 2040 Goal of “Equitable Access” and the Performance Targets to “Decrease the share of lower income residents’ household income consumed by housing and transportation (H+T) costs share for lower-income households by 10%” and “to not increase the share of low- and moderate-income households in PDAs, TPAs and HOAs that are at an increased risk of displacement, within and outside CoCs.” *See, e.g.*, DEIR at ES-6; DEIR at 2-5.

On page 2.3-22, the DEIR states that the “land use analysis is based on outputs from the land use and transportation models ... which are compared to existing conditions to identify potential impacts.” Although this section references land use and transportation models, it is not clear that those models in fact are based on *existing* conditions, as opposed to *planning* documents (or even that they reflect the policies contained in those planning documents). Similarly, the Land Use Modeling Report, at page 22, indicates that inclusionary zoning policies are assumed in models of the Proposed Plan and all of the alternatives. It also states that for two of the alternatives (which are not identified), the model assumes subsidies to affordable housing. However, these assumptions do not reflect the actual rate of affordable housing successes in Bay Area jurisdictions.

While many jurisdictions have planning documents that incorporate affordable housing units, the plans often do not reflect reality and are based on overly-optimistic assumptions of future development. For example, the assumption that 10% of new development will contain inclusionary zoning is impermissibly optimistic, as history shows. In addition, the land use model used in the analysis assumes, rather than demonstrates, that sufficient housing will be built to house the entire region’s population growth in the horizon year. The rate of the growth assumed is extreme. For instance, by 2022, the model assumes that 270,360 new units will have been built. By comparison, the entire Regional Housing Needs Allocation (RHNA) at all income levels provides for only 187,900 by 2022; moreover, no more than a fraction of the RHNA units—particularly lower-income units—is likely to have been produced by that year. This set of highly unrealistic assumptions not only points to the inadequacy of the assessment of impacts, but also increases the importance of feasible mitigation measures not identified in the DEIR (discussed herein) because the assumed performance levels most likely cannot be met in reality. At bottom, the Plan fails to contain policies or actions that are likely to result in this level of affordable housing development.

To satisfy CEQA, the DEIR baseline must reflect true baseline conditions, not current *plans*. 14 Cal. Code Regs., § 151245(a) (“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective.”). Where a proposed project could result in a change to existing zoning or planning designations, the significance of potential impacts should not be compared with conditions that would ultimately occur with build-out of existing designations, but rather with “existing physical conditions.” CEQA Guidelines Section 15125(a), (e); *St. Vincent's School v. City of San Rafael* (2008) 161 Cal.App.4th 989, 1005; *Baldwin v. City of Los Angeles* (1999) 70 Cal.App.4th 819, 842. And, to the extent that there are inconsistencies between, on the one hand, the Proposed Plan, or the assumptions in the model used to forecast the effects of the proposed plan, and on the other hand, actual local or regional plans and zoning designations, those inconsistencies must be described in the DEIR. CEQA Guidelines § 15125(d).

Based on the above, the DEIR fails to consider or disclose the appropriate baseline under CEQA, and fails to incorporate reasonable assumptions into the model about the realization rate of affordable housing.

Failure to Identify Physical Impacts of Displacement

On page 2.3-22, the DEIR states that the “transportation projects considered include those that have the potential for physical impacts based on characteristics such as expansion, widening, new construction, or new configurations.” This implies that the EIR considered only the effects of physical changes to the transportation system, and not the related physical impacts caused by economic or social effects of a project. CEQA Guidelines Sections 15131 and 15064(e). While the DEIR notes (at 2.3-26) that displacement can cause significant environmental impacts that are assessed elsewhere in the plan, the nature and magnitude of those impacts should be described in this chapter as they are caused by land use changes, including those associated with transportation investments. It is well established that significant environmental impacts often arise from the housing need created when a project will bring substantially more jobs and people into an area. *See, e.g., Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1266; *Napa Citizens, supra*, 91 Cal.App.4th at 367.

The DEIR (on page 2.3-22) evaluates potential direct impacts to existing communities, including potential displacement of residents, as a result of the proposed land use strategy and transportation projects. However, the importance of these impacts demands a much more rigorous analysis than is offered here. Although the DEIR claims that the dynamic nature of displacement makes it difficult to quantify impacts, this is belied by discussion elsewhere in the DEIR that describes displacement in quantitative terms. *See, e.g.,* page 2.3-24 (stating that the proposed Plan decreases the rate of overall displacement risk compared to taking no action: 5% v. 18% percent).

Further, the model takes as a fixed constant the amount of emigration from the Bay Area, and the socioeconomic makeup of the Bay Area. Specifically, the Land Use Modeling Report, at page 13, indicates that the model assumes that the share of households in each quartile of income distribution (from lowest to highest income) will shift from 27%/26%/23%/24% in 2010 to 28%/22%/22%/28% in 2040, and applies this assumption to the analysis of the Proposed Plan and each of the alternatives. This leaves no room to measure the effects of the alternatives on the socioeconomic distribution or on displacement of low income households to locations beyond the Bay Area. By not treating socioeconomic demographic change as a dynamic factor, the model entirely fails to reflect the clear potential for regional displacement. Thus, the EIR fails to assess the scope of potentially significant environmental impacts that could be caused by regional displacement.

Failure to Identify or Assess Feasible Mitigation Measures

On page 2.3-23, the DEIR states that “[l]ocal jurisdictions are responsible for adopting land use policies as part of their general and neighborhood plans and implementing them through local ordinance” and that “as a result, MTC and ABAG have no direct control over local land use planning, nor does SB 375 require that local jurisdictions align their general plans to conform to the proposed Plan.” According to the DEIR, this alignment is discretionary but encouraged through the availability of streamlined environmental review for consistent projects. The DEIR, however, does not account for the full range of tools that are available to MTC/ABAG to encourage local alignment with the Plan, such as conditioning

project funding on achievement of housing-related goals or implementation of tenant protection measures. See Attachment B. Identification and adoption of feasible measures to mitigate or avoid significant environmental impacts is one of the primary purposes of an EIR. See Pub. Resources Code, § 21081.6(b); see also 14 Cal. Code Regs., § 15121(a); *Fed'n of Hillside and Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1258. A “feasible” mitigation measure is one 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.

Relatedly, on page 2.3-24, the DEIR acknowledges that displacement risk is a function of the location and availability of affordable housing near major job centers in a growing regional economy. While the DEIR lists several reasons for increased displacement risk, the DEIR focuses primarily on constraints. It ignores available tools that could mitigate the increased displacement risk. For example, the DEIR should acknowledge that displacement risk may increase because of the “absence of effective regional policies to mitigate or maintain affordable housing.” And, as discussed below, the DEIR should discuss the policies available to MTC/ABAG to mitigate displacement and the lack of affordable housing.

On that same page, the DEIR again attempts to avoid responsibility for actions within its control by claiming that local governments “retain full control over local land use authority.” While true as far as it goes, this assertion ignores the fact that MTC/ABAG can, through the plan, include mitigation that communities can “choose” to adopt in order to receive project funding. An agency with the power of the purse over some \$300 billion over the life of the Plan and a long history of conditioning funding to local governments on regional policy objectives cannot ignore mitigation tools available to it when assessing the plan’s impacts.¹³ Indeed, pilot programs that MTC/ABAG has tested, such as the One Bay Area Grant Program, demonstrate that regional policies that condition funding are extremely effective tools to achieve changes in local land use and housing policy. Where multiple measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. 14 Cal. Code of Regs., §15126.4(a)(1)(B).

The DEIR concludes at 2.3-24 that “[i]mplementation of the proposed Plan could increase the risk of displacement for a substantial number of existing residents, necessitating the construction and preservation of additional affordable housing elsewhere within the region.” Then, on page 2.3-27, the DEIR discusses mitigation measures “to address the effects of displacement,” but focuses exclusively on mitigation of *construction* impacts related to replacement housing or transportation projects. As summarized in the table below, not a single one of the 23 mitigation measures listed on page 2.3-27 would actually mitigate *economic* displacement (as opposed to temporary displacement due to construction). None of the mitigation measures even touch on housing affordability or the physical effects of displacement, much less actually mitigate those impacts. And, none of the measures address the reasons given for the increased displacement risk discussed on 2.3-24. As a result, the DEIR assessment is wholly inadequate to satisfy CEQA.

¹³ See, e.g., MTC’s description of its roles at <http://mtc.ca.gov/about-mtc/what-mtc/what-we-do>.

Mitigation Measure	Topic	Mitigates Economic Displacement?
2.2-2	Air Quality	No. Focused on construction equipment air emission.
2.3-2, 2.3-4, and 2.3-5	Land Use	No. Focused on transportation design features (bike lanes, traffic calming), avoiding important lands (<i>e.g.</i> , Prime Farmland) and protecting sensitive areas (<i>e.g.</i> , forests).
2.5-4	Sea Level Rise	No. Focused on adaptation strategies.
2.6-1, 2.6-5, and 2.6-6	Noise	No. Focused on construction noise, emergency generator/external equipment noise, and airport noise.
2.9-1 - 2.9-5	Biological Resources	No. Focused on requiring biological assessments and avoiding sensitive areas.
2.10-1, 2.10-3 to 2.10-5	Visual Resources	No. Focused on minimizing visual impacts.
2.11-1 to 2.11-5	Cultural Resources	No. Focused on identifying and avoiding historic and cultural resources.
2.13-4	Hazards	No. Focused on mitigating impacts of increased water and wastewater treatment demands.

As noted above, the EIR must identify the mitigation measures (*i.e.*, policy tools) available to MTC/ABAG that can be used to incentivize local jurisdictions to mitigate environmental impacts, such as adopting a policy to condition disbursement of project funds on achievement of mitigation measure that would actually mitigate displacement impacts. There are at least two obvious mitigation measures that have been used previously on a smaller scale and that could, if scaled up, effectively mitigate some of the impacts of displacement.

First, MTC/ABAG should consider mitigation measures that expand housing-related conditions in existing funding programs.¹⁴ Wherever possible, MTC/ABAG should condition discretionary funding on strong local jurisdiction performance on both affordable housing production and protection of existing renters from displacement. These measures should be included in funding commitments for new and

¹⁴ As noted *supra*, note 7, MTC has previously identified mitigation measures to facilitate equitable outcomes, such as basing funding distribution on RHNA and product, incentives for housing production, and favoring projects that include anti-displacement policies. These measures are not adequate at present, and would need to be expanded to be effective. For example, the distribution formula “expands the definition of affordable housing to include housing for moderate-income households” rather than just low-income households and NOAH is all of \$10 million for the whole region. In addition, the housing production incentive rewards the top 10 affordable housing producers, essentially favoring larger cities, but should reward production as a percentage of RHNA or some other proportionate measure. And the anti-displacement policy requirement awards insufficient points to materially change the overall scoring results for OBAG.

existing programs (*e.g.*, OBAG, RM3, SB1). As an example, MTC should build on its existing efforts to require compliance with the state Surplus Land Act and Housing Element law to be eligible for OBAG funding. MTC/ABAG should specifically identify new funding sources that could be subject to these housing conditions (beyond planning grants), strengthen conditions to increase their effectiveness, assert stronger *regional* guidelines rather than passing the buck to county congestion management agencies, and study the effects of those actions in the DEIR.

Second, MTC/ABAG should consider measures to directly mitigate loss of affordable housing and the slow pace of new affordable housing development. MTC/ABAG should identify and develop new regional funding sources that would be used to develop new and preserve existing affordable housing. MTC could, for example, launch a regional infill Infrastructure Bank that would subsidize infrastructure improvements on sites dedicated to development or preservation of affordable housing.

MTC/ABAG should also consider the additional measures discussed in the letter from 6 Wins for Social Equity Network, Non-Profit Housing Association of Northern California (“NPH”), and Greenbelt Alliance to MTC/ABAG. *See* Attachment B. These include pursuit of a permanent source of affordable housing funding, strengthening laws to protect tenants from displacement, strengthening housing element laws, supporting fair housing, and supporting legislation to eliminate the *Palmer* decision’s limitation on inclusionary zoning. In addition, MTC/ABAG should consider measures to address the wage/income side of the housing affordability equation by, for example, incentivizing the creation and retention of middle-wage jobs and strategies to lift up low-wage jobs to help close the gap between wages and housing costs.¹⁵

By ignoring available tools and failing to discuss the reasons for eliminating them from the list of mitigation measures, the DEIR fails to adequately consider potential mitigation of the impacts of the plan. The DEIR does not provide a thorough, detailed analysis of feasible mitigation measures or alternatives to eliminate or reduce the significant adverse impacts associated with the proposed Plan, in violation of CEQA.

Section 3.1.3, *Alternatives Analyzed in this EIR*

The DEIR notes that the Equity, Environment, and Jobs (“EEJ”) Alternative was analyzed in the original Plan Bay Area EIR in 2013, but fails to mention that this alternative was found to be the environmentally superior alternative. The current DEIR also fails to provide a sufficient explanation for not selecting the EEJ alternative as the proposed alternative.¹⁶ A comparison of the various alternatives across the range of performance targets shows the EEJ alternative performing similarly, or better, in all targets other than “goods movement.” The EEJ Alternative fell short on the “goods movement” target due to increased congestion related to greater suburb-to-suburb commuting and elimination of all highway expansion projects, but performed better in other areas. The merits of alternatives must be reasonably

¹⁵ *See, e.g.*, Urban Habitat Report, at 1 (finding that “[p]laces with high growth rates in poverty increasingly became home to workers in lower wage industries”).

¹⁶ *Laurel Heights, supra*, 47 Cal.3d at 405 (“alternatives and the reasons they were rejected [] must be discussed in the EIR in sufficient detail to enable meaningful participation and criticism by the public”).

compared “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” *Laurel Heights, supra*, 47 Cal.3d at 401.

The assessment of alternatives for land use impacts (page 3.1-46) is woefully inadequate. It barely even touches on the differences in displacement impacts, which were the focus of the discussion in Section 2.3. While all the alternatives result in sufficient housing theoretically being available, the reality is that affordable housing lost in one location is not so easily replaced or substituted elsewhere—particularly where, as in the Bay Area, “planned” low-income housing units have not come close to matching reality in many years.

Further, the assessment of the EEJ alternative mischaracterizes the results of the DEAR by indicating that the EEJ alternative and the Proposed Plan would have “similar” displacement impacts. In fact, the DEAR indicates that the EEJ alternative would result in 1% lower displacement risk for low-income households in Communities of Concern, as compared to the base year, than would the Proposed Plan. *See* DEAR at page 5-2. A 1% increase in this risk among Communities of Concern is significant, as this affects a quarter of all Bay Area households. This increased risk translates into thousands of households that would be displaced under the Proposed Plan but not under the EEJ alternative. Similarly, the Equity Analysis notes that the EEJ alternative would *increase* the share of affordable housing units in Communities of Concern by 3 percentage points, while the Proposed Plan would actually *decrease* the share of affordable housing units. DEAR at 5-3. The Equity Analysis therefore belies the notion that the Proposed Plan performs “similarly” to the EEJ Alternative on measures of equity and housing access.

Especially troubling is the DEIR mischaracterization of displacement impacts as “unavoidable,” despite the evidence in the Equity Analysis that demonstrates the opposite—namely, that such impacts are in fact avoidable and can be mitigated to a level of insignificance through feasible policy measures. Specifically, the Equity Analysis rightly states that “Regional agencies can [help address the housing affordability crisis by] support[ing] local jurisdictions and facilitat[ing] the construction of new housing units (both market rate and affordable) to keep pace with job growth, and the plan can provide incentives and planning assistance to communities that are willing to adopt supportive policies and programs.” The Equity Analysis also identifies the OBAG program as a possible policy lever that could help address housing affordability, by incentivizing investment in affordable housing. DEAR at 7-2 to 7-3. As discussed elsewhere, the Proposed Plan should maximize the leverage of the OBAG program to incentivize investment in affordable housing by conditioning a larger pot of grant funding on concrete affordable housing investments and renter protections. These policies should be included as mitigation measures in the DEIR.

In reality, the benefits of the EEJ alternative relative to the Proposed Plan are likely to be even more significant than assessed in the Equity Analysis when the full range of policies and mitigation are adequately modeled and assessed. The DEIR does not account for affordability when evaluating the EEJ Alternative. As a result, the Proposed Plan will have significantly greater impacts than the DEIR predicts. This also means that the DEIR under-estimates the benefits of the EEJ Alternative, if implemented. In other words, the analysis fails to delve into the EEJ alternative in sufficient detail to reflect the actual benefits of the EEJ alternative. This understatement of benefits occurred because of faulty assumptions (*e.g.*, no CEQA streamlining of projects in the EEJ alternative, lack of feasible mitigation measures) and a lack of effective quantitative metrics by which to compare the alternative against the project.

By failing to evaluate the Proposed Plan and the EEJ Alternative at a level of detail necessary to adequately compare the two options, the DEIR fails to satisfy CEQA. A DEIR must contain sufficient information to inform “public agency decision-makers and the public generally of the significant environmental effects of a project.” See 14 Cal. Code of Regs., § 15121(a); *Ass’n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390. The ultimate decision to approve a project is a nullity if it is based upon an EIR that does not provide the decision-makers, and the public, with information about the project that is required by CEQA. *Napa Citizens for Honest Gov’t v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 355-356.

Section 3.2.2, Significant Unavoidable Impacts

Section 3.2.2 indicates that many environmental impacts could be mitigated to a less-than-significant level “to the extent that an individual project adopts and implements all feasible mitigation measures for each significant impact.” However, the DEIR assumes that “MTC/ABAG cannot require local implementing agencies to adopt most of the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, several impacts have been identified as significant and unavoidable for purposes of this program-level review.” Effectively, then, the DEIR relies on assumed failure to mitigate impacts at the project-specific level to justify a failure to adequately assess alternatives at a programmatic level.

This approach is an abrogation of MTC/ABAG’s responsibilities under CEQA and undermines the usefulness of the DEIR as a programmatic document. With respect to housing and equity issues, this “assumed failure” amounts to an excuse to avoid an analysis of affordability and the associated environmental impacts (*e.g.*, increased VMT) or a discussion of mitigation measures that could alleviate some negative impacts of the Proposed Plan relative to the alternatives (*e.g.*, conditional OBAG funding to incentivize local implementation of affordable housing initiatives necessary to mitigate displacement risks). Agencies must not approve projects if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effect of a project. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564-565 (citing Pub. Res. Code, §§ 21001(g), 21002).

Section 3.2.4, Cumulative Impacts

On page 3.2-10, the DEIR states that the “proposed Plan provides sufficient housing to accommodate new job growth, relieving pressure to commute into the Bay Area for jobs and out of the Bay Area for housing” and that “[a]s a result, and as shown in Section 2.1, the proposed Plan would result in lower VMT per capita.” As noted above, however, this conclusion is assumed as an input to the model rather than a result achieved by the draft Plan, and was reached without adequately considering the impacts of the Plan on displacement and affordability. Although there are nominally sufficient *planned* housing units to accommodate growth in the model,¹⁷ there is inadequate assessment of whether *actual* units will materialize. Nor does the DEIR account for dispersal of households following displacement or the likelihood of their being able to find suitable replacement housing in the Bay Area in the absence of an

¹⁷ As discussed below, the model’s assumptions regarding future housing construction far exceed even the overly-optimistic assumptions of the RHNA.

assessment of affordability.¹⁸ This could lead to increased growth in surrounding counties (particularly those located closest to high-opportunity areas) and increased vehicle miles traveled as individuals commute in from more affordable housing outside the Bay Area. As a result, the DEIR's cumulative impact assessment is inadequate.

On page 3.2-12, the DEIR states that the land use growth footprint "assumes an adequate number of residential units to meet the forecasted demand, taking into account localized displacement of some households within the region." As noted above, because the DEIR has not accounted for affordability at the local level, there is insufficient basis on which the DEIR can conclude that there will be adequate units to meet demand. Moreover, by ignoring affordability, the DEIR lacks a basis for concluding that localized displacement would not exert development pressure on areas surrounding the Bay Area. There is inadequate assessment of the historical mismatch (both in timing and duration) between actual and planned affordable housing units. And, the DEIR fails to account for the likelihood that households may choose to live in more affordable housing outside the Bay Area and commute into the Bay Area as a result. Thus, the conclusion that the proposed Plan would not exert development pressure on adjacent counties through displacement is unsupported and fails to satisfy CEQA.

Modeling Issues and Faulty Assumptions Giving Rise to Flaws in the Environmental Analysis

It is crucial that the DEIR and supporting documents identify and explain the assumptions that underlie the DEIR's conclusions about the environmental impacts of the Draft Plan and each of the alternatives. As California courts have made clear, where the data and assumptions that form the basis for an environmental analysis are not made available to the public and decision-makers, "then a stake is driven into the 'heart of CEQA'"¹⁹ Here, several key assumptions that underlie the model, and thus the environmental analysis in the DEIR, are faulty or unclear.

The Land Use Modelling Report describes the application of the Bay Area UrbanSim model to project the effects of the Draft Plan and each of the alternatives. The Land Use Modelling Report describes the assumptions, or "control totals," that were used in this process. Specifically, the Draft Plan and the model *assume* both the population growth of the Bay Area (and thus emigration rates out of the Bay Area), and the socioeconomic makeup of the Bay Area. As discussed above, the Land Use Modeling Report, at page 13, indicates that the model assumes that the share of households in each quartile of income distribution (from lowest to highest income) will shift from 27%/26%/23%/24% in 2010 to 28%/22%/22%/28% in 2040, and applies this assumption to the analysis of the Proposed Plan and each of the alternatives. Because this socioeconomic makeup of the Bay Area a fixed constant in the UrbanSim model, the land use modelling entirely fails to measure the effects of the Draft Plan and each of the alternatives on the socioeconomic makeup of the Bay Area. Land Use Modelling Report at 13.

¹⁸ Under CEQA, a project's impact must be evaluated in light of the combined effects of existing, concurrent, and future projects in the area: "Even though a project's impact may be "individually limited," such impact may be "cumulatively considerable." Pub. Resources Code, § 21083(b)(2). The CEQA Guidelines define "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355.

¹⁹ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88.

Similarly, the model assumes a rate of emigration as part the regional growth projections, which are developed separate from the model. The “Household Transition Model” and “Household Location Choice Model” measure displacement and relocation caused by the Proposed Plan and each of the alternatives only *within* the Bay Area, and so do not measure the effects of the Proposed Plan or the alternatives on the outflow of low income households *away from* the Bay Area. Land Use Modelling Report at 13. It is simply unrealistic to assume that the Draft Plan will have no effect on emigration out of the Bay Area, or that the Draft Plan will have the same effect on emigration rates as each of the alternatives.

The Draft Plan and model together make another related assumption that fatally undermines the environmental analysis in the DEIR—that is, the Draft Plan calculates the expected number of new housing units to be constructed in the Bay Area as a function of projected population growth, but nowhere indicates that those units will be constructed (either by any actions included in the Plan or based on any realistic past experience). Specifically, ABAG provided a control total (*i.e.*, assumed construction) of 822,600 housing units by 2040. See “Regional Forecast of Jobs, Population, Housing, Draft Supplemental Report” at 31. As with the fixed assumptions about emigration rates and the socioeconomic profile of the Bay Area, this assumption about projected housing construction is *built in to the model’s analysis of the effects of the Draft Plan and each of the alternatives*. But the Draft Plan’s assumption about housing construction rates wildly exceed the RHNA allocated to ABAG by the state Department of Housing and Community Development. The 2022 RHNA for the entire Bay Area region comprises only 187,900 housing units. By comparison, the land use model assumes that 270,360 new housing units will have been built by that year. Thus, the Draft Plan assumes the construction of 82,460 more housing units by 2022 than the RHNA,²⁰ which the region has not met, particularly with respect to lower-income and moderate-income housing. For instance, page 9 of ABAG’s 2007 report, “A Place to Call Home,” shows that from 1999 to 2006, Bay Area jurisdictions produced or permitted only “44 percent of the [RHNA] target for very low-income units, 75 percent for low-income units, [and] 37 percent for moderate-income units.”²¹ A progress report in 2014 for 2007-2014 shows further slippage, with Bay Area jurisdictions permitting only 29 percent of the RHNA target for very low-income units, 26 percent for low-income units, and 28 percent for moderate-income units.²² This is a profound difference between the model assumptions and even the most optimistic of projections of new housing. The assumptions in the DEIR are simply unrealistic and unachievable. This calls into question the model results presented in the DEIR and, absent further explanation from MTC/ABAG on how the housing gap will be closed, renders the DEIR insufficient under CEQA.

Other faulty assumptions seem to underlie the modelling analysis. As discussed above, the Land Use Modeling Report, at page 22, indicates that inclusionary zoning policies are assumed in models of the

²⁰ This suggests that either the Land Use model is over-estimating the number of housing units, which means that the travel demand is incorrect (and the improvements will produce an oversupply of infrastructure). Or, the RHNA that was specified is too low and the housing needed by 2022 has not been sufficiently planned for. Either outcome means that the DEIR fails to satisfy CEQA. In addition, the estimated demand presented in ARB’s 2014 review of the modeling for the SCS for 2020 suggests a total of 170,000 new housing units will come online, compared to the RTP estimate of 270,360, nearly 100,000 more units just two years later (2022). It is unrealistic to assume that 100,000 units would be planned for in the space of two years.

²¹ Attachment I (available at http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf).

²² See *San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)* (available at http://abag.ca.gov/files/RHNAProgress2007_2014_082815.pdf) (Attachment J). In contrast, Bay Area jurisdictions permitted 99 percent of above moderate income units.

Proposed Plan and all of the alternatives. But the Land Use Modelling Report does not explain these assumptions in detail. The Land Use Modelling Report does note that for two of the alternatives (which are not identified), the model assumes subsidies to affordable housing. However, these assumptions do not reflect the actual rate of affordable housing successes in Bay Area jurisdictions. The DEIR and the Land Use Modelling Report must be clearer on the policy assumptions that are made so that the public can assess whether these assumptions are reasonable or realistic.

Bias also is built into the Bay Area UrbanSim model, which includes assumptions that powerfully undermine measures that could mitigate the effects of development on low income housing in DEIR analysis. Because the model is driven by calculations concerning the “profitability of new development” given market demands and trends, it discounts the benefits of measures that increase social goods (*e.g.*, affordable housing closer to job opportunities; avoided fragmentation of existing communities) and the associated environmental benefits. Indeed, the UrbanSim Technical Documentation doesn’t even mention the word “affordable,” and the discussion of policy tools available to address displacement or housing affordability in the Draft Supplemental Land Use Modeling Report (“Land Use Modeling Report”) is utterly opaque. *See* Land Use Modeling Report at 22.

In contrast, the Land Use Modeling Report discusses profitability and other market-driven factors at length in clear, accessible language. While we recognize that the UrbanSim model is a market modeling tool that necessarily relies on economic principles, the DEIR and Land Use Modeling Report should nevertheless clearly identify the assumptions the model makes about the use of policy tools, such as inclusionary zoning and development fees and subsidies, and whether or how these assumptions are changed in the modeling of the Proposed Plan and each alternative. Ensuring that the functions and assumptions of a model that is fundamental to the conclusions of the DEIR can be understood by decision-makers and the public is essential. Without modeling transparency, a DEIR based on computer forecasting cannot adequately inform “meaningful participation and criticism by the public”, one of the imperatives of CEQA.²³

Finally, the DEIR does not provide information about uncertainty in the housing distribution produced by the model, despite a request nearly a year ago that MTC/ABAG follow the lead of the Puget Sound Regional Council, another MPO that utilizes the same UrbanSim model. *See* Letter from Public Advocates to MTC, “Uncertainty in UrbanSim Housing Distribution, and Minority Population in Communities of Concern,” dated July 11, 2016 (Attachment H).

Supplemental Draft Equity Analysis Report

With respect to the DEAR, Public Advocates believes that components of the analysis, including the assessment that the Proposed Plan will have negative effects on the share of affordable housing and the risk of displacement of low-income communities, as compared to the EEJ alternative, are if anything understated.²⁴ *See* DEAR at 5-2, Table 5-1. Moreover, the fact that this analysis is performed in a

²³ *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1460 (quoting *Laurel Heights*, *supra*, 47 Cal. 3d at 405).

²⁴ Public Advocates continues to object that the DEAR assumes that “communities of concern” will be located in exactly the same census tracts in 24 years as they are today. *See* Attachment H.

“supplemental report” separate and apart from the EIR represents an impermissible “segmentation” of the environmental analysis.²⁵ The subjects of the DEAR are central to the environmental analysis required by CEQA, and should be addressed front-and-center in the EIR itself. For example, the oblique summaries in the DEIR of the quantitative analyses provided in the DEAR are not a sufficient stand-in for full quantitative assessment of displacement impacts in the EIR itself. *See* DEIR at 3.1-43.

As noted above, the DEAR also understates the relative benefits of the EEJ alternative, and overestimates the benefits of the Proposed Plan. This is crucial to the question of whether the DEIR is sufficient, because the DEIR incorporates by reference the quantitative analysis performed in the DEAR. Specifically, the DEAR overstates the benefits of the Proposed Plan with respect to the equity measures of access to jobs, as these benefits are predicated on assumed increases in “investments in affordable housing in the urban core, close to transit and jobs.” *See* DEAR at 6-6. In reality, investment in affordable housing materializes at rates far lower than assumed by the DEIR or DEAR. As discussed above, MTC has the ability to incentivize action at the local level through the imposition of conditions on OBAG funding, and has done so (though only modestly). MTC/ABAG must explore the benefits of doing so in either the DEIR or the DEAR.

The Land Use Modeling Report makes it clear that an analysis could be done of the impacts of changes in administration of OBAG funding. Specifically, page 21 of the Land Use Modeling Report discusses the OBAG program, and indicates that certain assumptions were made about the incentives that the OBAG “preferential subsidy” program will create—namely, a preference for development in PDAs. Presumably, then, the model could incorporate other assumptions about OBAG funding administration, such as the effect of new conditions on OBAG funding tied to affordable housing. By adjusting the assumptions about how the OBAG program is administered, the modeling tools could be used to measure the impacts of those changes across the Proposed Plan and each alternative. In short, not only could MTC place conditions on OBAG funding, and not only could the EIR identify this policy lever as a possible mitigation measure, but those changes in program administration could and should be modeled and discussed in the EIR.

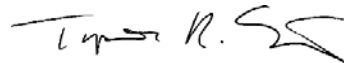
Page 5-3 accurately states that “[p]ublic agencies have a role to play in solving this [housing] crisis. Regional agencies can support local jurisdictions and facilitate the construction of new housing units (both market rate and affordable) to keep pace with job growth, and the plan can provide incentives and planning assistance to communities that are willing to adopt supportive policies and programs.” But, having rightly acknowledged the ability of regional agencies such as ABAG and MTC to incentivize “supportive policies and programs” at the local level, the DEAR—and more importantly, the DEIR—fails to discuss specific potential incentives let alone to propose concrete steps to implement them. As noted above, concrete mitigation measures are available to incentivize the development of affordable housing and implementation of anti-displacement strategies.

²⁵ *See* page 2.2-24 of the DEIR, which indicates that the effects of the Plan on Communities of Concern is addressed separately in the DEAR.

Conclusion

In light of these significant and substantive deficiencies in the DEIR, Public Advocates respectfully requests that MTC/ABAG revise the DEIR and DEAR to address the above-identified deficiencies and provide another opportunity for public review and comment before finalizing the EIR. Public Advocates appreciates your consideration of these comments and looks forward to reviewing your response.

Sincerely,



Tyson R. Smith
Winston & Strawn LLP



David Zisser
Public Advocates

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Appendix C3

Comment Letter 51 Attachments

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June 1, 2017

Re: Comments on Plan Bay Area 2040 RTP/SCS Draft EIR and Equity Analysis

Dear MTC and ABAG,

The undersigned members of the 6 Wins Network provide the following comments on the Plan Bay Area 2040 (“PBA”) Draft Environmental Impact Report (“DEIR”) and Equity Analysis. The 6 Wins Network is a regional coalition of over 20 organizations working to promote social, racial, economic and environmental justice in the Bay Area.

The DEIR and Equity Analysis contain a number of serious flaws that must be addressed for them to adequately inform consideration of Plan Bay Area by the public and by decision makers. In particular, both documents (1) fail to include an adequate assessment of displacement or housing affordability, and (2) fail to identify and consider feasible alternatives, specifically by failing to develop fully the EEJ Alternative. The DEIR grossly understates the scale of displacement, and concludes that impacts from displacement are “unavoidable” without taking real action to mitigate displacement. The crisis of displacement and shortage of homes affordable to lower-income households throughout must be given proper treatment in the DEIR and the Equity Analysis.

A. The DEIR and Equity Analysis Do Not Properly Analyze or Mitigate Displacement and Housing Affordability

Overall, the DEIR is based on unsupported assumptions about the amount of affordable homes likely to result from the proposed Plan. It also under-reports the displacement of lower-income residents and fails to consider and incorporate feasible measures to mitigate displacement. As Public Advocates Inc. and Winston and Strawn discuss in more detail in their comment letter (incorporated herein by reference and attached as Attachment A), inadequate affordable housing and displacement have substantial foreseeable impacts on climate, transportation, air quality, and other aspects of the physical environment.

The proposed Plan rests on assumptions about affordable housing that are unrealistic and paints a picture of displacement that is misleading – the Plan must instead include actual policies to increase affordable housing and mitigate displacement. For example, the proposed Plan assumes that new market-rate “housing developments make 10 percent of units deed-restricted for in [sic] cities with PDAs” (1.2-21), yet the proposed Plan includes no meaningful actions that would lead to adoption of inclusionary zoning policies or other mechanisms to produce 10 percent affordable housing. Similarly, the draft Plan assumes higher densities than currently allowed,

eased parking requirements in new housing developments, subsidies to stimulate housing and commercial development, and a commercial development fee to fund affordable housing (1.2-21) but again includes no meaningful strategy to ensure such policies. Without policies in the Plan to achieve the level of affordable housing production that is assumed, the DEIR's finding that the risk of displacement will increase by 5 percent under the draft Plan (2.3-24, 3.1-21) is likely a gross under-estimate.

Moreover, the 5 percent figure is misleading, masking the true scale of the displacement crisis and its impacts. For example, the DEIR does not clearly state the existing risk of displacement or how many additional thousands of residents would be at risk of displacement under the draft Plan. The draft Equity Analysis provides some additional information that hints at the actual numbers, including the percentage of low-income households in PDAs, TPAs, and HOAs that are at risk of displacement in the base year of 2010 in Communities of Concern and the rest of the region (32 percent and 14 percent, respectively) (5-2); the number of low-income residents in 2014 (1,837,830) (3-2), the number of low-income residents in Communities of Concern (almost 800,000) (3-2), and the number of low-income residents in HOAs (311,911) (4-8). But neither the Equity Analysis nor the DEIR clearly provide the number of low-income residents in PDAs and TPAs and aggregate all the relevant data together to provide a clear picture of the number of residents at risk of displacement in the base year and in 2040.¹ Without these numbers, it is difficult to understand how the DEIR could gauge the environmental impacts of displacement or serve as a transparent public document.

The DEIR and Equity Analysis should also consider and incorporate measures to mitigate displacement and resulting environmental impacts. The DEIR fails to include feasible mitigation measures for environmental impacts that arise from even the understated risk of displacement it identifies. Instead, the DEIR concludes that the impacts of displacement are "potentially significant and unavoidable" because "it cannot be ensured that ... mitigation measure[s] would be implemented" by local agencies (2.3-27). This conclusion is reached, however, without the consideration or inclusion of feasible mitigation measures that would directly reduce displacement (see 2.3-27).

The 6 Wins and our allies have proposed numerous actions that MTC and ABAG could take to reduce displacement, create more affordable housing, and mitigate related environmental impacts of the Plan. In a letter dated May 5, 2017 (incorporated herein by reference and attached as Attachment B), the 6 Wins Network, NPH, and Greenbelt Alliance propose several changes and additions to the draft Action Plan which, if implemented, would likely mitigate displacement. For example, MTC should build on the relatively small One Bay Area Grant (OBAG) program by conditioning additional transportation funding on local affordable housing and anti-displacement outcomes, and MTC and ABAG should develop a regional source of revenue for building and preserving affordable housing.

¹ In addition, the Equity Analysis includes contradicting information. Table 5-1 on page 5-2 notes that under the Draft Plan, the risk of displacement increases by 1% in Communities of Concern and 7% in the remainder of the region. But footnote 4 on page 6-4 notes the opposite: "While the risk of displacement for the Draft Plan increases by 7 percentage point [sic] within CoCs and by 1 percentage points [sic] in the remainder of the region...."

B. The Equity, Environment and Jobs Alternative is Not Properly Developed or Modeled

Properly modeled and sufficiently developed, the EEJ Alternative likely would have performed far better than the version that is analyzed in the DEIR. Unfortunately, even though the EEJ Scenario was the “environmentally superior alternative” identified by the EIR for Plan Bay Area in 2013, MTC and ABAG entirely sidelined the scenario in the process of developing the current Plan. After refusing for approximately two years to evaluate the EEJ Scenario as part of the process for developing the preferred scenario (see 1.2-11), MTC and ABAG contacted the 6 Wins about updating the scenario in December of last year, with just a few days remaining to finalize the alternatives before running their models. This last-minute addition means that it was inadequately developed compared to the other alternatives, likely resulting in under-performance.

Because MTC and ABAG ignored public requests to include an updated EEJ in the process, the EEJ scenario included in the DEIR does not adequately refine and build on the EEJ Alternative studied in PBA 2013. For example, the EEJ Alternative does not include key assumptions related to MTC and ABAG actions that would more directly address affordable housing and displacement. Unlike the other alternatives developed to inform the preferred scenario, the EEJ Alternative did not benefit from a public process that might have resulted in additional feedback and refinements.

Meaningfully including community voice in the planning process should be a central objective of MTC and ABAG. The EEJ Alternative was developed by grassroots organizations representing thousands of residents of low-income communities of color throughout the Bay Area and, as such, should have been considered on a level playing field with other, staff-developed alternatives. Moreover, these residents and grassroots organizations and the policy organizations with which they partner provide deep expertise in strategies to achieve equity, including affordable housing and anti-displacement outcomes.

As a result of these and other deficiencies, the DEIR fails to comply with CEQA, and the Equity Analysis fails to paint a reasonable picture of the impact of the draft Plan on the region’s most vulnerable communities and residents. MTC and ABAG must ensure that the impacts of displacement are adequately analyzed, that effective mitigation measures are included, and that the EEJ Alternative is robustly developed and accurately modeled. Due to the serious and pervasive nature of the flaws in the DEIR, we respectfully request that the DEIR be revised and recirculated.

Thank you,

Dawn Phillips

Causa Justa :: Just Cause

Carol Taylor

Transit Riders Union

North Bay Organizing Project

Jeff Levin
East Bay Housing Organizations

Peter Cohen and Fernando Martí
SF Council of Community Housing Organizations

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June 1, 2017

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Re: Comments on Plan Bay Area 2040 Regional Transportation Plan/Sustainable Communities Strategy Draft Environmental Impact Report and Draft Equity Analysis Report

Dear MTC EIR Project Manager:

We write on behalf of Public Advocates Inc. (“Public Advocates”) to offer the following comments on the Plan Bay Area 2040 Regional Transportation Plan (“RTP”)/Sustainable Communities Strategy (“SCS”) Draft Environmental Impact Report (“DEIR”) and the Draft Equity Analysis Report (“DEAR”). Public Advocates is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transportation equity, and climate justice. As result, we have a strong interest in ensuring that the RTP/SCS DEIR integrates and adequately considers land use, housing, and transportation planning impacts.

Transportation, housing, and jobs are inextricably linked, and how they function together has profound consequences for the environment, the economy, and equity across the Bay Area. Individuals and families depend on transportation to get from home to work, school, and healthcare providers. Access to transportation is therefore access to economic and social opportunity. The increasing distance between housing and jobs described in the DEAR creates barriers to economic opportunity and makes commuting to work unpredictable, lengthier, and more expensive. Policies that put affordable housing and economic opportunity for low income residents at the center of transportation planning therefore result in fewer (and less significant) physical impacts and the most equitable outcomes.

The Draft Plan Bay Area 2040 recognizes the need to integrate land use, housing, and transportation, and rightly notes the ongoing crisis in housing affordability and neighborhood stability. Housing pressures affect households of all income levels but are particularly acute for low income families. The Draft Plan notes (at 12), for example, that “the vast majority of households with annual incomes below \$50,000 experience an excessive housing cost burden” and that “more than half of low income households live in neighborhoods at risk of or already experiencing displacement and gentrification pressures.” It also acknowledges that displacement is exacerbated by the “lack of adequate tenant protections—or availability of subsidized or ‘naturally affordable’ market-rate units in neighborhoods with quality transit service and other amenities.”

Displacement risks affect a broad segment of the regional population. Approximately 25% of the Bay Area population are low-income residents and approximately 25% of the regional population live in communities of concern.¹ That is on the order of 1.7 million people. As noted above, nearly half of those—or around 850,000 persons—are at risk of displacement. These households spend a much higher share of their income on transportation and rent or the cost of owning a home compared to higher-income households (on average, more than 67% of their income), which has direct implications for both a household's budget and its vulnerability to being priced out of a neighborhood as costs rise faster than wages.²

The environmental impacts of displacement can be severe. Given insufficient availability of affordable housing in areas of the greatest economic opportunity, rising prices drive low- and moderate-income households to outlying jurisdictions farther away from jobs, transit, and amenities. These households then face costly, long-distance commutes which exacerbate traffic congestion and air pollution, result in a variety of adverse health impacts, and worsen mass transit crowding. As displacement pressures increase, pressure for development in outlying areas intensifies, which poses threats to open space. The consequences of inadequate housing extend throughout the region, not only putting affordable residential neighborhoods at risk but also threatening parks, recreation areas, and local farms and pasture land.

The effects of the pressure for housing can be seen everywhere and every day: in demographic shifts in outlying areas (*i.e.*, the suburbanization of poverty),³ the notorious traffic bottlenecks on I-80 in Alameda and Contra Costa Counties and I-580 in eastern Alameda County, and in the increasingly long lines for BART and buses. Freeway congestion delay per commuter and weekday rail ridership are already at record levels. Even if just one-fifth of those at risk of displacement are forced to relocate to outlying areas—even areas covered by the Proposed Plan—the scale of the impacts would be almost unimaginable. Such a mass displacement would mean 170,000 more people commuting into San Francisco, Oakland, and the South Bay each day, adding to congestion, crowding, and pollution. It would also mean decreased access to recreation opportunities for all Bay Area residents within and outside the Bay Area, as outlying open space areas are developed to meet the need for affordable housing. In short, displacement of low-income residents from transit-oriented communities to the far reaches of the region is a crisis, both for the affected communities and families and for the economic and environmental sustainability of the region.⁴

All of this is to say that the lack of affordable housing for low income residents has significant and immediate physical impacts that must be properly accounted for by MTC/ABAG. The DEIR must integrate consideration of land use, (affordable) housing, and transportation planning. And the DEIR must discuss

¹ DEAR at 2-3.

² Draft Plan Bay Area at 12.

³ See, e.g., Attachment A, *Urban Habitat, Race, Inequality, and the Resegregation of the Bay Area* (November 2016) (available at <http://urbanhabitat.org/sites/default/files/UH%20Policy%20Brief2016.pdf>) (“Urban Habitat Report”). The report notes, for example, that there was a clear and dramatic shift in Black populations from the inner to the outer region, and that poverty in Black populations increased most in the outer region. Likewise, poverty in Latino communities increased disproportionately in the outer parts of the region. The proportion of renter-occupied units to owner-occupied increased most in the outer region as well.

⁴ 6 Wins for Social Equity Network, *Displacement: A Regional Crisis* (Attachment B).

feasible measures to mitigate the impacts of displacement. However, as discussed in our comments below, the DEIR fails to satisfy the requirements of CEQA for at least three principal reasons:

- **Failure to Adequately Integrate Housing Affordability.** The DEIR pays lip service to the need to consider equity in transportation planning. However, the DEIR never grapples with effects of the Plan on housing affordability at the level of detail necessary to reveal either the significant additional physical impacts caused by displacement under the Proposed Plan or the better outcomes under the Equity, Environment, and Jobs (“EEJ”) Alternative.
- **Failure to Adequately Assess Impacts of Displacement.** The DEIR fails to quantify the increased environmental impacts associated with displacement, such as increased transportation distance, effects on air quality, increased strain on transportation infrastructure, and pressures on open spaces and agricultural lands.
- **Failure to Identify and Consider Feasible Alternatives and Mitigation.** The DEIR barely skims the surface of feasible alternatives to reduce or mitigate displacement and the lack of affordable housing. The DEIR ignores mitigation measures, including those within the scope of MTC/ABAG’s authority and that have been used successfully in the past, that could facilitate more equitable outcomes. By failing to adequately identify, evaluate, or adopt feasible mitigation measures, the DEIR fails to satisfy CEQA.

We provide detailed comments on the DEIR and supporting documents below. In light of the legal deficiencies in the DEIR, Public Advocates requests that the DEIR and DEAR be revised and recirculated for additional public comment before MTC/ABAG finalizes the EIR and adopts Plan Bay Area 2040.

General Comments

Much effort and resources were devoted to the Plan, the DEIR, and the companion reports. Notwithstanding the time and resources spent during the planning process, the DEIR suffers from critical legal deficiencies:

- The DEIR fails to adequately assess the impacts of the project and its alternatives
- The DEIR makes unrealistic and unreasonable assumptions regarding housing construction that undermine the models and impact assessments
- The DEIR fails to identify and analyze feasible mitigation measures
- The DEIR improperly prioritizes GHG reductions over SB 375’s mandate to house the entire Bay Area population at all income levels.

The DEIR lacks adequate consideration of affordability in its land use analysis. If housing is theoretically available, yet still unaffordable, there will be greater displacement in areas both within and

outside of the Bay Area than the DEIR predicts (even after accounting for “filtering”).⁵ This means greater impacts,⁶ including impacts on air quality and increased strain on transportation infrastructure, as persons are forced to commute farther distances.⁷ And a failure to adequately account for the effects of affordability leads the DEIR to simultaneously underestimate both the benefits of the EEJ Alternative and the adverse impacts of the Proposed Plan.

The DEIR also fails to account not only for the disparity between “planned” affordable housing units and reality, but also for the significant difference between the number of housing units assumed in the land use and transportation models and the Regional Housing Need Allocation (“RHNA”). This means that either the modeling is incorrect or the housing needs are under-estimated.

Mitigation measures can be developed to both foster creation of affordable housing units and minimize displacement—that is, facilitate more equitable outcomes with fewer physical impacts. But, the DEIR does not identify or adequately assess such feasible and available measures, nor does it study how those mitigation measures could change outcomes. On page 1.2-21, the DEIR states that the Proposed Plan does not mandate any changes to local zoning rules, general plans or processes for reviewing projects; nor is the Plan an enforceable direct or indirect cap on development locations or targets in the region. To the extent that discussion suggests that MTC/ABAG must avoid taking action to *influence* local decisions, the DEIR is flawed. Just because MTC/ABAG lacks authority to *mandate* changes to local land use and development plans does not absolve MTC/ABAG from exercising its available powers, including its grant-making and CEQA streamlining authority, to influence local decisions. For example, MTC has previously piloted mitigation measures specifically designed to facilitate equitable outcomes, such as basing funding distribution on RHNA planning and production, providing incentives for local housing production, and favoring projects that include anti-displacement policies.⁸ By failing to adequately identify, evaluate, or adopt feasible *regional* mitigation measures that take these pilots to scale, the DEIR fails to satisfy CEQA.

Further, even though it is true that local jurisdictions will ultimately decide whether many of the *local* mitigation measures are actually implemented, the DEIR and Draft Plan should nevertheless identify

⁵ Filtering is an controversial theory that refers to the movement of housing stock from higher- to lower-income households as it ages and deteriorates, supposedly resulting in reductions in the prices of older housing.

⁶ See, e.g., Attachment C, *San Mateo County Eviction Report for 2016* (discussing hidden epidemic of displacement in San Mateo County and the deep and long lasting health consequences). The report notes that families desperate to secure housing often accept unsafe or unhealthy housing conditions such as overcrowding, increased noise, and mold or pest exposure, increasing the chances of contracting communicable diseases, asthma, and respiratory illness, and increasing mental distress. See also Attachment D, Olivia Allen-Price, *How Many Are Being Displaced by Gentrification in Oakland?* (available at <https://ww2.kqed.org/news/2017/02/09/how-many-are-being-displaced-by-gentrification-in-oakland/>); Attachment E, Devin Katayama, *An Oakland Diaspora: What Drives Longtime Residents to Leave?* (available at <https://ww2.kqed.org/news/2016/03/02/an-oakland-diaspora-what-drives-longtime-residents-to-leave/>).

⁷ See, e.g., Urban Habitat Report, at 1 (noting that “[d]istances from work increased for people living in places with the highest growth rates of poverty”).

⁸ See, e.g., OBAG 2 One Bay Area Grant Program Project Selection Criteria and Programming Policy, Attachment A, at 3-4 (distribution formula), 5 (Surplus Land Requirement), 12 (Naturally Occurring Affordable Housing), 15 (housing production incentive), and 17 (project selection and anti-displacement policies) (available at http://mtc.ca.gov/sites/default/files/RES-4202_approved.pdf) (“Attachment F”).

and discuss the policy tools available to local jurisdictions to address the Bay Area housing affordability crisis. Where the DEIR assumes that local jurisdictions will use a policy tool, such as inclusionary zoning, to address housing access equity or displacement under the Proposed Plan or any of the alternatives, it should clearly state these assumptions. Where the Draft Plan identifies impacts associated with displacement or a lack of low income housing access, it should identify policy tools that can be used by local jurisdictions to address those impacts, even if those policy tools are not available to MTC/ABAG directly. This will allow the final EIR to best serve its programmatic function under CEQA, and better inform the public about possible avenues for mitigation of significant impacts by lead agencies overseeing the environmental analysis of individual development projects included in the Plan.

SB 375 requires the Plan both to achieve GHG reduction targets assigned by the state and to house the entire Bay Area population at all income levels. Cal. Gov't Code, § 65080(b)(2)(B). Yet, the DEIR analysis simply assumes sufficient housing for the regional population, an assumption that is at odds with reality and with the policies in the Plan. Doing so not only assumes what state law mandates—a plan that will actually house the population—but also gives the impression of meeting the region's GHG-reduction targets based on a development footprint that is neither reflective of the region's past experience nor made more likely by anything in the Plan itself.

At bottom, the DEIR does not fulfill its basic legal function to fully inform the public of the impacts of the Draft Plan. As the California Supreme Court has recognized, “[t]he preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [] For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed”. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-45. In order to meet this standard, an EIR “must include a meaningful discussion of both project alternatives *and* mitigation measures.” *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 40 (emphasis in original). Here, the dynamic effects of affordability put more than 800,000 people at risk of displacement—a displacement crisis that will lead to significant and unassessed physical impacts within the Bay Area and beyond. Those impacts are not meaningfully discussed in the DEIR. The DEIR also fails to even recognize the availability of feasible mitigation measures that can reduce the adverse physical effects associated with displacement.

In light of these significant and substantive deficiencies in the DEIR, it cannot adequately inform the public about the environmental effects of the Draft Plan. Public Advocates respectfully requests that MTC/ABAG revise the DEIR and recirculate it for additional public review and comment.

Specific Comments

Section 1.2, *Project Description*

Even though MTC and ABAG determined that the EEJ alternative was the environmental superior alternative in the EIR for Plan Bay Area in 2013, the discussion of the scenario analysis on page 1.2-11 does not even mention the EEJ alternative, and indeed, MTC/ABAG made clear throughout the process of

developing the Plan that the EEJ alternative was not being considered. This omission suggests that MTC/ABAG did not “analyze, review and discuss the alternative in good faith” in detail commensurate with its feasibility as required by CEQA.⁹ An EIR “must disclose the analytic route the . . . agency traveled from evidence to action,” which in this case is the full course of the planning process and the full scope of the Plan.¹⁰ Moreover, omitting the alternative from the project description, as the DEIR has done, effectively curtails and distorts the project description, undermining its fundamental purpose to inform decisionmakers and the public consideration and throwing its legal sufficiency into doubt.¹¹

The DEIR also segregates much of the analysis and description of the EEJ alternative from that of the other alternatives and fails to include it in the initial project description. The limited analysis of the EEJ alternative is relegated to the DEAR, which suggests a bias against the alternative that is manifest in the DEIR’s overall failure to adequately consider the EEJ alternative benefits or mitigation measures that could facilitate achieving those benefits. The discussion of the EEJ alternative and the comparison of it against the Proposed Plan in the separate DEAR is not a replacement for a detailed substantive discussion integrated into the EIR itself.¹²

Section 2.0, *Approach to Analysis*

The DEIR states that mitigation is proposed, where feasible, to reduce potentially significant environmental impacts. While MTC and ABAG do not have direct regulatory or approval authority in some cases, MTC and ABAG nevertheless can identify specific mitigation measures in the DEIR that will enable local agencies to take advantage of streamlined environmental review for subsequent projects. *See* DEIR at 1.1-9 (noting that, under SB 375, “[p]rojects eligible for streamlining must incorporate mitigation measures required by an applicable prior environmental document, such as this EIR if it is certified by MTC and ABAG”). Just as important is the fact that MTC and ABAG can make commitments that themselves function as mitigation measures, as noted in the DEIR. *See, e.g.,* DEIR at 2.0-3. As discussed in more detail below, there are a number of mitigations measures that MTC/ABAG have not identified in the DEIR, but that would be feasible mitigation measures for the recognized displacement impacts.

Section 2.1, *Transportation*

The Plan’s discussion of transportation examines the effects of the changes in projected land use and transportation projects. But, it ignores the effects of affordability in causing geographic shifts of low-

⁹ *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1458 (“Although the level of detail will vary depending upon an alternative’s potential for feasibility, in every case, the EIR must disclose “the analytic route the . . . agency traveled from evidence to action.” . . . And the lead agency itself must travel that analytic route.”).

¹⁰ *Laurel Heights, supra*, 47 Cal.3d at 404.

¹¹ “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *Cty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192–93.

¹² “[A]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” *Laurel Heights, supra*, 47 Cal.3d. at 405.

income communities and communities of concern further away from areas of opportunity and towards the outer reaches of the Bay Area and beyond. This is reflected in the fact that, in general, areas of displacement and displacement risk are concentrated around high capacity transit corridors such as Caltrain on the Peninsula, BART in the East Bay, and in the region's three largest cities. As noted above, by failing to account for the fact that displaced low-income households are likely to have longer commutes following displacement, the DEIR does not adequately consider physical impacts, including increased congestion on roads and highways and increased crowding on transit, or the changes in travel times, accessibility to jobs, vehicle miles traveled per capita, and transit utilization that would result from the implementation of the proposed Plan. The DEIR similarly overestimates the benefits of planned projects because it has not accounted for the shifts in demographics caused by displacement or the resulting changes in physical impacts associated with such displacement.

As a consequence of the DEIR's failure to account for displacement, the Transportation Investment Analysis performed in the DEAR is also flawed. *See* DEAR at 5-4 to 5-9. In reality, low-income residents will enjoy very different—and likely fewer—benefits from the transportation investments called for under the Draft Plan than indicated in the DEAR's Transportation Investment Analysis.

Section 2.2, *Air Quality*

On page 2.2-1, the DEIR recognizes the public concern about air quality impacts associated with economic displacement and jobs-housing imbalances that was expressed in comments on the Notice of Preparation. Section 2.2 does not actually address any of these comments, however. The DEIR does not assess the additional vehicle miles traveled as a result of economic displacement, effects of a poor jobs-housing geographic balance or “fit,” or transit utilization. As a result, the DEIR fails to adequately assess the impacts of the proposed Plan on air quality, contrary to CEQA.

Given that the DEIR does not quantify the air quality and transportation impacts associated with the displacement generated by the proposed project, MTC/ABAG has not demonstrated that the Proposed Project's air quality and transportation impacts are not significant. *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841-42 (holding that a conclusory statement “unsupported by empirical or experimental data, scientific authorities, or explanatory information” affords “no basis for a comparison of the problems involved with the proposed project”).

Section 2.3, *Land Use and Physical Development*

Failure to Account for Affordability

There is no disputing the fact that housing affordability is an important aspect of balanced regional growth. On page 2.3-22, the DEIR states that the “EIR land use analysis addresses the following issues: community displacement and disruptions, including potential loss of housing; physical divisions of communities; proposed Plan consistency with adopted land use plans; conversion or loss of important agricultural lands or open space; and loss of forest land.” Yet, it is not clear that the DEIR adequately accounted for affordability, or displacement triggered by a lack of affordability, in the land use analysis or supporting model. Similarly, its discussion of transit-oriented development fails to adequately address affordability and housing accessibility. If housing is theoretically available, yet unaffordable, there will be

greater displacement than otherwise predicted, leading to longer commutes. Because it failed to fully account for housing affordability, the DEIR severely understated the true magnitude of the impacts and performance failures on the Year 2040 Goal of “Equitable Access” and the Performance Targets to “Decrease the share of lower income residents’ household income consumed by housing and transportation (H+T) costs share for lower-income households by 10%” and “to not increase the share of low- and moderate-income households in PDAs, TPAs and HOAs that are at an increased risk of displacement, within and outside CoCs.” *See, e.g.*, DEIR at ES-6; DEIR at 2-5.

On page 2.3-22, the DEIR states that the “land use analysis is based on outputs from the land use and transportation models ... which are compared to existing conditions to identify potential impacts.” Although this section references land use and transportation models, it is not clear that those models in fact are based on *existing* conditions, as opposed to *planning* documents (or even that they reflect the policies contained in those planning documents). Similarly, the Land Use Modeling Report, at page 22, indicates that inclusionary zoning policies are assumed in models of the Proposed Plan and all of the alternatives. It also states that for two of the alternatives (which are not identified), the model assumes subsidies to affordable housing. However, these assumptions do not reflect the actual rate of affordable housing successes in Bay Area jurisdictions.

While many jurisdictions have planning documents that incorporate affordable housing units, the plans often do not reflect reality and are based on overly-optimistic assumptions of future development. For example, the assumption that 10% of new development will contain inclusionary zoning is impermissibly optimistic, as history shows. In addition, the land use model used in the analysis assumes, rather than demonstrates, that sufficient housing will be built to house the entire region’s population growth in the horizon year. The rate of the growth assumed is extreme. For instance, by 2022, the model assumes that 270,360 new units will have been built. By comparison, the entire Regional Housing Needs Allocation (RHNA) at all income levels provides for only 187,900 by 2022; moreover, no more than a fraction of the RHNA units—particularly lower-income units—is likely to have been produced by that year. This set of highly unrealistic assumptions not only points to the inadequacy of the assessment of impacts, but also increases the importance of feasible mitigation measures not identified in the DEIR (discussed herein) because the assumed performance levels most likely cannot be met in reality. At bottom, the Plan fails to contain policies or actions that are likely to result in this level of affordable housing development.

To satisfy CEQA, the DEIR baseline must reflect true baseline conditions, not current *plans*. 14 Cal. Code Regs., § 151245(a) (“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective.”). Where a proposed project could result in a change to existing zoning or planning designations, the significance of potential impacts should not be compared with conditions that would ultimately occur with build-out of existing designations, but rather with “existing physical conditions.” CEQA Guidelines Section 15125(a), (e); *St. Vincent's School v. City of San Rafael* (2008) 161 Cal.App.4th 989, 1005; *Baldwin v. City of Los Angeles* (1999) 70 Cal.App.4th 819, 842. And, to the extent that there are inconsistencies between, on the one hand, the Proposed Plan, or the assumptions in the model used to forecast the effects of the proposed plan, and on the other hand, actual local or regional plans and zoning designations, those inconsistencies must be described in the DEIR. CEQA Guidelines § 15125(d).

Based on the above, the DEIR fails to consider or disclose the appropriate baseline under CEQA, and fails to incorporate reasonable assumptions into the model about the realization rate of affordable housing.

Failure to Identify Physical Impacts of Displacement

On page 2.3-22, the DEIR states that the “transportation projects considered include those that have the potential for physical impacts based on characteristics such as expansion, widening, new construction, or new configurations.” This implies that the EIR considered only the effects of physical changes to the transportation system, and not the related physical impacts caused by economic or social effects of a project. CEQA Guidelines Sections 15131 and 15064(e). While the DEIR notes (at 2.3-26) that displacement can cause significant environmental impacts that are assessed elsewhere in the plan, the nature and magnitude of those impacts should be described in this chapter as they are caused by land use changes, including those associated with transportation investments. It is well established that significant environmental impacts often arise from the housing need created when a project will bring substantially more jobs and people into an area. *See, e.g., Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1266; *Napa Citizens, supra*, 91 Cal.App.4th at 367.

The DEIR (on page 2.3-22) evaluates potential direct impacts to existing communities, including potential displacement of residents, as a result of the proposed land use strategy and transportation projects. However, the importance of these impacts demands a much more rigorous analysis than is offered here. Although the DEIR claims that the dynamic nature of displacement makes it difficult to quantify impacts, this is belied by discussion elsewhere in the DEIR that describes displacement in quantitative terms. *See, e.g.,* page 2.3-24 (stating that the proposed Plan decreases the rate of overall displacement risk compared to taking no action: 5% v. 18% percent).

Further, the model takes as a fixed constant the amount of emigration from the Bay Area, and the socioeconomic makeup of the Bay Area. Specifically, the Land Use Modeling Report, at page 13, indicates that the model assumes that the share of households in each quartile of income distribution (from lowest to highest income) will shift from 27%/26%/23%/24% in 2010 to 28%/22%/22%/28% in 2040, and applies this assumption to the analysis of the Proposed Plan and each of the alternatives. This leaves no room to measure the effects of the alternatives on the socioeconomic distribution or on displacement of low income households to locations beyond the Bay Area. By not treating socioeconomic demographic change as a dynamic factor, the model entirely fails to reflect the clear potential for regional displacement. Thus, the EIR fails to assess the scope of potentially significant environmental impacts that could be caused by regional displacement.

Failure to Identify or Assess Feasible Mitigation Measures

On page 2.3-23, the DEIR states that “[l]ocal jurisdictions are responsible for adopting land use policies as part of their general and neighborhood plans and implementing them through local ordinance” and that “as a result, MTC and ABAG have no direct control over local land use planning, nor does SB 375 require that local jurisdictions align their general plans to conform to the proposed Plan.” According to the DEIR, this alignment is discretionary but encouraged through the availability of streamlined environmental review for consistent projects. The DEIR, however, does not account for the full range of tools that are available to MTC/ABAG to encourage local alignment with the Plan, such as conditioning

project funding on achievement of housing-related goals or implementation of tenant protection measures. See Attachment B. Identification and adoption of feasible measures to mitigate or avoid significant environmental impacts is one of the primary purposes of an EIR. See Pub. Resources Code, § 21081.6(b); see also 14 Cal. Code Regs., § 15121(a); *Fed'n of Hillside and Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1258. A “feasible” mitigation measure is one 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.

Relatedly, on page 2.3-24, the DEIR acknowledges that displacement risk is a function of the location and availability of affordable housing near major job centers in a growing regional economy. While the DEIR lists several reasons for increased displacement risk, the DEIR focuses primarily on constraints. It ignores available tools that could mitigate the increased displacement risk. For example, the DEIR should acknowledge that displacement risk may increase because of the “absence of effective regional policies to mitigate or maintain affordable housing.” And, as discussed below, the DEIR should discuss the policies available to MTC/ABAG to mitigate displacement and the lack of affordable housing.

On that same page, the DEIR again attempts to avoid responsibility for actions within its control by claiming that local governments “retain full control over local land use authority.” While true as far as it goes, this assertion ignores the fact that MTC/ABAG can, through the plan, include mitigation that communities can “choose” to adopt in order to receive project funding. An agency with the power of the purse over some \$300 billion over the life of the Plan and a long history of conditioning funding to local governments on regional policy objectives cannot ignore mitigation tools available to it when assessing the plan’s impacts.¹³ Indeed, pilot programs that MTC/ABAG has tested, such as the One Bay Area Grant Program, demonstrate that regional policies that condition funding are extremely effective tools to achieve changes in local land use and housing policy. Where multiple measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. 14 Cal. Code of Regs., §15126.4(a)(1)(B).

The DEIR concludes at 2.3-24 that “[i]mplementation of the proposed Plan could increase the risk of displacement for a substantial number of existing residents, necessitating the construction and preservation of additional affordable housing elsewhere within the region.” Then, on page 2.3-27, the DEIR discusses mitigation measures “to address the effects of displacement,” but focuses exclusively on mitigation of *construction* impacts related to replacement housing or transportation projects. As summarized in the table below, not a single one of the 23 mitigation measures listed on page 2.3-27 would actually mitigate *economic* displacement (as opposed to temporary displacement due to construction). None of the mitigation measures even touch on housing affordability or the physical effects of displacement, much less actually mitigate those impacts. And, none of the measures address the reasons given for the increased displacement risk discussed on 2.3-24. As a result, the DEIR assessment is wholly inadequate to satisfy CEQA.

¹³ See, e.g., MTC’s description of its roles at <http://mtc.ca.gov/about-mtc/what-mtc/what-we-do>.

Mitigation Measure	Topic	Mitigates Economic Displacement?
2.2-2	Air Quality	No. Focused on construction equipment air emission.
2.3-2, 2.3-4, and 2.3-5	Land Use	No. Focused on transportation design features (bike lanes, traffic calming), avoiding important lands (<i>e.g.</i> , Prime Farmland) and protecting sensitive areas (<i>e.g.</i> , forests).
2.5-4	Sea Level Rise	No. Focused on adaptation strategies.
2.6-1, 2.6-5, and 2.6-6	Noise	No. Focused on construction noise, emergency generator/external equipment noise, and airport noise.
2.9-1 - 2.9-5	Biological Resources	No. Focused on requiring biological assessments and avoiding sensitive areas.
2.10-1, 2.10-3 to 2.10-5	Visual Resources	No. Focused on minimizing visual impacts.
2.11-1 to 2.11-5	Cultural Resources	No. Focused on identifying and avoiding historic and cultural resources.
2.13-4	Hazards	No. Focused on mitigating impacts of increased water and wastewater treatment demands.

As noted above, the EIR must identify the mitigation measures (*i.e.*, policy tools) available to MTC/ABAG that can be used to incentivize local jurisdictions to mitigate environmental impacts, such as adopting a policy to condition disbursement of project funds on achievement of mitigation measure that would actually mitigate displacement impacts. There are at least two obvious mitigation measures that have been used previously on a smaller scale and that could, if scaled up, effectively mitigate some of the impacts of displacement.

First, MTC/ABAG should consider mitigation measures that expand housing-related conditions in existing funding programs.¹⁴ Wherever possible, MTC/ABAG should condition discretionary funding on strong local jurisdiction performance on both affordable housing production and protection of existing renters from displacement. These measures should be included in funding commitments for new and

¹⁴ As noted *supra*, note 7, MTC has previously identified mitigation measures to facilitate equitable outcomes, such as basing funding distribution on RHNA and product, incentives for housing production, and favoring projects that include anti-displacement policies. These measures are not adequate at present, and would need to be expanded to be effective. For example, the distribution formula “expands the definition of affordable housing to include housing for moderate-income households” rather than just low-income households and NOAH is all of \$10 million for the whole region. In addition, the housing production incentive rewards the top 10 affordable housing producers, essentially favoring larger cities, but should reward production as a percentage of RHNA or some other proportionate measure. And the anti-displacement policy requirement awards insufficient points to materially change the overall scoring results for OBAG.

existing programs (e.g., OBAG, RM3, SB1). As an example, MTC should build on its existing efforts to require compliance with the state Surplus Land Act and Housing Element law to be eligible for OBAG funding. MTC/ABAG should specifically identify new funding sources that could be subject to these housing conditions (beyond planning grants), strengthen conditions to increase their effectiveness, assert stronger *regional* guidelines rather than passing the buck to county congestion management agencies, and study the effects of those actions in the DEIR.

Second, MTC/ABAG should consider measures to directly mitigate loss of affordable housing and the slow pace of new affordable housing development. MTC/ABAG should identify and develop new regional funding sources that would be used to develop new and preserve existing affordable housing. MTC could, for example, launch a regional infill Infrastructure Bank that would subsidize infrastructure improvements on sites dedicated to development or preservation of affordable housing.

MTC/ABAG should also consider the additional measures discussed in the letter from 6 Wins for Social Equity Network, Non-Profit Housing Association of Northern California (“NPH”), and Greenbelt Alliance to MTC/ABAG. *See* Attachment B. These include pursuit of a permanent source of affordable housing funding, strengthening laws to protect tenants from displacement, strengthening housing element laws, supporting fair housing, and supporting legislation to eliminate the *Palmer* decision’s limitation on inclusionary zoning. In addition, MTC/ABAG should consider measures to address the wage/income side of the housing affordability equation by, for example, incentivizing the creation and retention of middle-wage jobs and strategies to lift up low-wage jobs to help close the gap between wages and housing costs.¹⁵

By ignoring available tools and failing to discuss the reasons for eliminating them from the list of mitigation measures, the DEIR fails to adequately consider potential mitigation of the impacts of the plan. The DEIR does not provide a thorough, detailed analysis of feasible mitigation measures or alternatives to eliminate or reduce the significant adverse impacts associated with the proposed Plan, in violation of CEQA.

Section 3.1.3, *Alternatives Analyzed in this EIR*

The DEIR notes that the Equity, Environment, and Jobs (“EEJ”) Alternative was analyzed in the original Plan Bay Area EIR in 2013, but fails to mention that this alternative was found to be the environmentally superior alternative. The current DEIR also fails to provide a sufficient explanation for not selecting the EEJ alternative as the proposed alternative.¹⁶ A comparison of the various alternatives across the range of performance targets shows the EEJ alternative performing similarly, or better, in all targets other than “goods movement.” The EEJ Alternative fell short on the “goods movement” target due to increased congestion related to greater suburb-to-suburb commuting and elimination of all highway expansion projects, but performed better in other areas. The merits of alternatives must be reasonably

¹⁵ *See, e.g.,* Urban Habitat Report, at 1 (finding that “[p]laces with high growth rates in poverty increasingly became home to workers in lower wage industries”).

¹⁶ *Laurel Heights, supra*, 47 Cal.3d at 405 (“alternatives and the reasons they were rejected [] must be discussed in the EIR in sufficient detail to enable meaningful participation and criticism by the public”).

compared “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” *Laurel Heights, supra*, 47 Cal.3d at 401.

The assessment of alternatives for land use impacts (page 3.1-46) is woefully inadequate. It barely even touches on the differences in displacement impacts, which were the focus of the discussion in Section 2.3. While all the alternatives result in sufficient housing theoretically being available, the reality is that affordable housing lost in one location is not so easily replaced or substituted elsewhere—particularly where, as in the Bay Area, “planned” low-income housing units have not come close to matching reality in many years.

Further, the assessment of the EEJ alternative mischaracterizes the results of the DEAR by indicating that the EEJ alternative and the Proposed Plan would have “similar” displacement impacts. In fact, the DEAR indicates that the EEJ alternative would result in 1% lower displacement risk for low-income households in Communities of Concern, as compared to the base year, than would the Proposed Plan. *See* DEAR at page 5-2. A 1% increase in this risk among Communities of Concern is significant, as this affects a quarter of all Bay Area households. This increased risk translates into thousands of households that would be displaced under the Proposed Plan but not under the EEJ alternative. Similarly, the Equity Analysis notes that the EEJ alternative would *increase* the share of affordable housing units in Communities of Concern by 3 percentage points, while the Proposed Plan would actually *decrease* the share of affordable housing units. DEAR at 5-3. The Equity Analysis therefore belies the notion that the Proposed Plan performs “similarly” to the EEJ Alternative on measures of equity and housing access.

Especially troubling is the DEIR mischaracterization of displacement impacts as “unavoidable,” despite the evidence in the Equity Analysis that demonstrates the opposite—namely, that such impacts are in fact avoidable and can be mitigated to a level of insignificance through feasible policy measures. Specifically, the Equity Analysis rightly states that “Regional agencies can [help address the housing affordability crisis by] support[ing] local jurisdictions and facilitat[ing] the construction of new housing units (both market rate and affordable) to keep pace with job growth, and the plan can provide incentives and planning assistance to communities that are willing to adopt supportive policies and programs.” The Equity Analysis also identifies the OBAG program as a possible policy lever that could help address housing affordability, by incentivizing investment in affordable housing. DEAR at 7-2 to 7-3. As discussed elsewhere, the Proposed Plan should maximize the leverage of the OBAG program to incentivize investment in affordable housing by conditioning a larger pot of grant funding on concrete affordable housing investments and renter protections. These policies should be included as mitigation measures in the DEIR.

In reality, the benefits of the EEJ alternative relative to the Proposed Plan are likely to be even more significant than assessed in the Equity Analysis when the full range of policies and mitigation are adequately modeled and assessed. The DEIR does not account for affordability when evaluating the EEJ Alternative. As a result, the Proposed Plan will have significantly greater impacts than the DEIR predicts. This also means that the DEIR under-estimates the benefits of the EEJ Alternative, if implemented. In other words, the analysis fails to delve into the EEJ alternative in sufficient detail to reflect the actual benefits of the EEJ alternative. This understatement of benefits occurred because of faulty assumptions (*e.g.*, no CEQA streamlining of projects in the EEJ alternative, lack of feasible mitigation measures) and a lack of effective quantitative metrics by which to compare the alternative against the project.

By failing to evaluate the Proposed Plan and the EEJ Alternative at a level of detail necessary to adequately compare the two options, the DEIR fails to satisfy CEQA. A DEIR must contain sufficient information to inform “public agency decision-makers and the public generally of the significant environmental effects of a project.” See 14 Cal. Code of Regs., § 15121(a); *Ass’n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390. The ultimate decision to approve a project is a nullity if it is based upon an EIR that does not provide the decision-makers, and the public, with information about the project that is required by CEQA. *Napa Citizens for Honest Gov’t v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 355-356.

Section 3.2.2, Significant Unavoidable Impacts

Section 3.2.2 indicates that many environmental impacts could be mitigated to a less-than-significant level “to the extent that an individual project adopts and implements all feasible mitigation measures for each significant impact.” However, the DEIR assumes that “MTC/ABAG cannot require local implementing agencies to adopt most of the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, several impacts have been identified as significant and unavoidable for purposes of this program-level review.” Effectively, then, the DEIR relies on assumed failure to mitigate impacts at the project-specific level to justify a failure to adequately assess alternatives at a programmatic level.

This approach is an abrogation of MTC/ABAG’s responsibilities under CEQA and undermines the usefulness of the DEIR as a programmatic document. With respect to housing and equity issues, this “assumed failure” amounts to an excuse to avoid an analysis of affordability and the associated environmental impacts (*e.g.*, increased VMT) or a discussion of mitigation measures that could alleviate some negative impacts of the Proposed Plan relative to the alternatives (*e.g.*, conditional OBAG funding to incentivize local implementation of affordable housing initiatives necessary to mitigate displacement risks). Agencies must not approve projects if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effect of a project. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564-565 (citing Pub. Res. Code, §§ 21001(g), 21002).

Section 3.2.4, Cumulative Impacts

On page 3.2-10, the DEIR states that the “proposed Plan provides sufficient housing to accommodate new job growth, relieving pressure to commute into the Bay Area for jobs and out of the Bay Area for housing” and that “[a]s a result, and as shown in Section 2.1, the proposed Plan would result in lower VMT per capita.” As noted above, however, this conclusion is assumed as an input to the model rather than a result achieved by the draft Plan, and was reached without adequately considering the impacts of the Plan on displacement and affordability. Although there are nominally sufficient *planned* housing units to accommodate growth in the model,¹⁷ there is inadequate assessment of whether *actual* units will materialize. Nor does the DEIR account for dispersal of households following displacement or the likelihood of their being able to find suitable replacement housing in the Bay Area in the absence of an

¹⁷ As discussed below, the model’s assumptions regarding future housing construction far exceed even the overly-optimistic assumptions of the RHNA.

assessment of affordability.¹⁸ This could lead to increased growth in surrounding counties (particularly those located closest to high-opportunity areas) and increased vehicle miles traveled as individuals commute in from more affordable housing outside the Bay Area. As a result, the DEIR's cumulative impact assessment is inadequate.

On page 3.2-12, the DEIR states that the land use growth footprint "assumes an adequate number of residential units to meet the forecasted demand, taking into account localized displacement of some households within the region." As noted above, because the DEIR has not accounted for affordability at the local level, there is insufficient basis on which the DEIR can conclude that there will be adequate units to meet demand. Moreover, by ignoring affordability, the DEIR lacks a basis for concluding that localized displacement would not exert development pressure on areas surrounding the Bay Area. There is inadequate assessment of the historical mismatch (both in timing and duration) between actual and planned affordable housing units. And, the DEIR fails to account for the likelihood that households may choose to live in more affordable housing outside the Bay Area and commute into the Bay Area as a result. Thus, the conclusion that the proposed Plan would not exert development pressure on adjacent counties through displacement is unsupported and fails to satisfy CEQA.

Modeling Issues and Faulty Assumptions Giving Rise to Flaws in the Environmental Analysis

It is crucial that the DEIR and supporting documents identify and explain the assumptions that underlie the DEIR's conclusions about the environmental impacts of the Draft Plan and each of the alternatives. As California courts have made clear, where the data and assumptions that form the basis for an environmental analysis are not made available to the public and decision-makers, "then a stake is driven into the 'heart of CEQA'"¹⁹ Here, several key assumptions that underlie the model, and thus the environmental analysis in the DEIR, are faulty or unclear.

The Land Use Modelling Report describes the application of the Bay Area UrbanSim model to project the effects of the Draft Plan and each of the alternatives. The Land Use Modelling Report describes the assumptions, or "control totals," that were used in this process. Specifically, the Draft Plan and the model *assume* both the population growth of the Bay Area (and thus emigration rates out of the Bay Area), and the socioeconomic makeup of the Bay Area. As discussed above, the Land Use Modeling Report, at page 13, indicates that the model assumes that the share of households in each quartile of income distribution (from lowest to highest income) will shift from 27%/26%/23%/24% in 2010 to 28%/22%/22%/28% in 2040, and applies this assumption to the analysis of the Proposed Plan and each of the alternatives. Because this socioeconomic makeup of the Bay Area a fixed constant in the UrbanSim model, the land use modelling entirely fails to measure the effects of the Draft Plan and each of the alternatives on the socioeconomic makeup of the Bay Area. Land Use Modelling Report at 13.

¹⁸ Under CEQA, a project's impact must be evaluated in light of the combined effects of existing, concurrent, and future projects in the area: "Even though a project's impact may be "individually limited," such impact may be "cumulatively considerable." Pub. Resources Code, § 21083(b)(2). The CEQA Guidelines define "cumulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355.

¹⁹ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88.

Similarly, the model assumes a rate of emigration as part the regional growth projections, which are developed separate from the model. The “Household Transition Model” and “Household Location Choice Model” measure displacement and relocation caused by the Proposed Plan and each of the alternatives only *within* the Bay Area, and so do not measure the effects of the Proposed Plan or the alternatives on the outflow of low income households *away from* the Bay Area. Land Use Modelling Report at 13. It is simply unrealistic to assume that the Draft Plan will have no effect on emigration out of the Bay Area, or that the Draft Plan will have the same effect on emigration rates as each of the alternatives.

The Draft Plan and model together make another related assumption that fatally undermines the environmental analysis in the DEIR—that is, the Draft Plan calculates the expected number of new housing units to be constructed in the Bay Area as a function of projected population growth, but nowhere indicates that those units will be constructed (either by any actions included in the Plan or based on any realistic past experience). Specifically, ABAG provided a control total (*i.e.*, assumed construction) of 822,600 housing units by 2040. See “Regional Forecast of Jobs, Population, Housing, Draft Supplemental Report” at 31. As with the fixed assumptions about emigration rates and the socioeconomic profile of the Bay Area, this assumption about projected housing construction is *built in to the model’s analysis of the effects of the Draft Plan and each of the alternatives*. But the Draft Plan’s assumption about housing construction rates wildly exceed the RHNA allocated to ABAG by the state Department of Housing and Community Development. The 2022 RHNA for the entire Bay Area region comprises only 187,900 housing units. By comparison, the land use model assumes that 270,360 new housing units will have been built by that year. Thus, the Draft Plan assumes the construction of 82,460 more housing units by 2022 than the RHNA,²⁰ which the region has not met, particularly with respect to lower-income and moderate-income housing. For instance, page 9 of ABAG’s 2007 report, “A Place to Call Home,” shows that from 1999 to 2006, Bay Area jurisdictions produced or permitted only “44 percent of the [RHNA] target for very low-income units, 75 percent for low-income units, [and] 37 percent for moderate-income units.”²¹ A progress report in 2014 for 2007-2014 shows further slippage, with Bay Area jurisdictions permitting only 29 percent of the RHNA target for very low-income units, 26 percent for low-income units, and 28 percent for moderate-income units.²² This is a profound difference between the model assumptions and even the most optimistic of projections of new housing. The assumptions in the DEIR are simply unrealistic and unachievable. This calls into question the model results presented in the DEIR and, absent further explanation from MTC/ABAG on how the housing gap will be closed, renders the DEIR insufficient under CEQA.

Other faulty assumptions seem to underlie the modelling analysis. As discussed above, the Land Use Modeling Report, at page 22, indicates that inclusionary zoning policies are assumed in models of the

²⁰ This suggests that either the Land Use model is over-estimating the number of housing units, which means that the travel demand is incorrect (and the improvements will produce an oversupply of infrastructure). Or, the RHNA that was specified is too low and the housing needed by 2022 has not been sufficiently planned for. Either outcome means that the DEIR fails to satisfy CEQA. In addition, the estimated demand presented in ARB’s 2014 review of the modeling for the SCS for 2020 suggests a total of 170,000 new housing units will come online, compared to the RTP estimate of 270,360, nearly 100,000 more units just two years later (2022). It is unrealistic to assume that 100,000 units would be planned for in the space of two years.

²¹ Attachment I (available at http://www.abag.ca.gov/planning/housingneeds/pdf/resources/A_Place_to_Call_Home_2007.pdf).

²² See *San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA)* (available at http://abag.ca.gov/files/RHNAProgress2007_2014_082815.pdf) (Attachment J). In contrast, Bay Area jurisdictions permitted 99 percent of above moderate income units.

Proposed Plan and all of the alternatives. But the Land Use Modelling Report does not explain these assumptions in detail. The Land Use Modelling Report does note that for two of the alternatives (which are not identified), the model assumes subsidies to affordable housing. However, these assumptions do not reflect the actual rate of affordable housing successes in Bay Area jurisdictions. The DEIR and the Land Use Modelling Report must be clearer on the policy assumptions that are made so that the public can assess whether these assumptions are reasonable or realistic.

Bias also is built into the Bay Area UrbanSim model, which includes assumptions that powerfully undermine measures that could mitigate the effects of development on low income housing in DEIR analysis. Because the model is driven by calculations concerning the “profitability of new development” given market demands and trends, it discounts the benefits of measures that increase social goods (*e.g.*, affordable housing closer to job opportunities; avoided fragmentation of existing communities) and the associated environmental benefits. Indeed, the UrbanSim Technical Documentation doesn’t even mention the word “affordable,” and the discussion of policy tools available to address displacement or housing affordability in the Draft Supplemental Land Use Modeling Report (“Land Use Modeling Report”) is utterly opaque. *See* Land Use Modeling Report at 22.

In contrast, the Land Use Modeling Report discusses profitability and other market-driven factors at length in clear, accessible language. While we recognize that the UrbanSim model is a market modeling tool that necessarily relies on economic principles, the DEIR and Land Use Modeling Report should nevertheless clearly identify the assumptions the model makes about the use of policy tools, such as inclusionary zoning and development fees and subsidies, and whether or how these assumptions are changed in the modeling of the Proposed Plan and each alternative. Ensuring that the functions and assumptions of a model that is fundamental to the conclusions of the DEIR can be understood by decision-makers and the public is essential. Without modeling transparency, a DEIR based on computer forecasting cannot adequately inform “meaningful participation and criticism by the public”, one of the imperatives of CEQA.²³

Finally, the DEIR does not provide information about uncertainty in the housing distribution produced by the model, despite a request nearly a year ago that MTC/ABAG follow the lead of the Puget Sound Regional Council, another MPO that utilizes the same UrbanSim model. *See* Letter from Public Advocates to MTC, “Uncertainty in UrbanSim Housing Distribution, and Minority Population in Communities of Concern,” dated July 11, 2016 (Attachment H).

Supplemental Draft Equity Analysis Report

With respect to the DEAR, Public Advocates believes that components of the analysis, including the assessment that the Proposed Plan will have negative effects on the share of affordable housing and the risk of displacement of low-income communities, as compared to the EEJ alternative, are if anything understated.²⁴ *See* DEAR at 5-2, Table 5-1. Moreover, the fact that this analysis is performed in a

²³ *Save Round Valley All. v. Cty. of Inyo* (2007) 157 Cal.App.4th 1437, 1460 (quoting *Laurel Heights*, *supra*, 47 Cal. 3d at 405).

²⁴ Public Advocates continues to object that the DEAR assumes that “communities of concern” will be located in exactly the same census tracts in 24 years as they are today. *See* Attachment H.

“supplemental report” separate and apart from the EIR represents an impermissible “segmentation” of the environmental analysis.²⁵ The subjects of the DEAR are central to the environmental analysis required by CEQA, and should be addressed front-and-center in the EIR itself. For example, the oblique summaries in the DEIR of the quantitative analyses provided in the DEAR are not a sufficient stand-in for full quantitative assessment of displacement impacts in the EIR itself. *See* DEIR at 3.1-43.

As noted above, the DEAR also understates the relative benefits of the EEJ alternative, and overestimates the benefits of the Proposed Plan. This is crucial to the question of whether the DEIR is sufficient, because the DEIR incorporates by reference the quantitative analysis performed in the DEAR. Specifically, the DEAR overstates the benefits of the Proposed Plan with respect to the equity measures of access to jobs, as these benefits are predicated on assumed increases in “investments in affordable housing in the urban core, close to transit and jobs.” *See* DEAR at 6-6. In reality, investment in affordable housing materializes at rates far lower than assumed by the DEIR or DEAR. As discussed above, MTC has the ability to incentivize action at the local level through the imposition of conditions on OBAG funding, and has done so (though only modestly). MTC/ABAG must explore the benefits of doing so in either the DEIR or the DEAR.

The Land Use Modeling Report makes it clear that an analysis could be done of the impacts of changes in administration of OBAG funding. Specifically, page 21 of the Land Use Modeling Report discusses the OBAG program, and indicates that certain assumptions were made about the incentives that the OBAG “preferential subsidy” program will create—namely, a preference for development in PDAs. Presumably, then, the model could incorporate other assumptions about OBAG funding administration, such as the effect of new conditions on OBAG funding tied to affordable housing. By adjusting the assumptions about how the OBAG program is administered, the modeling tools could be used to measure the impacts of those changes across the Proposed Plan and each alternative. In short, not only could MTC place conditions on OBAG funding, and not only could the EIR identify this policy lever as a possible mitigation measure, but those changes in program administration could and should be modeled and discussed in the EIR.

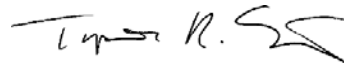
Page 5-3 accurately states that “[p]ublic agencies have a role to play in solving this [housing] crisis. Regional agencies can support local jurisdictions and facilitate the construction of new housing units (both market rate and affordable) to keep pace with job growth, and the plan can provide incentives and planning assistance to communities that are willing to adopt supportive policies and programs.” But, having rightly acknowledged the ability of regional agencies such as ABAG and MTC to incentivize “supportive policies and programs” at the local level, the DEAR—and more importantly, the DEIR—fails to discuss specific potential incentives let alone to propose concrete steps to implement them. As noted above, concrete mitigation measures are available to incentivize the development of affordable housing and implementation of anti-displacement strategies.

²⁵ *See* page 2.2-24 of the DEIR, which indicates that the effects of the Plan on Communities of Concern is addressed separately in the DEAR.

Conclusion

In light of these significant and substantive deficiencies in the DEIR, Public Advocates respectfully requests that MTC/ABAG revise the DEIR and DEAR to address the above-identified deficiencies and provide another opportunity for public review and comment before finalizing the EIR. Public Advocates appreciates your consideration of these comments and looks forward to reviewing your response.

Sincerely,



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