

3.11 Oral Testimony at Plan Hearings

This section contains responses to oral comments on the EIR made at public hearings on the Draft Plan Bay Area. Responses to comments are limited to those comments that were related to the Draft EIR.

A public hearing was held on the Draft Plan in each of the nine counties covered by the Plan and EIR. The subsections below separate the responses by county; there is no subsection for Napa County as no oral testimony was submitted on the EIR at that hearing.

E1: ALAMEDA COUNTY PUBLIC HEARING ON THE PLAN (FREMONT, 5/1/13)

E1-A Clarissa Cabansagan

E1-A1: MTC and ABAG acknowledge that the Environment, Equity and Jobs scenario was modeled to reflect increased transit operations funding, reduced funding for expansion of the highway network, increased affordable housing, and anti-displacement measures.

E1-B Myesha Williams

E1-B1: Commenter's support for Alternative 5 is acknowledged.

E1-C Pamela Tapia

E1-C1: Commenter's support for the transit, affordable housing, and other measures in Alternative 5 is acknowledged.

E1-C2: See Master Response F regarding displacement.

E1-D Devilla Ervin

E1-D1: Commenter's support for the transit, affordable housing, and anti-displacement measures in Alternative 5 is acknowledged. Commenter's request to incorporate measures as proposed in Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E2: CONTRA COSTA COUNTY PUBLIC HEARING ON THE PLAN (WALNUT CREEK, 4/22/13)

E2-A Avon Wilson

E2-A1: See Master Response C regarding the request to extend the public comment period.

E2-B Daniel Debusschere

E2-B1: The issues raised—quality of life, housing preferences, and stakeholder involvement—were taken into account as part of the planning process.

As the comment correctly notes, PDAs are locally nominated and local jurisdictions select a place type for each PDA. See Master Response I regarding the PDA process. The Draft Plan does not require changes to local zoning or land uses; this is done at the local jurisdiction level. Transportation expenditures identified in the Draft Plan also do not require changes to local zoning and land uses,

which are again made by local jurisdictions. Please see Master Response A.1 regarding local control over land use.

E2-C Kathleen Jenkins

E2-C1: This comment does not raise environmental issues that require a response under CEQA.

E2-C2: This comment indicates that “your plan and Draft EIR concedes that past decision by residents and current preference in survey responses indicate that 60 to 70 percent of all new homes are requested to be stack-and-pack.” The Draft EIR does not include reference to a survey of housing preferences. This comment does not raise environmental issues that require a response under CEQA.

E2-D Heather Pruett

E2-D1: See Master Response C regarding the request to extend the public comment period.

E2-D2: See Master Response B.1 regarding the population projections.

E2-E John Doe

E2-E1: This comment about placing Plan Bay Area on the ballot concerns the process for approval of Plan Bay Area itself, not the Draft EIR, which provides environmental review of that Plan. This comment does not raise environmental issues that require a response under CEQA.

E2-E2: MTC and ABAG respectfully disagree with the comment. Page 2.3-5 of the Draft EIR explains that ABAG projections, independent of the proposed Plan, foresee shifts in housing demand by 2040 that would result in single-family homes being demanded by 39 percent of households in the region, down from 56 percent in 2010. If that projection holds true, then the region already has more single-family home supply than will be in demand in 2040, but that page also notes that “[a]lthough this suggests no demand for newly constructed single-family homes, some production will likely occur as the Bay Area housing market adjusts to these trends.” See Master Response B.1 for more information on the population projections. Cost estimates are beyond the scope of CEQA and therefore will not be included in the EIR.

This comment states that “Plan Bay Area requires 80 percent of all new houses to be stack-and-pack.” The Draft Plan does not require any changes with respect to the type or location of new housing in the region. Pursuant to SB375, local jurisdictions retain control of land use decisions. See Master Response A.1 regarding local land use control.

The comment also states that “SB 375 requires unfunded mandates on counties and cities to be identified.” This is incorrect, and even if SB 375 contained that requirement, it would not be included in this EIR. As a result, a cost estimate is not included as part of the Draft EIR.

E2-E3: This comment does not raise specific environmental issues that require a response under CEQA. The potential impact of Plan Bay Area on the provision of public services was analyzed in Chapter 2.14 of the Draft EIR. School, police, and fire protection services are typically funded and administered by local jurisdictions.

E2-E4: This comment does not raise environmental issues that require a response under CEQA.

E2-E5: This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan - transportation improvements and land use development - will require their own individual environmental analyses. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than required. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible. See Master Response A.3 regarding the level of specificity in the EIR.

E2-F Rusty Snow

E2-F1: See Master Response A.1 regarding local control over land use. The remainder of this comment about placing Plan Bay Area on the ballot concerns the process for approval of Plan Bay Area itself, not the Draft EIR, which provides environmental review of that Plan. This comment does not raise environmental issues that require a response under CEQA. Please note that the MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.

E2-F2: See Master Response C regarding the request to extend the public comment period.

E2-F3: The Plan proposes a land use development pattern based on PDAs voluntarily designated by local jurisdictions. See Master Response I regarding the PDA process. While the Plan proposes this land pattern, neither MTC nor ABAG has local land use authority and implementation of the Plan is up to local jurisdictions. Please see Master Response A.1 for additional information regarding local control of land uses. In addition, see Chapter 2.6 of the Draft EIR regarding noise impacts, Chapter 2.3 regarding disruption to existing neighborhoods, and Chapter 2.10 regarding significant contrasts with the visual character of existing communities.

E2-F4: This comment does not raise environmental issues that require a response under CEQA.

E2-G Peter Singleton

E2-G1: See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. MTC and ABAG followed CEQA requirements for public noticing of the EIR. Please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

E2-H Terry Thompson

E2-H1: The Draft EIR contained a thorough analysis of environmental issues associated with the Plan, hence its length.

E2-H2: Commenter's support for the No Project Alternative is acknowledged. See Master Response A.1 regarding local control over land use.

E2-I Susan Callister

E2-I1: Please see Master Response B.1 for more information on the population projections.

E2-J Chet Martine

- E2-J1: This comment does not raise environmental issues that require a response under CEQA.
- E2-J2: MTC and ABAG have provided for a 45 day public comment period as required under CEQA. See Master Response C regarding the request to extend the public comment period.
- E2-J3: Balcony location is just one of many actions listed in Mitigation Measure 2.2(d).

E2-K Linda Delahunt

- E2-K1: The Draft EIR contained all of the analysis required under CEQA, hence its length. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. See Master Response C regarding the request to extend the public comment period.

E3: MARIN COUNTY PUBLIC HEARING ON THE PLAN (SAN RAFAEL, 4/29/13)

E3-A Ronnie Teyssier

- E3-A1: The Draft EIR acknowledges and discusses the potential effects of traffic, air quality, sea level rise, and water availability, in Sections 2.1, 2.2, 2.5, and 2.8, respectively. Commenter's request for changes to the proposed Plan, by removing TamAlmonte from the Highway 101 Corridor Priority Development Area, will be considered by MTC and ABAG prior to taking action on Plan Bay Area. See Master Response I regarding the PDA process.

E3-B Craig Thomas Yates

- E3-B1: Commenter's comment about accessibility does not raise environmental issues under CEQA. With regard to wetlands, potential impacts on water quality and biological resources were analyzed in the Draft EIR in Chapter 2.8, Water Resources and Chapter 2.9, Biological Resources, respectively. See Master Response A.3 regarding the level of specificity in the EIR.

E3-C Jesse Shepherd

- E3-C1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-D Ericka Erickson

- E3-D1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-E Cathy Cortez

- E3-E1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-F Lois Riddick

- E3-F1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-G Linda Rames

E3-G1: The Draft EIR (pages 2.8-34 to 2.8-36) acknowledges and discusses the potential impacts of flooding, including impacts resulting from development in flood hazard zones. Furthermore, the Draft EIR recommends implementation of Mitigation Measure 2.8(b) to mitigate those impacts.

E3-G2: See response E3-I1 below.

E3-G3: See response E2-E3.

E3-G4: Please see Master Response B.1 for information regarding population projections.

E3-H Luke Teyssier

E3-H1: Commenter's opposition to Plan Bay Area, and support for the No Project alternative, is acknowledged.

E3-I Peter Hensel

E3-I1: "CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432.) This is because other statutes addressing the coordination of land use and water planning demand that water supplies be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases. (*Id.* at pp. 432-434, citing Gov. Code, § 66473.7 and Wat. Code, §§ 10910-10912.)

The Plan Bay Area Draft EIR does not in any way change requirements for future development projects to undertake Water Supply Assessment Plans. As discussed under Impact 2.12-1, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of projected growth at a regional level. This amount of population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR. In the case of a localized water shortage caused by the distribution of growth under the proposed Plan, mitigation measures 2.12(a) through (h) would reduce the impact to less than significant, if applied by the implementing agency. Also see Master Response G for additional information regarding water supply.

E3-J Linda Pfeifer

E3-J1: See response E3-I1.

E3-J2: Potential impacts of Plan Bay Area on traffic congestion, air quality, and biological resources (including habitat for threatened and endangered species) are acknowledged and discussed in Chapters 2.1, 2.2, and 2.9 of the Draft EIR respectively.

E3-J3: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Chapter 1 of this Final EIR

for a description of the public review process for the Draft EIR. See Master Response C regarding the request to extend the public comment period.

E3-J4: The proposed Plan includes transportation investments and programs that will work with the proposed land use pattern in order to reach the SB 375 GHG emissions reductions targets.

E3-K Robert Bundy

E3-K1: The Draft EIR addresses sea level rise within the Climate Change and Greenhouse Gases Chapter, and identifies a number of mitigation measures and adaptation strategies that may reduce project-specific sea level rise impacts to a less than significant level. However, because (1) MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures proposed in the Draft EIR, and (2) site-specific or project-specific conditions may preclude adoption of the mitigation measures proposed in the Draft EIR for at least some future land use development projects, the Draft EIR concludes sea level rise impacts may be significant and unavoidable. (Draft EIR, pp. 2.5-68, 2.5-71, 2.5-76.) Please see Master Response E for additional information regarding sea level rise.

E3-L Liz Specht

E3-L1: See response E3-I1 regarding regional water impacts. In addition, the decision to use desalination as a water source would be solely the decision of the Marin Municipal Water District (MMWD) and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. In brief, the proposed Plan does not require the use of desalination and hence the responsibility for impacts from the pursuit of that option would fall on MMWD, not MTC or ABAG. Furthermore, the Draft EIR does not propose the use of desalination as part of its mitigation strategy.

E3-M John Palmer

E3-M1: See response E3-J3.

E3-M2: The connection between higher-density development near transit and reduced greenhouse gas emissions is based on the way increased housing density affects automobile vehicle miles traveled and public transit utilization, and the importance of having a land use strategy that augments technological strategies for reducing emissions. Please see Master Response D.2 for additional information regarding the connection between high-density housing near transit and reduced greenhouse gas emissions.

E3-N Guy Meyer

E3-N1: Please refer to Master Response G for a detailed description of water supply required in an EIR. Per the Marin Municipal Water District's (MMWD) 2010 Urban Water Management Plan (UWMP) Section 3.3, the District has coordinated its future water demands through 2035 with the Sonoma County Water Agency (SCWA) and SCWA's UWMP. MMWD has a contracted volume of up to 14,300 acre-feet per year with SCWA, but per its UWMP only anticipates needing 8,500 acre-feet per year from this contracted volume in 2035.

E3-N2: The Draft EIR acknowledges and discusses the potential effect of Plan Bay Area on sensitive receptors (including residential uses) located in Transit Priority Project corridors with high concentrations of toxic air contaminants and particulate matter (pages 2.2-36 to 2.2-40). The Draft EIR concludes that future projects locating sensitive receptors in areas mapped above the significance thresholds would result in potentially significant and unavoidable impacts. See Response to Comment B25-8 and B25-10 regarding air quality impacts on human health and the need for site-specific analyses when sensitive land uses are proposed in areas that are disproportionately impacted. See also Master Response A.3 regarding level of specificity in the EIR.

E3-O Richard Hall

E3-O1: Contrary to the comment that CO₂ emissions would increase as a result of the proposed Plan, the analysis documented in Draft EIR Chapter 2.5 determined that the proposed Plan would reduce GHG emissions.

E3-O2: Transportation impacts were fully analyzed in Chapter 2.1 of the Draft EIR at a regional rather than local level, as were all impacts. See Master Response A.3 regarding level of specificity in the EIR.

E3-O3: MTC and ABAG acknowledge that the proposed Plan is projected to reduce annual total greenhouse gas emissions by 15 percent compared to 12 percent under the No Project alternative, as shown in Table 3.1-29 of the Draft EIR (p. 3.1-61). However, Table 3.1-28 of the Draft EIR (p.3.1-59) shows that the proposed Plan (Alternative 2) would reduce GHG emissions from cars and light trucks by 18.0 percent in 2040 compared to 2005 levels, while the No Project alternative (Alternative 1) would have a 7.7 percent reduction, far short of the SB 375-mandated target for the RTP/SCS.

E3-O4: Regarding the first two points, see Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions. The comment on cost is beyond the scope of an environmental impact analysis under CEQA.

E3-O5: See Master Response D.2 regarding transit emissions as compared with personal vehicle emissions per passenger mile.

E3-P Toni Shroyer

E3-P1: See response E2-E3.

E3-Q Frank Egger

E3-Q1: The Draft EIR (pages 2.12-50 to 2.12-52) analyzes the potential for Plan Bay Area to result in inadequate wastewater treatment capacity to serve new development. Mitigation measure 2.12(d) includes the following stipulation: “Undertaking environmental assessments of land use plans and developments to determine whether sufficient wastewater treatment capacity exists for a proposed project. These environmental assessments must ensure that the proposed development can be served by its existing or planned treatment capacity, and that the applicable NPDES permit does not include a Cease and Desist Order or any limitations on existing or future treatment capacity. If adequate capacity does not exist, the implementing agency must either adopt mitigation measures or consider not proceeding with the project as proposed.”

As long as the local jurisdiction(s) implement this recommended mitigation measure, the impact would be less than significant since development should not be approved until the Ross Valley Sanitary District improves its capacity. MTC AND ABAG assume that the District will need to

expand its capacity during the life of the proposed Plan in order to serve existing and projected users, in line with NPDES permitting requirements, and so at some point before 2040 the proposed land use pattern could be developed.

E3-R Kerry Stuebner

E3-R1: See response E3-I1 regarding regional water impacts and E3-L1 regarding desalination.

E3-S Ray Day

E3-S1: Commenter's support for the No Project alternative is acknowledged.

E3-S2: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. See Master Response C regarding the request to extend the public comment period.

E3-T James Bitter

E3-T1: The Draft EIR contained a thorough analysis of the environmental impacts associated with the Plan, hence its length.

E3-U Sue Hestor

E3-U1: The Draft EIR acknowledges and discusses the potential for Plan Bay Area to have adverse environmental effects with regard to liquefaction as a result of seismic activity (pp. 2.7-26 to 2.7-28); and development in flood hazard areas (pp. 2.8-34 to 2.8-36).

E3-U2: The comment on affordable housing is on the proposed Plan and beyond the scope of CEQA as it regards an economic rather than physical impact. See Master Response F on displacement, which includes an explanation of additional initiatives that MTC and ABAG are implementing to "incentivize community stabilization and minimize existing and future displacement pressures on low-income households."

The Draft EIR acknowledges and discusses the potential for Plan Bay Area to have adverse environmental effects with regard to placing transportation facilities, housing, and other land uses in areas potentially susceptible to sea level rise (pp. 2.5-62 to 2.5-86). Please see Master Response E for additional information regarding sea level rise.

E3-V Helen Lindquist

E3-V1: The Draft EIR acknowledges and discusses the potential impacts on biological resources (pp. 2.9-56 to 2.9-80), including discussion of potential impacts on riparian areas and wetlands. The Draft EIR also discusses the potential for increased runoff or flooding and development in flood hazard areas (pp. 2.8-32 to 2.8-39).

E3-V2: Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is required to adhere to the GHG emissions reduction targets established by SB 375. Please see Master Response D.1 on the greenhouse gas emissions included in analysis for the SB 375 target for more information.

E3-W Sharon Rushton

E3-W1: MTC and ABAG acknowledge that the Draft EIR identifies 39 significant and unavoidable adverse environmental impacts. With limited exceptions, MTC and ABAG cannot require local implementing agencies to adopt specific mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Moreover, because MTC and ABAG have prepared a program EIR, the EIR does not include city, county, or site-specific environmental analysis. For both of these reasons, MTC and ABAG cannot ensure either that the mitigation measures set forth in this EIR will be feasible for all site-specific projects or that local implementing agencies will exercise their discretion to implement the measures even if feasible. As a result, a large number of impacts identified in this EIR remain potentially significant and unavoidable. However, where MTC and ABAG have determined that successful implementation of the mitigation measures identified in this EIR would reduce a potentially significant and unavoidable impact to a less-than-significant level, the EIR acknowledges this conclusion and discusses the above uncertainties concerning successful implementation of the measures. See Master Responses A.1 and A.3 regarding local control over land use and the level of specificity in the EIR.

It should be noted that the proposed Plan does not promote or create new growth and merely accommodates future population growth already projected to occur within the region. The Draft EIR evaluates five alternatives, including the proposed Plan, and finds that they present numerous tradeoffs in terms of both their potential environmental effects, and their degree of success in achieving Plan Bay Area goals and objectives.

MTC and ABAG may find that the potential significant environmental impacts would be outweighed by other benefits, including having fewer impacts than under a No Project scenario. (CEQA Guidelines Section 15093(a).) In addition, as discussed above, many of the significant and unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information. This issue will be also addressed in the Statement of Overriding Considerations that will be submitted with the Final EIR to the MTC and ABAG Board for certification.

E3-X Carol Sheerin

E3-X1: See response E2-K1.

E3-Y Peter Lacques

E3-Y1: Please see Master Response G for additional information regarding water supply.

E3-Y2: Please see Master Response E for additional information regarding sea level rise.

E3-Y3: Housing density plays a critical role in affecting travel demand, regardless of travel mode. By bringing travel origins (typically a place of residence) and destinations (employment, retail, etc.) closer together, travel distances are reduced and non-auto modes become increasingly viable. Please see Master Response D.2 for more information regarding the relationship between affordable (higher-density) housing and reduced greenhouse gas emissions.

In the *Plan Bay Area Draft Performance Assessment Report* published by MTC in March 2013, it was determined that the proposed Plan is expected to increase the share of low-income and lower-middle income residents' household income consumed by transportation and housing by three percent

compared to existing conditions. While this result moves in the opposite direction from the Plan's objective, the proposed Plan would perform better than the No Project alternative, which is estimated by the same Report to increase this metric by eight percent. In other words, the proposed Plan provides a beneficial rather than deleterious impact on this issue in comparison to the No Project alternative.

E3-Z Ann Spake

E3-Z1: See response E3-W1. Also, the comment is correct to state that the Draft EIR addresses the effects of the proposed Plan on the environment, but is not required to analyze the potential effects of the environment on the Project.

E3-AA Margaret Zegart

E3-AA1: MTC and ABAG respectfully disagree with the comment that "250 percent of the new housing is going to be on floodplain." Besides being mathematically impossible, this conflicts with the analysis in Chapter 2.8 of the Draft EIR, specifically Impact 2.8-7. See Appendix G of the Draft EIR for a list of areas within PDAs that have been mapped as being in the 100-year flood hazard zone.

E4: SAN FRANCISCO PUBLIC HEARING ON THE PLAN (SAN FRANCISCO, 4/11/13)

E4-A Steve Woo

E4-A1: The Draft EIR acknowledges and discusses the potential for the proposed Plan to result in community disruption and displacement in Section 2.3, as noted by the commenter. The comments addressing potential displacement predominantly raise socio-economic policy issues that are beyond the scope of this EIR, rather than environmental issues that require a response under CEQA. Please see Master Response F for additional information regarding displacement.

In addition, Draft EIR Chapter 1.1 (p.1.1-13) notes that, "Projects that use the SB 375 CEQA streamlining benefits will still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements." These permits and other requirements would include any local measures addressing displacement and affordable housing, such as impact fees and inclusionary housing.

E4-B Joel Ramos

E4-B1: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged. Your request will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E4-B2: As the comment notes, in the Plan Bay Area Draft Performance Assessment Report published by MTC in March 2013, it was determined that the proposed Plan is expected to increase the share of low-income and lower-middle income residents' household income consumed by transportation and housing by three percent. While this result moves in the opposite direction from the Plan's objective, the proposed Plan would perform better than the No Project alternative, which is estimated by the same Report to increase this metric by eight percent. In other words, the proposed Plan provides a beneficial rather than deleterious impact on this issue, relative to the No Project alternative. In addition, this is not a significance criterion of the EIR and thus this comment does not raise any issues that require a response under CEQA.

E4-B3 Commenter argues that displacement will lead to sprawl and conversion of farmland to residential uses. The proposed Plan is designed to ensure that the proportion of in-commuting from outside the region will not increase as the population grows. Furthermore, the compact land use growth pattern under the proposed Plan limits development on agricultural and open space lands to a much greater extent than the No Project alternative. As such, the project has a beneficial impact on this issue relative to the No Project alternative.

E4-B4 Commenter's request for changes to the proposed Plan (to convert freeway lanes into HOV toll lanes and to use the resulting revenue in support of transit) will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E4-C Peter Cohen

E4-C1: See response E4-A1.

E4-D Kate White

E4-D1: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E4-E Starchild

E4-E1: Commenter's opposition to the proposed Plan is acknowledged. Regarding public comment opportunities on the EIR, see response E2-K1. The EIR for Plan Bay Area has been prepared in compliance with CEQA.

E5: SAN MATEO COUNTY PUBLIC HEARING ON THE PLAN (FOSTER CITY, 4/29/13)

E5-A Jeff Hobson

E5-A1: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E5-B Bob Cohen

E5-B1: The Draft EIR analyzes the potential impacts of sea level rise regardless of the cause. Please see Master Response E for additional information regarding sea level rise.

E5-C Gail Raabe

E5-C1: The Draft EIR acknowledges and discusses the proposed Plan's potential environmental effects on open space in Section 2.3: Land Use, and discusses the potential effects on biological resources in Section 2.9: Biology. These sections cover issues raised by the commenter regarding the open space and biological resource values provided by areas such as salt ponds and marshes. The Draft EIR (Section 2.3) provides a range of mitigation measures to minimize impacts on open space and farmland, including farmland with Williamson Act contracts. Other mitigation measures (in Section 2.9) seek to minimize potential effects on special status species, including indirectly through habitat destruction. To the extent that an individual project adopts all feasible mitigation measures, these impacts would be less than significant, absent site-specific conditions that would require additional analysis. However, because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures in all cases (i.e., where projects are not tied to funding), it cannot be ensured that this mitigation would be implemented in all cases. Therefore, this impact remains significant and unavoidable on a regional basis. In addition, as the commenter implicitly notes, open space conservation is beyond the authority of MTC and ABAG and rather is a responsibility for local land

use authorities. Please see Master Response A.1 for more information regarding local control over land use.

E5-D Joshua Hugg

E5-D1: Commenter's support for Alternative 5 is acknowledged.

E5-E William Nack

E5-E1: Issues of wages and labor standards fall beyond the scope of the EIR. CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment.

E6: SANTA CLARA COUNTY PUBLIC HEARING ON THE PLAN (SAN JOSE, 5/1/13)

E6-A Susan Stuart

E6-A1: See Master Response F regarding displacement. The comments regarding cost of living and collisions relate to project objectives adopted by MTC and ABAG but which are not criteria of significance for the EIR and fall beyond the issues covered by CEQA.

E6-A2: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E6-B Chris Lepe

E6-B1: Commenter's qualified support for the proposed Plan is acknowledged.

E6-B2: Commenter's request for changes to the proposed Plan (revenues from HOT lanes going toward better public transportation options rather than highway expansion and more funding for transit operations) will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-B3: See Master Response F regarding displacement and an explanation of additional initiatives that MTC and ABAG are implementing to "incentivize community stabilization and minimize existing and future displacement pressures on low-income households."

E6-B4: Commenter's support for Alternative 5 is acknowledged.

E6-C Susan M

E6-C1: See Master Response B.1 for information regarding population projections.

E6-C2: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. However, land use decisions will still be the responsibility of local jurisdictions. Plan Bay Area merely proposes a land use development pattern and provides incentives to localities in order to reach GHG emissions reduction targets mandated under SB 375. MTC and ABAG do not have local land use authority. See Master Response A.1 regarding local control over land use.

E6-D Susan Russell

E6-D1: Commenter's support for Alternative 5 is acknowledged. Commenter's request for changes to the proposed Plan to incorporate elements from this alternative will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-E Libby Lucas

E6-E1: The Draft EIR discusses potential impacts on wetlands in Chapter 2.9 on pages 2.9-66 to 73 and proposes Mitigation Measure 2.9(d), which would normally reduce impacts on wetlands to a less-than-significant level, although the Draft EIR acknowledges that, “there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less than significant levels.” (Draft EIR, p.2.9-72) In addition, “MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases.” (Draft EIR, p.2.9-73)

E6-E2: The Draft EIR analyzes potential impacts of the proposed Plan on public services such as schools and parks in Chapter 2.14: Public Services.

E6-F Cat Nguyen

E6-F1: Commenter’s support for Alternative 5 is acknowledged. The comment on affordable housing is on the proposed Plan and beyond the scope of CEQA as it regards an economic rather than physical impact. See Master Response F on displacement, which includes an explanation of additional initiatives that MTC and ABAG are implementing to “incentivize community stabilization and minimize existing and future displacement pressures on low-income households.”

E6-G Michael Dittmer

E6-G1: Commenter’s support for Alternative 5 is acknowledged.

E6-G2: Commenter’s request that HOT lane revenue be invested in public transit will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-G3: See Master Response F regarding displacement.

E6-H Cecilia Ng

E6-H1: Commenter’s support for Alternative 5: Environment, Equity, and Jobs, is acknowledged. Your suggestions regarding the use of HOT lanes, desire for more funding of transit operations, and protection against displacement will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E6-I Mounia O’Neal

E6-I1: Commenter’s support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E6-J Anaruth Hernandez

E6-J1: Commenter’s support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E6-K Brian Darrow

E6-K1: Commenter’s qualified support for the proposed Plan is acknowledged.

E6-K2: Commenter’s request for stronger anti-displacement and affordable housing policies through the OBAG program will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-K3: Commenter's request to prioritize transit operations with future unrestricted funds, ensure that the HOT lane network mitigates the potential impacts on low-income commuters, and not building new freeways will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-K4: See response E5-E1.

E6-L Susan Marsland

E6-L1: Commenter's request for changes to the proposed Plan to include policies from Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E6-M Jean Ryan

E6-M1: Commenter's opposition to a vehicle miles travelled (VMT) tax is acknowledged. No VMT tax would be imposed as part of the proposed Plan, but it is part of Alternative 5 and would be a possibility if that option was selected. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

E7: SOLANO COUNTY PUBLIC HEARING ON THE PLAN (VALLEJO, 4/22/13)

E7-A Bob Berman

E7-A1: Please refer to Chapter 2.9 of the Draft EIR for an analysis of impacts on biological resources, which includes Mitigation Measure 2.9(g) that calls for individual projects pursued under the proposed Plan to ensure the maximum feasible level of consistency with the policies in adopted HCPs, NCCPs, or other approved local, regional, or state conservation plans, in areas where such plans are applicable. The Draft EIR notes that this measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors. Your request to direct more OBAG funding to Priority Conservation Areas will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E7-A2: Please refer to Chapter 2.3 of the Draft EIR for an analysis of impacts on agricultural lands, which includes Mitigation Measures 2.3(g) and (h), which would be requested of implementing agencies and project sponsors by MTC and ABAG and would exist in addition to policies in the proposed Plan.

E7-A3: Please refer to Chapter 2.14 of the Draft EIR for an analysis of impacts on public services, including park and recreation facilities. The Draft EIR notes that under the proposed Plan investment in multi-modal transportation projects "has the potential to improve access to existing neighborhood and regional parks" (p. 2.14-16). As a program-level EIR, specific transportation improvements providing access to local and regional parks have not yet been identified. MTC and ABAG cannot ensure long-term protection of parks and open space because local governments retain authority over land use decisions. However, the Draft EIR recommends implementation of Mitigation Measure 2.14(b) to ensure sufficient park land is available. See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

E8: SONOMA COUNTY PUBLIC HEARING ON THE PLAN (SANTA ROSA, 4/8/13)

E8-A Lloyd Guccione

E8-A1: MTC and ABAG believe that the mitigation measures proposed in the EIR will reduce potentially significant impacts, usually to a less than significant level. Many of these mitigation measures are

based on applying current best practices employed in California, such as those to reduce impacts on biological resources and water quality, to land development and transportation projects that normally may follow these guidelines but are not required to do so. The Draft EIR does specifically state that some impacts will remain significant even with mitigation; it does not pretend there will be no environmental impacts. Furthermore, many other mitigation measures emphasize the importance of context with respect to their efficacy. Some measures that are effective for a project in one location will not be effective for a similar project on a different site. See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

E8-A2: As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant...This approach does not relieve local jurisdictions of the responsibility for evaluating project-specific, locally significant impacts.” See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

E8-B Rosa Koire

E8-B1: This comment does not raise environmental issues that require a response under CEQA.

E8-B2 Please see Master Response A.1 about local control over land use.

E8-C Jenny Bard

E8-C1: Commenter’s support for Alternative 5 is acknowledged.

E8-C2: Commenter requested more specific information about proportion of funds going toward bicycle and pedestrian infrastructure and anticipated impact on mode choice. State Transportation Development Act (TDA) and local sales tax funds committed to bicycle and pedestrian improvements total \$4.6 billion during the Plan period. The One Bay Area Grant program, \$14.6 billion over the life of the Plan, is another fund source that can be used to pay for 'Complete Streets' projects. These projects can include stand-alone bicycle and pedestrian paths, bicycle lanes, pedestrian bulb-outs, lighting, new sidewalks, Safe Routes to Transit, and Safe Routes to Schools projects that will improve bicycle and pedestrian safety and travel.

In addition to this funding, cities and counties that wish to use OBAG grant funds must adopt a 'Complete Streets' resolution and in the future an updated general plan element to improve the delivery of Complete Streets projects serving all road users, including pedestrians and bicyclists. During MTC's last survey of project sponsors in 2006, over 55% of transportation projects surveyed already included complete streets elements. The resolution requirement is expected to increase the rate of complete street implementation

See Master Response A.3 regarding local control over land use planning.

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