



## 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**

1	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.
2	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.

RE: PLAN BAY AREA 2040

PUBLIC HEARING

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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

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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

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

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Whitney Berry	16
Scott Lane	17

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1 Tuesday, May 16, 2017

6:40 p.m.

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P R O C E E D I N G S

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

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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.

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

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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.

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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.

25

In the California Environmental Quality Act

1 Guidelines, there's actually a definition of what an  
2 adequate EIR is.

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

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

17           Similar to the 2013 Environmental Impact Report,  
18 the Draft EIR this time around is organized into four main  
19 parts: The first is the Introduction and the Executive  
20 Summary. What these sections do is, they give you a  
21 context for the document. They summarize the process, and  
22 they provide conclusions, a summary of the conclusions of  
23 the document, primarily in the Executive Summary. The  
24 Project Description is really a summary of the proposed  
25 Plan Bay Area 2040.

1 Chapter 2 is the Environmental Analysis. That's  
2 where the more detailed examination of the potential for  
3 adverse physical impacts is located. And it covers those  
4 14 areas, as the Mayor mentioned to you earlier. And I  
5 have a slide on that in a moment.

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

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

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

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

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

25 It looks at the assumed land-use growth

1 footprint, which is the amount of acres associated with  
2 the proposed growth.

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

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

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

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

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

24           It also reports by county. And then, in most of  
25 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



1 than significant, significant, or potentially significant.

2           Where impacts are possible, then we also identify  
3 feasible mitigation measures that could mitigate those  
4 adverse effects.

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

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

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

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

25           Where a future project would not result in a

1 potentially significant effect, then the lead agency does  
2 not have to adopt that particular mitigation measure. But  
3 where there would be an impact, adoption of the mitigation  
4 measure is required.

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

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

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

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

20           What changes between them is the land-use  
21 development pattern, and the transportation investment  
22 strategies. So as a result of that, many of the impacts  
23 of the Plan and from the alternatives are similar. But  
24 there are differences that emerge based on location and on  
25 the assumed size of the land-use growth footprint and the

1 transportation project footprint, which is different for  
2 each of the alternatives.

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

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

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

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

23 We may also identify some recommended changes or  
24 clarifications for the Draft EIR. And that information  
25 will all be packaged into a separate document, which

1 together, with the Draft EIR, will constitute what we call  
2 the "Final EIR." And then, at that point, the MTC and  
3 ABAG must certify that EIR, and then they may adopt the  
4 Plan.

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

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

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

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

18 Thank you.

19 MS. VOGLER: We have a question.

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

24 Obviously, this is an EIR at a very high level  
25 because it's the EIR to prepare for the state plan. So

1 we're not going into the levels of details or the  
2 specifics of some of these impacts.

3           However, when the public sees Alternatives 2 and  
4 3 and says, "Significant and unavoidable impacts due to  
5 transportation," perhaps it would be good, in the end, to  
6 help the public to understand what that means; right?

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

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

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

25           And the second comment -- and maybe this is a

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

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

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

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

24           I think one thing, just to add to that, is when  
25 we look at the EIR, we're looking at the physical impacts

1 of maybe building something, but we also take into  
2 consideration the impacts of building something in terms  
3 of the transportation system. So we're accounting for  
4 those new improvements when we look at how that may affect  
5 congestion or air quality or greenhouse emissions.

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

9 MS. VOGLER: SB 1.

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

13 Okay. SB 1. Yes. So with the recent passage of  
14 SB 1, certainly the timing wasn't great for the Plan, but  
15 I think one of the things that we talked about or should  
16 --

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

18 MR. NOELTING: Oh, sorry.

19 The gas tax. The recent gas tax. So the --

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

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

25 I think the good thing that we found in our Plan

1 assumptions, for how much money we think the region is  
2 going to receive or generate in transportation funding, we  
3 said about 300-some billion dollars.

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

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

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

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

21 MS. LAFEBRE: Thank you.

22 MS. VOGLER: Any other questions?

23 Okay. I have one speaker card again.

24 Last call.

25 Okay. So I guess I'll formally open the public



1 hearing for the EIR.

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

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

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

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

16 Thank you.

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

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

23 MR. NOELTING: Yes.

24 Also, just to mention, too, we also have comment  
25 cards. So if you prefer not to speak into the microphone

1 to the court reporter, you can write down your comments.  
2 Those will be treated similar -- all in the same manner,  
3 whether it's oral or written comment.

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

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

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

12 Thank you.

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

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

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

24 For example, you are putting \$540 million to  
25 active transportation, but the amount that you should be

1 putting into heavy rail and light rail is inadequate, as  
2 is the amount for active transportation.

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

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

17 That's probably enough for now.

18 (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.

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AMBER EMERICK CSR No. 13546