Public Hearing on Draft Environmental Impact Report (DEIR)  
May 16, 2017

This document includes written comments received at the public hearing (shown below) as well as the complete hearing transcript provided by a court reporter.

Comments from San Jose Public Hearing - May 16, 2017  
San Jose State University, Dr. Martin Luther King. Jr. Library - Room 225  
150 E. San Fernando Street  
San Jose

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<td>1</td>
<td>The Action Plan is an essential part of Plan Bay Area. We need to identify concrete, realistic actions the regional agencies can take to address targets where the region is moving in the wrong direction, especially displacement, middle-wage jobs, and housing affordability (H+T/income). I support the comment letter submitted by the Six Wins/NPH/Greenbelt and urge MTC-ABAG to incorporate them into the Action Plan. In particular, a stronger focus on middle-wage jobs is needed, along with a more robust modeling approach to reflect real-world wages and incomes.</td>
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<td>Applies to both the Plan and the Draft EIR. Water supply is becoming a key element in planning for future growth in the Bay Area and needs to be considered in relation to long-term (sustainable) land use planning. The Plan doesn't appear to discuss or analyze this connection, leaving out a limiting factor for development. Assumptions need to be checked against Urban Water Management Plans and environmental impacts to create dams and other infrastructure (e.g., water recycling facilities) will create, including construction and long-term energy use for pumping, treating, and recycling.</td>
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RE: PLAN BAY AREA 2040
PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Tuesday, May 16, 2017
Martin Luther King Library
150 E. San Fernando, San Jose, California 95112

Taken before AMBER EMERICK
Certified Shorthand Reporter No. 13546
State of California
BE IT REMEMBERED that pursuant to Notice of the Hearing, and on Tuesday, May 16, 2017, commencing at 6:03 p.m., thereof, at the Martin Luther King Library, 150 E. San Fernando Street, San Jose, California 95112, before me, AMBER EMERICK, CSR No. 13546, a Certified Shorthand Reporter in and for the State of California, there commenced a public hearing.

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MEETING AGENDA

Presentation on Draft Environmental Impact Report 3
by Heidi Tschudin, Tschudin Consulting Group

Public Comment on Draft Environmental Impact Report 16

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PUBLIC SPEAKERS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLAN BAY AREA 2040

Whitney Berry 16
Scott Lane 17

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

MS. VOGLER: And I'm going to introduce Heidi Tschudin, who will make a presentation on the Draft EIR.

MS. TSCHUDIN: Hi, everyone. My name is Heidi. I'm going to present to you an overview of the Environmental Impact Report. Excuse me. And then we'll do the same protocol, where we open it up for hearing and take your comments.

I do want to point out again, Fran Ruger. Her team actually wrote the EIR. I'm the Project Manager for the EIR.

We will try to answer any questions you have tonight, but we may not be able to. And part of the process with an EIR is actually take the comments -- the questions in as comments, and we respond to them in writing in a later volume. So we can talk more about that when we get to that point.

You make it challenging for me to read my notes. So I am going to do two things this evening: I'm going to give you an overview of the Draft EIR, and I'm going to make sure that we receive your oral comments on the adequacy of the EIR.

In the California Environmental Quality Act
Guidelines, there's actually a definition of what an adequate EIR is.

And in summary, what it says is, a document that allows decision-makers to intelligently take into account the environmental consequences of an action. And so when you're trying to write an adequate EIR, you focus on adequacy, completeness, and a good-faith effort at full disclosure. There we go.

The purpose of an EIR is to do several things:
First of all, it's supposed to identify for the reader the impacts that may result from implementation; in this case, the Draft Plan Bay Area. We're trying to disclose and inform the decision-makers about those impacts. We attempt to identify measures that would mitigate those impacts. And then we also are required to look at alternatives to the Plan.

Similar to the 2013 Environmental Impact Report, the Draft EIR this time around is organized into four main parts: The first is the Introduction and the Executive Summary. What these sections do is, they give you a context for the document. They summarize the process, and they provide conclusions, a summary of the conclusions of the document, primarily in the Executive Summary. The Project Description is really a summary of the proposed Plan Bay Area 2040.
Chapter 2 is the Environmental Analysis. That's where the more detailed examination of the potential for adverse physical impacts is located. And it covers those 14 areas, as the Mayor mentioned to you earlier. And I have a slide on that in a moment.

And then the last section, Chapter 3, covers a couple of items. We look at alternatives, which is a comparison of the project -- in this case the Plan -- to other identified plans.

And then, also, we address the analytical requirements -- excuse me -- other analytical requirements of the California Environmental Quality Act.

Adam already gave you an overview of the proposed Plan. I wanted to mention a few things from the perspective of the Environmental Impact Report.

What the EIR focuses on are the aspects of the Plan that have the most opportunity to create adverse physical impacts.

And so, as an example, it talks about the forecasted change in population, households, and jobs. It focuses on the growth, which in the case of this Plan, is proposed to occur mostly in Transit Priority Areas, and in the Priority Development Areas. So it's a very focused land area.

It looks at the assumed land-use growth
footprint, which is the amount of acres associated with
the proposed growth.

And it also looks at the footprint for the
Proposed Transportation Investments, which are all the
investments that make up the $303 billion. So it analyzes
where those have the potential to cause adverse
environmental effects.

The California Environmental Quality Act
recognizes that different type of projects -- excuse me --
merit different approaches, in terms of the level of
detail of the analysis in the document.

So for a large plan document like Plan Bay Area,
a more programmatic approach to the analysis is allowed.
And that is, in fact, what has been done in the Draft EIR
that has been released.

The Draft EIR is what we call a "programmatic
document," meaning that it does not analyze individual
site conditions or individual projects. But instead, it
looks at the whole of the Plan, or the overall collective
impact.

In addition, it reports on impacts at three
distinct levels: It reports for the entire region --
which is the nine counties and 101 cities.

It also reports by county. And then, in most of
the impact areas, where the information is available, it
1 reports by Transit Priority Area.
2 These are those 14 areas of impact that the mayor
3 mentioned that are analyzed in the Draft EIR. This
4 organization for the document is similar to the 2013 EIR.
5 All of the areas of impact that are required to be
6 addressed in the California Environmental Quality Act
7 Guidelines are addressed in these 14 chapters.
8 For each of the impact areas -- so those 14
9 topical areas that were on the prior slide -- the document
10 takes the same approach. First of all, there's a summary
11 of the existing conditions.
12 There is a summary of the applicable laws and
13 regulations and policies for that particular topical area.
14 There's an identification of what we call the
15 "thresholds of significance," which are the criteria that
16 we compare against for determining whether or not there is
17 a potential for impact.
18 There's a description of the method of analysis
19 that is being used.
20 And then, for each of the significance
21 thresholds, there's an assessment of the potential for
22 impact in that area.
23 And for each of these impacts, if you're reading
24 the document, you'll see that it describes or
25 characterizes them by whether the impacts would be less
than significant, significant, or potentially significant. Where impacts are possible, then we also identify feasible mitigation measures that could mitigate those adverse effects.

And then, finally, for each impact, there's a conclusion about the residual impact. In other words, will -- whether or not the mitigation measure will fully address the impact that's identified.

And in those cases, where feasible mitigation either is not available, or would only partially mitigate the impact, it's characterized as "significant" and "unavoidable."

There are streamlining benefits that are available to future projects that are consistent with the Plan. This is a way to create incentives for those projects to occur.

For a project to take advantage of the streamlining benefits that are associated with the Plan, the lead agency -- which is the city or county that is in charge of the permits for that project -- has to make sure that the project complies with all the feasible and applicable mitigation measures that are identified in this EIR, and any other applicable EIR, such as a General Plan EIR.

Where a future project would not result in a
potentially significant effect, then the lead agency does not have to adopt that particular mitigation measure. But where there would be an impact, adoption of the mitigation measure is required.

And there is a link on the Plan Bay Area 2040 website that talks about these streamlining activities. There's also a summary in the Draft EIR.

Under state law, the EIR must also look at alternatives. The intention of this section is to provide a comparative assessment of the differences in environmental impacts associated with the project, and environmental impacts that would be associated with the alternatives.

In the EIR, it is Section 3.1. And that analysis looks at four alternatives that were approved by MTC and ABAG in December of last year.

In order to compare the impacts, each of them is assumed to have the same regional forecast for household, jobs, and transportation revenues.

What changes between them is the land-use development pattern, and the transportation investment strategies. So as a result of that, many of the impacts of the Plan and from the alternatives are similar. But there are differences that emerge based on location and on the assumed size of the land-use growth footprint and the
transportation project footprint, which is different for each of the alternatives.

We're also required, under CEQA, to identify something called the "Environmentally Superior Alternative." In this case, it was determined to be Alternative 3, which is the "Big Cities Alternative." We found that that alternative would result in the lowest overall level of potential environmental impacts, when compared to the project.

The land-use modeling assumptions, and the transportation investments for that alternative, are identified in the Draft EIR. And, comparatively, this alternative has the most compact growth pattern, which is one of the reasons why it has the least amount of impact.

When MTC and ABAG are considering adoption of this Plan -- which we expect to occur in July -- they're not precluded from adopting the proposed Plan. If it's determined to be preferable, when balancing all the relevant factors, then they are able to take that action.

After the comment period closes on June 1st, we will consider all of the comments that we receive on the Draft EIR, and will provide responses to them.

We may also identify some recommended changes or clarifications for the Draft EIR. And that information will all be packaged into a separate document, which
together, with the Draft EIR, will constitute what we call the "Final EIR." And then, at that point, the MTC and ABAG must certify that EIR, and then they may adopt the Plan.

In terms of opportunities to comment on the Plan, there's obviously today, at this comment meeting, and there's one other comment meeting on Thursday.

There are other ways to submit comments. You can submit them in a written form at any of these comment meetings. You can mail them to the MTC offices using the postal service. You can fax them in. And you can also submit them via electronic mail.

That concludes my presentation. I appreciate that. I am happy to try to answer your questions.

And mostly the focus of what we'll be doing next is to receive your comments, so we can have them in the record.

Thank you.

MS. VOGLER: We have a question.

HILDA LAFEBRE: Hi. My name is Hilda Lafebre, and I am the Manager of Capital Projects and Environmental Planning at the San Mateo Transit District. We operate and administer Caltrain.

Obviously, this is an EIR at a very high level because it's the EIR to prepare for the state plan. So
1. we're not going into the levels of details or the
   specifics of some of these impacts.

   However, when the public sees Alternatives 2 and
   3 and says, "Significant and unavoidable impacts due to
   transportation," perhaps it would be good, in the end, to
   help the public to understand what that means; right?

   I believe a good transportation system is
   actually a good impact. It's a good impact, as opposed to
   a negative impact. And by that I mean, there are
   significant amount of improvements that we need to do as a
   region -- excuse me -- especially in the area of public
   transit, but it will actually benefit the environment.

   And so I think this is a good time to start
   looking at these environmental analyses from that
   perspective because we tend to put a lot of negative
   impacts on all of our EIRs, EIAs. I manage them, so I
   know that.

   But I do -- I do advise the consultants and the
   people who heard those documents to also see the benefit
   because the public needs to understand and become an
   advocate of how important to the environment, to economic
   development, to health, is the issue of doing good
   multimodal transportation analysis. So that's one
   comment.

   And the second comment -- and maybe this is a
question to you, too -- is the fact that now that California has approved SB 1 -- and that means significant opportunity for transportation, not only repair, and bring a lot of our roads and bridges to a state of repair, but gives us some tremendous inquiry to the development of good transit systems.

So I wonder how MTC/ABAG is trying to -- to do these things.

MR. NOELSTING: I think -- regarding your first comment, I think that's very important. It's one of the things I think we talk about; looking at some of the benefits. We try to capture some of that in the Plan Performance Assessment; how the Plan versus the other alternatives may perform in various elements, whether it's reducing congestion, whether it's reducing greenhouse gas emissions, whether it's improving air quality. Some of those metrics were covered in the Plan Performance Assessment.

So that's one way we try to capture the benefits because I think you're right. When we look at the EIR, we are focused on one type of reporting back and disclosing impacts, versus saying, "These are all the good things that may come along with that."

I think one thing, just to add to that, is when we look at the EIR, we're looking at the physical impacts
of maybe building something, but we also take into
consideration the impacts of building something in terms
of the transportation system. So we're accounting for
those new improvements when we look at how that may affect
congestion or air quality or greenhouse emissions.

So some of those things are accounted for, but
we're obviously not spelling out only the positives in the
EIR document.

MS. VOGLER: SB 1.

MR NOELTING: SB 1. Thank you. I was trying to
remember. It was right on the tip of my tongue for a
second there.

Okay. SB 1. Yes. So with the recent passage of
SB 1, certainly the timing wasn't great for the Plan, but
I think one of the things that we talked about or should
--

MS. TSCHUDIN: Maybe we should say what it is.

MR. NOELTING: Oh, sorry.
The gas tax. The recent gas tax. So the --

MS. VOGLER: It's not just a gas tax. It's other
fees too. Not just gas tax, yeah.

MR. NOELTING: So that was in the last month or
so. Right? So it's very recent. It's a fair amount of
money.

I think the good thing that we found in our Plan
assumptions, for how much money we think the region is
going to receive or generate in transportation funding, we
said about 300-some billion dollars.

We had carved out a chunk of those funds that we
call "anticipated funds," and that was of the tune of
about $14 billion.

We also had made assumptions for maybe a future
sales -- gas tax, whether it's regional or other form.
There was other assumptions too. So I think in some cases
we were a little bit prepared for having some new revenues
come to the region.

And I think the good news, too, in terms of our
Plan strategy of a "Fix It First," the 90 percent or so
that's really focused on improving the existing system,
that really seemed to align with what the SB 1 bill was
intending to do as well.

So I think we're in a pretty good standing, as
far as moving forward. I think we're well-positioned, I
think -- for the next four years, anyway, to respond to
those new revenues.

MS. LAFEBRE: Thank you.

MS. VOGLER: Any other questions?

Okay. I have one speaker card again.

Last call.

Okay. So I guess I'll formally open the public
hearing for the EIR.

And my first and only speaker, again, is Whitney Berry.

WHITNEY BERRY: Hello again. Whitney Berry, Mid-Peninsula Regional Open Space District.

We would just like to comment that we would love to see, in the transportation -- the analysis of the transportation impacts to multiuse regional trails -- like Bay Trail, other trails that are multiuse, that provide commuter connections between cities and jurisdictions.

And as far as recreational and public services impacts go, we would also like to see some mention -- it must be a difficult kind of analysis to perform, I imagine, but of what that increased density will mean for parks-per-acre for residents in the Bay Area.

Thank you.

MS. VOGLER: Okay. So I guess, given that I have no more cards, that we will formally close the public hearing.

And just to let you know, we'll be here until 8 o'clock. If you change your mind, you can stick around and ask people questions. We're happy to --

MR. NOELTING: Yes.

Also, just to mention, too, we also have comment cards. So if you prefer not to speak into the microphone
to the court reporter, you can write down your comments. Those will be treated similar -- all in the same manner, whether it's oral or written comment.

And if you leave tonight, and you want to submit a comment through e-mail or through regular mail, you can do that as well.

MS. VOGLER: Yes. Until June 1st. That's the end of the comment period.

So thank you all for coming. I really appreciate it -- we all really appreciate it. And we'll be here until 8:00. So if you have any other questions...

Thank you.

(Whereupon, a brief recess occurred from 7:00 p.m. to 7:14 p.m.)

SCOTT LANE: So my concerns are regarding both the Plan and Draft EIR; that we need to adequately address SB 32 and SB 375. I believe those are not adequately addressed with the transportation, nor the housing components of the Plan between now and 2040.

Further, the adherence to relying on an express carpool network will probably actually increase the induced demand, as opposed to decreasing the induced demand.

For example, you are putting $540 million to active transportation, but the amount that you should be
putting into heavy rail and light rail is inadequate, as is the amount for active transportation.

If we are to put in approximately 800,000 new households, with approximately 1.3 to 2 million more people between now and 2040, and our roads are more or less gridlocked, and many people travel two to three counties to get an affordable housing situation, and if we know that we're deficient on housing, but yet we're addressing housing even less than transportation, how can we satisfy SB 32, and SB 375, when we're forcing people to get more and more affordable housing? Well, not "affordable"; less unaffordable housing.

We're forcing more people to actually commute between two and three counties, which will drive up our VMTs, and will counter to the Governor's and state initiatives of SB 32 and SB 375.

That's probably enough for now.

(WHEREUPON, the meeting concluded at 8:00 p.m.)

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CERTIFICATE OF REPORTER

I, AMBER EMERICK, hereby certify that the said proceedings were taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of May, 2017.

______________________________
AMBER EMERICK CSR No. 13546