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MTC-ABAG
Plan Bay Area DEIR Public Comment
101 8th Street
Oakland, CA 94607

info@OneBayArea.org

Re: Public Comment on Plan Bay Area and Draft EIR for Plan Bay Area

- 1- I am a 34-year resident of Mill Valley, CA. Prior to moving to Marin, I worked at the Northwest Regional Educational Laboratory in Portland, Oregon to develop and implement local, regional, and statewide strategies to engage the public in decision-making.
- 2- I am active in citizen affairs. In 2007, I co-founded Friends of Mill Valley in opposition to an ill-conceived Precise Plan. I was founding president and current VP of my neighborhood association. In 2010, I co-founded Citizen Marin, which encourages citizen activism from community groups throughout of Marin County.
- 3- I am an elected member of the Democratic Central Committee.
- 4- I am a proponent of affordable housing and raise funds on behalf of the Tenderloin Neighborhood Development Corporation. I am an Advisory Board member of the Social Justice Center of Marin, and I am a member of the Marin Environmental Housing Collaborative.
- 5- I am a proponent of planning and support integrated short- and long-range planning for land use and transportation.
- 6- I concur with the threat of global climate change and the importance of taking steps to reduce green house gas emissions, preserve the environment, and create a just and equitable environment for all citizens.
- 7- The One Bay Area Plan, however, has significant flaws and the DEIR is inadequate.

How you climb a mountain is more important than reaching the top.

Yvon Chouinard, Author,

Let My People Go Surfing: Education of a Reluctant Businessman

- 8- The Executive Summary (ES-2) says: The purpose of the EIR is to: (1) Analyze the potential environmental effects of the adoption and implementation of the proposed plan; (2) Inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the environmental impacts of the proposed Plan; (3) Recommend a set of feasible measures to mitigate any significant adverse impacts; and (4) Analyze a range of reasonable alternatives to the proposed Plan.
- 9- Re (1): The Plan fails to adequately analyze the potential environmental effects of the adoption and implementation of the proposed plan:
 - a. Re: the inadequacy of the Transportation-Air Quality Conformity Analysis, I refer you to the Comment Letter from Thomas A. Rubin.
 - b. Re: the inadequacy of the housing plans near transit, I refer you to the Comment Letter from Robert Silvestri.
 - c. Re: the inadequacy of health impacts, I refer you to the Comment Letter from Ann Spake.
 - d. Re: the inadequacy of water impacts, I refer you to the Comment Letter from Linda Rames, Denise Beck, Kerry Stoebner, and others.
 - e. Re: the inadequacy of the impacts on incorporated Marin, I refer you to the Comment Letter from Sharon Rushton.
 - f. Re: other inadequacies of projections and forecasts, I refer you to the numerous letters from citizens from around the 101 cities and nine counties of Bay Area.
- 10- My comments are focused on the inadequacy of the process ABAG/MTC has employed to get to the selection of *their* preferred alternative. Evidence: DEIR 3.1-5: *Alternative 2, proposed as the Jobs-Housing Connections in the NOP, was selected by MTC and ABAG as the preferred plan option for Plan Bay Area.* Question: Since this is a tax-payer funded project, why don't the voters, not MTC and ABAG, make the decision?
- 11- The pattern established from the early conceptualizing of Plan Bay Area has continued, assumptions have questionable, projections

79 faulty, and discussion with the public has been has been limited.
80 ABAG/MTC has failed to engage (not just inform) the public and
81 secure the wisdom of an educated electorate. The DEIR is inadequate
82 for its failure to engage the public.

83 12- Many assert that ABAG/MTC has lead the public through a sham
84 process, having identified their own preferred scenario from the start
85 and rigging a process that looks defensible on paper, but, in fact, has
86 alienated the public and made participation difficult, if not
87 impossible.

88 13- Evidence of a sham process #1: Evidence in “Compact for Sustainable
89 Bay Area,” a document released July 29, 1999 by the Bay Area
90 Alliance for Sustainable Development, an agency run by ABAG/MTC,
91 shows the basic policy components of One Bay Area are the same as
92 those pushed by ABAG/MTC in 2011, which are almost identical to
93 the ones in the DEIR in 2013.

94 14- The plan has been based on pre-determined scenarios and solutions.
95 In the 11/23/10 Memo from Ken Kirkey to Planning Directors, he
96 described pre-determined scenarios and claims, *By the early spring*
97 *of 2011 the conversation between local governments and regional*
98 *agencies will turn to the feasibility of achieving the Initial Vision*
99 *Scenario by working on the Detailed Scenarios.*

100 15- Further Evidence of a sham process #2: The OneBayArea Sustainable
101 Communities Strategy document dated December 2010 (p.9) lists
102 “identification of Places, Policies and Strategies” occurring prior to
103 the Initial Vision Scenario meeting in March 2011.

104 16- Further Evidence of a sham process #3: In a 3/4/11 memo from ABAG
105 and MTC Executive Directors to MTC Planning Committee, ABAG
106 Administrative Committee claims, *The Initial Vision Scenario starts*
107 *the conversation on the Sustainable Communities Strategy among*
108 *local jurisdictions, regional agencies, and other interested*
109 *stakeholders.* However, from the 11/23/10 memo, we have evidence
110 that the conversation was already well underway through “intense
111 information exchange with County-Corridors Work groups
112 throughout the Bay Area.” (p. 9)

113 17- Much of the awakening public maintains that ABAG/MTC has either
114 intentionally or through incompetence kept the public unaware of the
115 One Bay Area Plan. They have produced internal documents with
116 meeting dates and times, but they have failed to take systematic steps
117 to inform, educate, engage, and then listen to the will of the people
118 who are impacted by the decisions.

- 119 18- ABAG/MTC scheduled a public meeting on the Initial Vision
 120 Scenario for Marin for May 11, 2011. ABAG distributed information
 121 to the insider, go-along agencies, but failed to notify the public of
 122 projections for jobs and housing numbers. Seeing that no elected
 123 officials at the county or local level were informing the public about
 124 the meeting, I wrote a Marin Voice article that was published in the
 125 Marin Independent Journal on May 10, 2011.
- 126 19- May 11, 2011 ABAG/MTC hosted the Initial Vision Scenario
 127 discussion in Marin, facilitated by MIG, Inc, for an audience who
 128 challenged the contrived, manipulative session and asked for a
 129 meaningful discussion about strategies to reduce green house gas
 130 emissions and provide housing options, but without impact or
 131 meaningful response from the event organizers.
- 132 20- Results on the May 11, 2011 meeting published on 5/17/2011 called
 133 “Turning Graphical Results by Question”, failed to point out that 30%
 134 of the attendees protested the manipulative quality of the questions
 135 and the limited choices by refusing to vote. Participation dropped
 136 from 110 voters down to 70.
- 137 21- The 2010 Update Final Draft (12/3/10) Attachment A-page 68
 138 identifies targeted performance describing the number of comments
 139 logged, the number of meetings and logging 100% of the written
 140 correspondence. In other others, they counted all the activities that
 141 could be counted. However, there was no effort to collect and report
 142 on the opinions of the people making comments, only the number of
 143 people who commented. Thoughtful, qualitative input was omitted
 144 and only the inconsequential items that can be counted are included,
 145 thereby diminishing the value of the public outreach, and giving
 146 further evidence that this process has not been carried out in good
 147 faith for the public.
- 148 22- A website posting re: Public Workshops April-May 2011 announces a
 149 public outreach budget of \$325,000. QUESTION: How much of the
 150 public outreach budget has paid for facilitators, posters, travel and
 151 refreshments, and how much was used to actually engage with the
 152 public? How much has ABAG/MTC spent on public outreach
 153 between June 2011 and May 2013 and what have the expenditures
 154 been for?
- 155 23- Evidence of keeping the public uninformed #1: At the 5/10/13
 156 ABAG/MTC ExCom meeting there was reference to a sheet of pink
 157 paper than apparently listed all the outreach efforts. A list of dates,
 158 times, and locations on paper, however, do not equate with engaging

the public in meaningful discussion about the problem that needs to be solved (reducing green house gas emissions) or finding alternative solutions to handle the problem. It's like handing a nutritionally deficient community a list of nutritious food, as if the list makes a difference, and never actually serving anything that qualifies as "food."

24- After release of the DERI, ABAG/MTC published a brochure with the heading "Your invitation to **comment** on the Draft Plan Bay Area," displaying their intention to take comments, but not really consider, them.

25- There are at least three problems here, which give further evidence to the fact the ABAG/MTC process has been one of form, but lacking common sense and substance. The first is that the Draft EIR is 1,300+ pages long, and few people had time to read it. The second is that just two meetings on a 25-year, \$289 BILLION dollar plan is not enough. And the third is that the meeting on the Draft EIR was a 10:00 am in Marin and at 1:00 pm in San Jose, times when most people are at work.

26- Marin has three voting members on the ABAG/MTC Executive Committee, similar to the number of members from the other nine counties. The Marin Board of Supervisors selected Steve Kinsey and Katie Rice to represent the BOS on MTC and ABAG respectively. The Association of Marin Mayors and City Councilmembers selected Novato Mayor Pat Eklund to represent them. Citizens living in the 101 cities and unincorporated areas of the Bay Area do not have direct representation.

27- Further evidence of the disregard for public comment comes by the fact that in Marin, the April 16, 2013 meeting for comment on the DEIR, was scheduled at 10 am, in direct conflict with the regularly scheduled meeting time for the Marin Board of Supervisors. As a result, two of the three people who will vote on the project were unavailable to hear public comment about it.

28- Still further evidence of the shameful disregard for public input came at the Monday, April 29, 2013 Open House and Public Hearing when more than 200 people packed the Marin Center to comment on the plan to the 3 people from Marin who will vote on it. Rather than displaying even a modicum of planning skills for a two-hour timeframe to accommodate all the people who care about the Plan, speaker time was cut from three minutes to two minutes and finally to just one minute for comments because our so-called representatives didn't want to be inconvenienced by extending

beyond the two –hour time limit. One woman spoke to the fact she spent 50 hours (!) of her weekend reading the 1,300 page DEIR and was now insulted with a demand she summarize her conclusions in just one minute! Disgraceful.

29- Further evidence of the goal to keep the public uninformed and unengaged comes from the fact the three people who will vote on the plan (Kinsey, Rice, Eklund) failed to initiate a single public outreach or Town Hall session.

30- The ES-11 claims “the proposed Plan was developed through extensive coordination with local jurisdiction,” however that is not true. Local City Council members elected two people to work with ABAG/MTC: one to serve on the Transportation Authority of Marin (and similar groups in the other 8-counties) and another to work with ABAG via Planning Directors. These well-intentioned electeds also failed to take initiative to inform, educate and engage the public about the complexity of the issues, the vocabulary of the discussion, the choices and the long-range impacts.

31- In frustration to the lack of leadership from electeds and the dearth of information, Citizen Marin, a grass-roots organization representing neighborhood, community and homeowner groups, responded by creating a Town Hall meeting on March 20. Rather than contribute to the effort, Supervisor Kinsey, who holds one of Marin’s 3 votes, stood on the side-lines with a group claiming the efforts to talk about the issues were racist, classist, NIMBY-ist, and supported apartheid, thereby discrediting attempts to have a conversation about the issues of Plan Bay Area.

32- Supervisor Kinsey and Rice have been passive, rather than provide leadership. They have responded to the invitations of others, giving a lame appearance of leadership. For example:

1) May 9, 2013 Supervisor Rice moderated a panel presentation organized by a consortium of agencies, which provided a chance for select speakers to address elements of the plan, but didn’t provide any opportunity for thoughtful discussion.

2) On May 30, Supervisor Kinsey is scheduled to participate in a debate on transportation. Like Rice, he is responding, not leading.

3) Neither Kinsey, Rice, nor Eklund, the three people who will vote on adoption of the Plan, **initiated** any activity to

239 educate and engage decision-makers. . . and members of the
240 public.”

241 33- The manipulative experience of the public is captured in an animated
242 video called “Plan Bay Area Public Outreach Meeting.” It captures
243 the essence of why many people feel the process has been rigged. The
244 video can be found at:

245 https://www.youtube.com/watch?v=51W2xlIZ95E&list=HL1367986727&feature=mh_lolz.

247 34- We have witnessed a rush to judgment with flagrant, intentional
248 disregard for the public, for citizen engagement and opinion, and for
249 democratic discernment to clearly identify the problem the SCS is
250 intended to solve; setting realistic goals, considering creative and
251 innovative alternatives that take 21st century technology into account
252 rather than relying on the thinking of the 20th century which created
253 the problems with the environment and poverty; and that weigh
254 alternatives against clearly identified criteria.

255 35- As a result of faulty and inadequate process and lack of authentic
256 engagement, the Plan fails to create a principled, realistic approach to
257 reduce green house gas emissions and meet the housing needs of
258 people living economically impoverished lives. In fact, re: Equitable
259 Access, the Plan concludes (Target 7, p. 108), “Plan moves in wrong
260 direction; the share of household income needed to cover
261 transportation and **housing costs is project to rise to 69% for low**
262 **income and lower-middle income residents** during the Plan Bay
263 Area period. HUD determines that if a household dedicates 30% or
264 ore of household income to housing, they are cost-burdened.

265 36- The Plan fails to recommend a set of feasible measures to mitigate
266 any significant adverse impacts.

267 37- The program EIR reveals 5 significant, irreversible environment
268 changes, including the emission of greenhouse gases that will
269 contribute to global change, in direct violation of the stated goal of
270 the Plan. ABAG/MTC staff dismisses this finding claiming the
271 specific project EIRs will find mitigating measures.

272 38- The program EIR reveals 39 significant, unavoidable impacts in direct
273 violation of the stated goals of the plan, including:

- 274 a. Increase in per capita vehicle miles traveled;
- 275 b. Increased emissions of PM10 over existing conditions;
- 276 c. Residential or business disruption or displacement of substantial
277 numbers of existing population and housing;

- d. Permanent alternations to an existing neighborhood or community by separating residences from community facilities an services, restricting access to commercial or residential areas, or eliminating community amenities;
- e. Net increase in transportation investments in areas regularly inundated by sea level rise;
- f. Increase in the number of people residing within areas regularly inundated by sea level rise;
- g. Affect visual resources by blocking panoramic views or views of significant landscape features or landforms;
- h. Result in insufficient water supplies
- i. Result in inadequate wastewater treatment capacity
- j. Locate projects on a site which is included on a list of hazardous materials site;
- k. Result in increased use of existing neighborhood and regional parts and other recreational facilities such that substantial deterioration of the facility would occur or be accelerated.

39- QUESTION: Seeing how this “kick-the-can-down-the-road” mentality hasn’t worked for environmental protection in the past, and understanding ABAG/MTC doesn’t have the authority to impose CEQA mitigation measures, and understanding that the 44 significant unmitigated impacts will only get cumulatively worse with the addition of specific projects, what is the justification for ABAG/MTC to find “overriding consideration”?

40- The DEIR demonstrates that the No Project alternative is the most sound, serves the greatest number of citizens while doing the least amount of harm to people or to the environment.

41- Question: What is the justification for ignoring the No Project alternative which displays the least long-term negative impact and the greatest long-term benefits?

42- Question: Where is the evidence of an authentic public information and engagement campaign?

43- QUESTION: At an early age, we learn the American Revolution was fought on the premise of *No Taxation Without Representation*. What is the justification for going back on over 200 years of American experience and allowing decisions with impact in perpetuity and a budget of \$289 Billion from tax-payers to go forward without

representation and a vote? Why isn't the public getting to vote on the plan?

44- QUESTION: Who are the staff who read, compile, and respond to the Comment Letters? What is the composition of the group to assure a fair and unbiased assessment of the letters? What are the checks and balances to give equal representation to the citizens?

45- Finally, I see I will submit these comments to OneBayArea.org, but recently reference to the plan has shied away from that term in favor of Plan Bay Area. Yet we know business and political leaders, with financial funders, gathered in San Jose in February 2013, to discuss advantages of merging the nine-county Bay Area into a single region. Planners, we read, predict a booming economy if counties merge transit, police and fire services and city governments.

46- QUESTION: What are the political, corporate, financial, and other interests that overlap and link SB375, ABAG, MTC, Sustainable Communities Strategies, and Smart Growth in a long-term plan to dismantle local and county governments to become a unified One Bay Area government?

Plans are of little importance, but planning is essential.

— Winston Churchill

I look forward to your response.

Sincerely,

Susan Kirsch

Mill Valley, CA