



Wed. May 15, 2013

To:
Metropolitan Transportation Commission
Plan Bay Area / Draft EIR Public Comment
101 Eighth Street
Oakland, CA 94607

From:
Linda Pfeifer, Sausalito City Council
420 Litho Street
Sausalito, CA 94965

Subject: Comments on Plan Bay Area and Draft EIR

My name is Linda Pfeifer. I am a member of the Sausalito City Council.

I am submitting this letter as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am concerned that the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have embarked on a long-range land use plan based on unproven assumptions regarding greenhouse gas emission reductions, job and population growth, and environmental impact. This comment letter summarizes my concerns for your consideration.

I. Plan Bay Area and Draft EIR Fails to Adequately
Disclose, Analyze, and Mitigate Water Constraints

The Draft EIR fails to accurately assess water requirements for Plan Bay

Area. The Draft EIR does not assess the risk to federally endangered and protected species habitat, including creek, bay, wetlands, and overall habitat damage caused by water diversions, water draw-downs, altered stream flow, and other possible water use strategies to accommodate Plan Bay Area's proposed high density housing numbers and commercial development.

The fact that the Planned Development Areas and potential Planned Development Areas border sensitive eco-habitats near commercial and residential neighborhoods with antiquated storm drain, road, and sewer infrastructure, high traffic congestion, rising sea levels, coupled with Marin's water constraints, makes the lack of a water assessment plan in this DEIR unacceptable. The DEIR fails to assess the cumulative impact of water use diversion or other water mitigation strategies on wildlife habitat, and the ability of existing water resources to service the residential and commercial density proposed.

The failure to identify and analyze the quantities of water required for Plan Bay Area is a serious flaw in this Draft EIR. This Draft EIR is not a reasoned and good faith effort to inform the public, Marin leaders, and key decision-makers regarding the impact of Plan Bay Area on Marin County. The Draft EIR is in violation of key principals of California water law.

What quantity of water will be diverted by all water users in the watershed to accommodate Plan Bay Area?

What cumulative impact will water diversions from all sources have on wildlife? What water quantities will be needed to service current and future residents and commercial establishments?

What water levels and flows (e.g. river, creek, wetlands, bay flows) are necessary to sustain species habitat? And what constitutes a "safe" flow?

Why hasn't Plan Bay Area's EIR consider impacts to water constraints on habitat on a per-city basis and for unincorporated neighborhoods?

Without this information, how can ABAG, MTC, or the public be informed and predict the scope or magnitude of adverse impacts that would occur as a result of Plan Bay Area?

II. Plan Bay Area Draft EIR uses flawed data in GHG projections that yield inaccurate findings and fail to inform the public, elected officials, and key decision-makers as to Plan Bay Area's true environmental impact.

I have been told that the “No Project” Alternative (#1) for Plan Bay Area is not an option because it does not reduce GHGs (Greenhouse Gasses). The fact is that the “No Project” Alternative can indeed be chosen, as it can be enhanced with various programs and strategies that will reduce GHGs.

In fact, the Draft EIR uses inaccurate data to support the other alternatives that purport to reduce GHGs.

The Draft EIR does not consider impacts of the new “Pavley” standards in California, already in effect, raising required mpg per mile and reducing GHGs (this is acknowledged in the notes of the DEIR).

The Draft EIR uses 2005 data in its projected future GHG emissions and GHG reductions. But this data does not include the impact of newly passed CAFÉ standards (e.g. 54.5 mpg for cars and light trucks). This will reduce car and light truck emissions more than any of Plan Bay Area's Alternative Projects even if we do nothing (e.g., “No Project” Alternative #1). In other words, the Draft EIR assumptions for each Alternative are flawed. This analysis in the Draft EIR must be redone and updated to reflect accurate statistics for correct projections and assumptions.

In its current state, the Draft EIR fails to inform the public, elected leaders and key decisions makers as to Plan Bay Area's true environmental impact. This part of the Draft EIR should be redone and revised and resubmitted for public review prior to any vote.

Why doesn't the Draft EIR use new legislation, policies, and standards targeting GHG emission reduction in its GHG emission projections and analysis?

How can MTC justify its GHG findings and the subsequent proposals in the Plan when it has not even considered other less expensive, less

disruptive and more effective methods of achieving GHG reduction goals?

III. Plan Bay Area DEIR references flawed job and population growth projections

According to Plan Bay Area, Sausalito is projected to have a 23% job growth rate between 2010 and 2040. This projection is flawed and does not correlate with projections from other agencies. The State Dept. of Finance (DOF) projects lower job and population growth. Please reassess Sausalito's projected job and population growth rate, as well as the projected job and population growth rates of Marin County featured in Plan Bay Area, which are inflated and unrealistic.

For example, the Pitkin-Myers CDR 12 report item 1 ("Less Population Growth") notes..."Much lower population growth is foreseen" in these projections indicated by the official state population projections issued in 2007 by the State Dept. of Finance.

Why wasn't Pitkin-Myers data and other reliable data (e.g., DOF) used in the growth projections?

ABAG's RHNA factors in job and population growth projections. It is my understanding that ABAG's methodology for the 2014-2022 RHNA differs from the methodology used to generate the 2007-2014 RHNA. Was a new RHNA methodology created by ABAG because the prior RHNA methodology was flawed? If so, what research did ABAG conduct to substantiate the accuracy, validity, and reliability of the new methodology? How did this new methodology factor in historically reliable data (e.g., Dept. of Finance, Pitkin-Myers), and if not, why not?

IV. CEQA Streamlining

CEQA streamlining for SB375, Plan Bay Area, or Housing Element allocations should not be permitted. Is the approval or denial of CEQA streamlining controlled at the local level? Local control regarding CEQA is paramount and should not be usurped.

Sausalito recently passed its Housing Element in compliance with its ABAG RHNA. An EIR was not performed for Sausalito's Housing

Element, despite clear constraints in the locations identified for potential housing allocations. These constraints include poor storm drains, traffic congestion, endangered and threatened species (Sausalito is surrounded by Richardson's Bay and the Golden Gate National Recreation Area), sea level rise, potential toxic waste, and EPA mandates and fines placed on Sausalito for its crumbling sewer infrastructure.

Without individual EIRs from cities, how reliable and accurate are the assumptions and data used in the cumulative Draft EIR for Marin regarding Plan Bay Area?

V. Plan Bay Area Draft EIR Fails to Substantiate Assumptions, Claims, and Predictions regarding the reduction of GHGs.

Recent research indicates that the type of development proposed by Plan Bay Area will increase, not decrease, GHG emissions (Australian Conservation Foundation, 10/2007).

In fact, Plan Bay Area's alternative solutions for Marin County could produce 2.5 times the GHG emissions of single family home development and 3 times the GHG emissions of attached, single family townhouse development.

Research on the impact of TOD (Transit Oriented Development) on GHG emission reduction is open to interpretation (and misinterpretation), and the methodologies and scenario assumptions used in this research should be revisited and validated.

What meta-analysis did the Draft EIR conduct to substantiate its GHG emission claims and predictions, including current, past, and future GHGs?

What individual research was referenced? What criteria did the Draft EIR use in selecting the research?

If assumptions were made regarding applicability of selected research to Marin and Plan Bay Area, what criteria was used in these assumptions, and how was this criteria substantiated?

What primary research on real-world TOD projects, as opposed to only simulated scenarios and/or models based on assumptions, was used to assess the accuracy, reliability, and validity of the Plan Bay Area DEIR conclusions regarding GHG emissions?

Conclusion

I was saddened to learn that, despite widespread requests from the public, community leaders, and elected officials, ABAG and MTC rejected an extension of the public comment deadline for the Plan Bay Area Draft EIR. Fifty-five days is too short a time for sufficient transparency and public review and comment.

I have reviewed the comments by the Transportation Authority of Marin. I do not agree with all the comments of the TAM letter.

I urge ABAG and MTC to support the “No Project” Alternative #1 and to explore other strategies for GHG reduction.

I also ask ABAG and MTC to consider the issues and answer the questions raised in this comment letter.

Thank you for the opportunity to comment on Plan Bay Area and its Draft EIR.

Respectfully

Linda Pfeifer
Sausalito City Council

cc: Ezra Rapport, Association of Bay Area
Governments Transportation Authority
of Marin
Sausalito City Council Members
Sausalito City Manager Adam Politzer