May 14, 2013

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: The Draft Plan Bay Area and Draft Environmental Impact Report

Dear Board Members:

RECOMMENDATION:
Consider authorizing the President of the Board to send the attached letter to the Association of Bay Area Governments (ABAG) commenting on the Draft Plan Bay Area.

SUMMARY:
The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) recently released and is soliciting local feedback on the draft regional Sustainable Communities Strategy (SCS) called Plan Bay Area, and a draft environmental impact report (Draft EIR). Plan Bay Area (hereinafter referred to as the “proposed Plan”) reflects the regional agencies’ recommended strategic growth plan for the Bay Area and Marin over the next 30 years. In addition to providing relevant background information, the following report is intended to identify key issues your Board may choose to address in commenting on the proposed Plan and Draft EIR. The following points reflect in large part a draft letter from the Transportation Authority of Marin (TAM) currently being reviewed by local planning agencies and officials in Marin.

The comment period on these documents closes May 16, 2013, and the final Plan and Final EIR are scheduled to be approved by regional agencies in June 2013. Your Board has commented on previous iterations of the SCS in the interest of upholding local control over long-range planning decisions based on the Marin Countywide Plan (the County’s general plan). The proposed Plan is not intended as a static document insofar as it will be reviewed every four years and updated periodically in conjunction with the Regional Transportation Plan for the Bay Area.

BACKGROUND:
Plan Bay Area is a long-range transportation and land use plan for the San Francisco Bay Area. It aligns separate regional planning processes to achieve better regional coordination and produce a SCS in conformance with the requirements of Senate Bill 375 (Steinberg). The two primary objectives of that bill are: 1) Reduce per-capita carbon dioxide emissions from cars and light-duty trucks by 7% by 2020 and by 15% by 2035; and 2) provide safe and healthy homes for 100% of the region’s projected 30-year (2010-2040) household growth by income level, without displacing current low-income residents. Previous versions of regional growth plans developed by
ABAG and MTC have examined various approaches to achieving greenhouse gas (GHG) reductions by linking transportation and land use planning. The proposed Plan most closely reflects the Jobs-Housing Scenario presented to your Board on March 20, 2012.

It is important to participate in the regional planning process because demographic trends suggest that the Bay Area will grow in population by over two million people by 2040. Uncoordinated planning for this population growth could have detrimental environmental and community impacts. The proposed Plan offers a strategy to direct transit investments to expand and enhance the connections between job centers and residential locations. The proposed Plan also recognizes the unique value of open areas throughout the Bay Area and aims to protect and enhance those places for public enjoyment.

Information on the SCS process was presented to your Board on March 1 and May 17, 2011, and January 31 and March 20, 2012. Your Board endorsed letters to ABAG/MTC responding to previous draft regional plans in May 2011, January 2012 and April 2012. Several notable changes have occurred following your Board’s comments:

- Plan Bay Area projects 17% in overall job growth in Marin (2010-2040), down from 31% in previous plans.
- Plan Bay Area projects 7% overall housing unit growth in Marin (2010-2040), down from 9% previously projected.
- Growth projections for the San Quentin area were eliminated from the proposed Plan.
- Marin’s Regional Housing Needs Allocation (RHNA) that derives from the proposed Plan will be an unprecedented low for the upcoming planning cycle (from the current 773 housing units in the unincorporated area of Marin down to approximately 187 units).

It is also worth mentioning that Plan Bay Area continues to assume Marin to be one of the slowest growing communities in the Bay Area, having a projected growth rate of only 1% of the total Bay Area.

**COMMENTS ON PLAN BAY AREA:**

1. The household and job growth projections in the proposed Plan are within the limits of future growth projected in the Countywide Plan. However, the Countywide Plan growth numbers are based on a theoretical maximum buildout scenario. Maximum buildout does not necessarily reflect a more realistic trend in which actual development in unincorporated communities is approved at lower levels of intensity due to policy and physical constraints that are vetted during the project review process. Resolving the issue of overall growth projections for Plan Bay Area may be difficult to achieve during the end of the planning process for this first version of the Plan. We do, however, look forward to closer alignment between regional and local job and housing growth projections, as ABAG may incorporate adjustments into its future modeling based on updated local input, growth assumptions that may differentiate between subregional demographic and development trends in
the Bay Area, and improved coordination with the State Department of Finance growth modeling.

The proposed Plan’s projected employment growth within the unincorporated County Priority Development Area (PDA) may be overly ambitious when compared to a more recent estimate of growth in jobs and theoretical buildout of commercial square footage as indicated by the Countywide Plan. We recommend the job growth projection for the County PDA be reassessed in light of Countywide Plan projections for commercial building square footage and reasonable job multipliers.

Marin Economic Forum has evaluated the projections and assumptions of the proposed Plan as a follow up to its April 2012 evaluation of the methodology used to develop the prior Jobs-Housing Connection Scenario. (See Attachment 3.) The proposed Plan shows medium to high levels of "knowledge based" jobs in much of the urbanized City Center Corridor of Marin. (See Map 2, page 48 of Draft Plan Bay Area.) The proposed Plan notes that "knowledge based employment is supported by a highly educated labor pool and provides many high-wage jobs." Marin’s employment growth has seen a trend toward low-wage jobs, particularly in the retail and service sectors. If this trend continues with an anticipated increased demand for senior care workers, the county will experience an increased need to provide affordable housing for our workforce as well as an increasing number of seniors who desire or need to move down to smaller, less expensive homes to stay in Marin. The proposed Plan’s emphasis on high paying knowledge based jobs should not overshadow the need to provide safe, decent, and affordable homes for our local workforce, seniors and young residents.

2. As indicated in the draft TAM letter, sea level rise is becoming an increasingly important issue in Marin given the extent of existing shoreline development, public infrastructure and natural habitats along the Richardson Bay and San Pablo Bay areas. We agree with TAM’s endorsement of a regional sea level rise adaptation plan as a means of assisting local jurisdictions with developing strategies to protect existing residents and other important assets. Coordination between regional and local agencies would also help address the tension between focusing what little future growth Marin is expected to experience in commercial and mixed-use areas affected by rising tides and increased storm and wave run-up activity. We urge the Joint Policy Committee to make the regional sea level rise adaptation plan a priority so that local climate action plans can benefit from regional planning strategies. We recognize that as regional and local sea level rise planning efforts evolve, local jurisdictions will have opportunities to reevaluate both PDAs and their local general plans to reflect the interrelationship between climate change adaptation strategies and future land use decisions.

3. We understand that under SB 375, the proposed Plan is part of a multi-faceted strategy to reduce greenhouse gas (GHG) emissions, along with
reducing the carbon content of fuels and increasing vehicle fuel efficiency. It would be helpful for the proposed Plan to better address if and to what extent other greenhouse gas reduction programs, particularly at the local level, are taken into consideration with respect to achieving statutory GHG reduction targets (Marin Clean Energy and a variety of Transportation Demand Management programs administered by TAM are good examples for Marin).

4. Since the early stages of developing the SCS, there has been a lack of clarity about the extent to which SB 375 mandates changes to local general plans and streamlining of environmental review conducted at the local level pursuant to CEQA. The Draft Plan Bay Area provides assurance that SB 375 goals can be met without “compromising local control.” (See page 2 of Draft Plan Bay Area.) However, the growth projections of the proposed Plan are factored into the RHNA, which may require local jurisdictions to amend their zoning ordinances and general plans to receive State certification of their housing elements.

By way of another example, local planning officials have been given the understanding that CEQA streamlining provisions of SB 375 can be applied at the discretion of the local jurisdiction. The Draft Plan Bay Area section on Benefits for Project Development (page 58) states that, “Agencies that find these “CEQA streamlining provisions" helpful have the opportunity, but are not obligated, to align their local planning decisions with the adopted Plan Bay Area...” This statement is unclear as to whether it means local agencies are not required to amend their zoning ordinance to establish minimum densities and floor area ratios (FAR) as prerequisite criteria for CEQA streamlining, or alternatively if agencies have sole authority to allow or disallow such streamlining even if their zoning already contains the necessary density and FAR standards and the project also meets the other streamlining criteria. This latter interpretation seems problematic insofar as it could lead to the arbitrary application of CEQA streamlining provisions. It would be helpful to have a clear and complete explanation in the beginning of the proposed Plan regarding its legal relationship with local general plans, zoning ordinances and CEQA review.

5. As with the suggestion for the proposed Plan to have a broader perspective about various programs to reduce GHG emissions, we also recommend the proposed Plan take into consideration different forms of housing that should be credited toward local jurisdiction efforts to meet their respective RHNA. The draft TAM letter cites several examples especially relevant, but not exclusive, to Marin such as certain forms of senior housing, assisted living and group homes. A more inclusive approach to recognizing various forms of housing in the proposed Plan and RHNA would be consistent with the goal of providing housing that reflects the breadth of our demographic makeup. To the extent the proposed Plan is inextricably linked to the RHNA, we suggest the Joint Policy Committee advocate for changes in State Housing Law that reward, rather than penalize, local jurisdiction efforts to create housing
opportunities for certain segments of the population that are currently not acknowledged through the RHNA process.

DRAFT ENVIRONMENTAL IMPACT REPORT (Draft EIR):

The Draft EIR for the proposed plan is a programmatic EIR, which means it presents a regional assessment of potential impacts of the proposed Plan and mitigation measures with varying levels of detail. The Draft EIR is not intended to address specific housing or other development projects that may be considered at the local level through subsequent and more detailed environmental review. However, local jurisdictions may choose to “tier” their detailed CEQA documents from this Draft EIR if they determine it contains information that is relevant to the specific local project and is an appropriate means of avoiding or reducing unnecessary duplication of analysis.

Five alternatives are presented in the Draft EIR to comparatively study impacts and outcomes of the proposed Plan as well as potential variations.

- **Alternative 1 – No Project.** This alternative assumes that the current growth pattern in the region would continue as is presently planned, with no significant change in transit investment strategy.
- **Alternative 2 – Plan Bay Area (the Project).**
- **Alternative 3 – Transit Priority.** This alternative promotes the most intense growth in the inner-urban core of the region, particularly around San Francisco, Oakland and San Jose, corresponding to high-frequency transit service. Less growth is projected in Priority Development Areas.
- **Alternative 4 – Enhanced Growth Network.** This alternative is a hybrid of Plan Bay Area and the No Project alternative.
- **Alternative 5 – Environment, Equity and Jobs.** This scenario seeks to maximize affordable housing in high-opportunity urban and suburban areas through incentive and housing subsidies. Under this alternative, some growth is shifted to areas outside PDAs, in areas eligible to qualify for transit priority projects (TPPs).

There is no alternative that would significantly reduce the jobs and housing growth projections estimated for the region. Alternatives 1 (No Project) and 4 (Enhanced Growth Network) would not meet GHG reduction targets. Alternative 5 (Environment, Equity and Jobs) has been identified as the environmentally-superior alternative, although it is contingent upon the State enacting a Vehicle Miles Travel (VMT) tax to support needed transportation investments that seems unlikely for the time being. Alternative 5 also results in slightly higher VMT per capita (reducing per capita VMT is one of the principal targets of SB 375), higher congested VMTs for peak commutes and the fewest acres of important farmland. The proposed Plan (Alternative 2) resembles the Countywide Plan to the extent that both recommend a growth strategy that focuses, although not exclusively, future homes and businesses within the limited commercial and mixed use nodes (primarily PDAs as referred to in the proposed Plan) in the unincorporated county.
It may be of interest to note that the County’s basic growth strategy has its origins in the seminal goal of the first Countywide Plan (1973) to focus urban growth within the City Center Corridor to preserve agriculture and open space and to coordinate development with the county’s transportation and public infrastructure. This strategy was reinforced in the 2007 update to the Countywide Plan through identification of commercial/mixed-use areas as well as policies that consider limited density adjustments (both upward and downward) to accommodate a small amount of future growth through compact mixed-use projects and to preserve important natural resource areas and established single-family neighborhoods within the City Center Corridor.

FISCAL/STAFFING IMPACT:
Providing comments to regional planning agencies will not result in a fiscal or staffing impact to the County.

REVIEWED BY:

[X] Department of Finance  [X] N/A
[X] County Counsel  [X] N/A
[X] Human Resources  [X] N/A

SIGNATURE:

Brian C. Crawford  Stacey Laumann
Director  Planner

ATTACHMENTS:

1. Draft letter to ABAG, May 14, 2013
2. Transportation Authority of Marin draft letters on Plan Bay Area and Draft EIR, May 2, 2013
4. Board of Supervisors letter to ABAG, April 20, 2013