

Metropolitan Transportation Commission
Association of Bay Area Governments
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June 1, 2017

Re: Comments on Plan Bay Area 2040 RTP/SCS Draft EIR and Equity Analysis

Dear MTC and ABAG,

The undersigned members of the 6 Wins Network provide the following comments on the Plan Bay Area 2040 (“PBA”) Draft Environmental Impact Report (“DEIR”) and Equity Analysis. The 6 Wins Network is a regional coalition of over 20 organizations working to promote social, racial, economic and environmental justice in the Bay Area.

The DEIR and Equity Analysis contain a number of serious flaws that must be addressed for them to adequately inform consideration of Plan Bay Area by the public and by decision makers. In particular, both documents (1) fail to include an adequate assessment of displacement or housing affordability, and (2) fail to identify and consider feasible alternatives, specifically by failing to develop fully the EEJ Alternative. The DEIR grossly understates the scale of displacement, and concludes that impacts from displacement are “unavoidable” without taking real action to mitigate displacement. The crisis of displacement and shortage of homes affordable to lower-income households throughout must be given proper treatment in the DEIR and the Equity Analysis.

A. The DEIR and Equity Analysis Do Not Properly Analyze or Mitigate Displacement and Housing Affordability

Overall, the DEIR is based on unsupported assumptions about the amount of affordable homes likely to result from the proposed Plan. It also under-reports the displacement of lower-income residents and fails to consider and incorporate feasible measures to mitigate displacement. As Public Advocates Inc. and Winston and Strawn discuss in more detail in their comment letter (incorporated herein by reference and attached as Attachment A), inadequate affordable housing and displacement have substantial foreseeable impacts on climate, transportation, air quality, and other aspects of the physical environment.

The proposed Plan rests on assumptions about affordable housing that are unrealistic and paints a picture of displacement that is misleading – the Plan must instead include actual policies to increase affordable housing and mitigate displacement. For example, the proposed Plan assumes that new market-rate “housing developments make 10 percent of units deed-restricted for in [sic] cities with PDAs” (1.2-21), yet the proposed Plan includes no meaningful actions that would lead to adoption of inclusionary zoning policies or other mechanisms to produce 10 percent affordable housing. Similarly, the draft Plan assumes higher densities than currently allowed,

eased parking requirements in new housing developments, subsidies to stimulate housing and commercial development, and a commercial development fee to fund affordable housing (1.2-21) but again includes no meaningful strategy to ensure such policies. Without policies in the Plan to achieve the level of affordable housing production that is assumed, the DEIR's finding that the risk of displacement will increase by 5 percent under the draft Plan (2.3-24, 3.1-21) is likely a gross under-estimate.

Moreover, the 5 percent figure is misleading, masking the true scale of the displacement crisis and its impacts. For example, the DEIR does not clearly state the existing risk of displacement or how many additional thousands of residents would be at risk of displacement under the draft Plan. The draft Equity Analysis provides some additional information that hints at the actual numbers, including the percentage of low-income households in PDAs, TPAs, and HOAs that are at risk of displacement in the base year of 2010 in Communities of Concern and the rest of the region (32 percent and 14 percent, respectively) (5-2); the number of low-income residents in 2014 (1,837,830) (3-2), the number of low-income residents in Communities of Concern (almost 800,000) (3-2), and the number of low-income residents in HOAs (311,911) (4-8). But neither the Equity Analysis nor the DEIR clearly provide the number of low-income residents in PDAs and TPAs and aggregate all the relevant data together to provide a clear picture of the number of residents at risk of displacement in the base year and in 2040.¹ Without these numbers, it is difficult to understand how the DEIR could gauge the environmental impacts of displacement or serve as a transparent public document.

The DEIR and Equity Analysis should also consider and incorporate measures to mitigate displacement and resulting environmental impacts. The DEIR fails to include feasible mitigation measures for environmental impacts that arise from even the understated risk of displacement it identifies. Instead, the DEIR concludes that the impacts of displacement are "potentially significant and unavoidable" because "it cannot be ensured that ... mitigation measure[s] would be implemented" by local agencies (2.3-27). This conclusion is reached, however, without the consideration or inclusion of feasible mitigation measures that would directly reduce displacement (see 2.3-27).

The 6 Wins and our allies have proposed numerous actions that MTC and ABAG could take to reduce displacement, create more affordable housing, and mitigate related environmental impacts of the Plan. In a letter dated May 5, 2017 (incorporated herein by reference and attached as Attachment B), the 6 Wins Network, NPH, and Greenbelt Alliance propose several changes and additions to the draft Action Plan which, if implemented, would likely mitigate displacement. For example, MTC should build on the relatively small One Bay Area Grant (OBAG) program by conditioning additional transportation funding on local affordable housing and anti-displacement outcomes, and MTC and ABAG should develop a regional source of revenue for building and preserving affordable housing.

¹ In addition, the Equity Analysis includes contradicting information. Table 5-1 on page 5-2 notes that under the Draft Plan, the risk of displacement increases by 1% in Communities of Concern and 7% in the remainder of the region. But footnote 4 on page 6-4 notes the opposite: "While the risk of displacement for the Draft Plan increases by 7 percentage point [sic] within CoCs and by 1 percentage points [sic] in the remainder of the region...."

B. The Equity, Environment and Jobs Alternative is Not Properly Developed or Modeled

Properly modeled and sufficiently developed, the EEJ Alternative likely would have performed far better than the version that is analyzed in the DEIR. Unfortunately, even though the EEJ Scenario was the “environmentally superior alternative” identified by the EIR for Plan Bay Area in 2013, MTC and ABAG entirely sidelined the scenario in the process of developing the current Plan. After refusing for approximately two years to evaluate the EEJ Scenario as part of the process for developing the preferred scenario (see 1.2-11), MTC and ABAG contacted the 6 Wins about updating the scenario in December of last year, with just a few days remaining to finalize the alternatives before running their models. This last-minute addition means that it was inadequately developed compared to the other alternatives, likely resulting in under-performance.

Because MTC and ABAG ignored public requests to include an updated EEJ in the process, the EEJ scenario included in the DEIR does not adequately refine and build on the EEJ Alternative studied in PBA 2013. For example, the EEJ Alternative does not include key assumptions related to MTC and ABAG actions that would more directly address affordable housing and displacement. Unlike the other alternatives developed to inform the preferred scenario, the EEJ Alternative did not benefit from a public process that might have resulted in additional feedback and refinements.

Meaningfully including community voice in the planning process should be a central objective of MTC and ABAG. The EEJ Alternative was developed by grassroots organizations representing thousands of residents of low-income communities of color throughout the Bay Area and, as such, should have been considered on a level playing field with other, staff-developed alternatives. Moreover, these residents and grassroots organizations and the policy organizations with which they partner provide deep expertise in strategies to achieve equity, including affordable housing and anti-displacement outcomes.

As a result of these and other deficiencies, the DEIR fails to comply with CEQA, and the Equity Analysis fails to paint a reasonable picture of the impact of the draft Plan on the region’s most vulnerable communities and residents. MTC and ABAG must ensure that the impacts of displacement are adequately analyzed, that effective mitigation measures are included, and that the EEJ Alternative is robustly developed and accurately modeled. Due to the serious and pervasive nature of the flaws in the DEIR, we respectfully request that the DEIR be revised and recirculated.

Thank you,

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