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MTC PLANNING COMMITTEE
December 14, 2012
MINUTES

ATTENDANCE

Chair Spering called the MTC Planning Committee meeting to order at 9:30 a.m. Planning Committee members in attendance were: Commissioners Haggerty, Halsted, Liccardo, and Mackenzie. Commission Chair Tissier and Rein-Worth were present in their ex-officio voting member capacity. Other Commissioners present as ad hoc non-voting members of the Committee were Campos, Cortese, Dodd, and Wiener.

ABAG Administrative Committee members in attendance were: Luce, Cortese, Haggerty, Liccardo, Pierce, and Spering.

CONSENT CALENDAR: a) Minutes of November 9, 2012; b) Authorize the Release for Public Review of the Transportation 2035 Conformity Redetermination Analysis

Commissioner Mackenzie moved approval of the Consent Calendar, Commissioner Liccardo seconded. Motion passed unanimously.

PLAN BAY AREA PUBLIC OUTREACH UPDATE

Ms. Ellen Griffin, MTC staff, recommended a series of outreach activities in conjunction with final adoption of Plan Bay Area. She recommended holding public events in each of the nine Bay Area counties following a two-part format that includes both an "Open House" beginning at approximately 4p.m. and running until 6 p.m., followed by a formal public hearing that would run from approximately 6 p.m. to 8 p.m.

The Open House would include a series of information stations that correspond to the chapters of the draft Plan and, a "Comment Station" that will allow members of the public to enter their written comments directly into a computer, or offer oral comments that will be recorded, transcribed and included in the formal public comment record for the Plan.

At the formal public hearings those wishing to speak will be asked to fill out a request-to-speak card. A court reporter will be present to transcribe all oral comments. The hearings would be conducted in such a manner to help ensure that all who wish to speak have the opportunity to do so.

Ms. Griffin recommended the following additional activities to gather input: 1) a regionwide telephone poll; 2) community-based focus groups; 3) local elected official briefings; 4) updated OneBayArea web site; and, 5) Environmental Impact Report (EIR) public hearings.

She stated that staff will compile and analyze all comments received through all of these activities on the Draft Plan and Draft EIR and present a summary of the comments heard, along with responses, for MTC and ABAG consideration prior to adopting the final Plan.

In closing, Ms. Griffin summarized comments from MTC's Policy Advisory Council. The committee liked the many ways that people can comment on the Draft Plan, and especially liked the telephone poll. They encouraged more web-based options even possibly expanding the online comment tool to mirror the public workshop more. They liked the open comment booth at the public events that would allow people to comment at any time during the evening and they also want staff to be aware that they should be prepared to assist people with disabilities, and to think ahead and prepare materials in accessible formats.

Ms. Griffin recommended the committee's approval of the public participation strategies for Plan Bay Area.

Committee comments:

- Councilmember Pierce stressed the importance for elected officials to be present at the public hearings. She also requested that staff respond to all questions and comments heard within a matter of days – not weeks.

Chair Sperring called for public comment.

Public Comment:

- Christopher Pareja expressed his support for holding meetings in the evening in all nine Bay Area counties, for televised coverage, and possible local radio and news outlets as well. He expressed his concern about the process for voting at the public workshops. He also would like to see some opposing feedback in a more structured format. He expressed concern about public comment being limited to 2 hours per county – that may not be enough time. The survey conducted by phone needs to have questions indicating what the ramifications of the Plan will be and give some specific detail for people to make an informed decision.
- Don Bahl expressed his concern that citizens feel discriminated against – no matter what they say as citizens it will not make a difference.
- Heather Gass expressed her concern on how upset the public is at what's going on. She stated that this has been going on way before SB375 was legislated, and the public has not been given any answers to their questions/comments.
- Roger Haynes concurred with Mr. Parejas' comments and that the previous visioning sessions were an absolute farce. He stated that the telephone survey is very biased in the way it's asking the questions, and asked staff to look at the wording and make it an even playing field.
- Searle Whitney, Plan Bay Area Myth.org, submitted a petition with 176 signatures from residents around the Bay Area. The petition requests a suspension of Plan Bay Area / One Bay Area until a more thorough disclosure of the methodologies used in determining the jobs, housing and carbon emissions data is made available. They find unacceptable the overall lack of transparency of funders, use of taxpayer dollars in promotion of the

project, lack of significant public input, and potential exploitation of loopholes in the current law.

- Jennifer Delany commented on the smart growth policies in Portland, Oregon, and stated that Portland's urban growth boundary does not allow for any building out – only up – and thus increases the city's population density. The transportation funds were not spent on improving roads, but only on the region's rail transit system and bicycle paths. Normal housing was made unaffordable so that the city planners could force people to move to the high density mixed-use family housing. The rising cost of Portland's sustainable planning outweighs any benefits.
- James Bennett expressed his concern that these meetings do not enjoy public support.
- Orlean Koehle stated that the best way to get everyone aware of this (Plan Bay Area) is to put this up for a vote. She stated that approximately \$2 billion in federal grants will be divided up between the nine counties around the Bay Area to promote and implement their One Bay Area vision and if all goes according to plan the money will be used to build high density low income stacked and packed mixed-use housing with living areas above shopping centers, with little space for backyards, few spaces for parking, very narrow roads, and lots of bicycle trails and nobody likes to live in such areas.
- Byrne Mathisen commented on the proposed vehicle per mile tax - traffic increases due to multiple households going to work, driving kids to school, etc. She noted that people who live in high-rise density dwellings spend their time in café's and restaurants and spend their money which is good for the community, but she likes to spend her time growing her own organic food in the garden.
- Charles Cagnon stated that the United States has already achieved 1990 levels in Green House Gas reduction, which is one of the principal goals of this plan. Having achieved that, it calls into question the entire legitimacy of why this is being done. He noted that not only is this plan misguided and wasteful, but it's harmful. The United States is currently reeling, because the government distorted real estate markets, and MTC has a 25 year plan to distort real estate markets.
- BJ Krupp stated that she did attend a visioning session discussing public health, and when she asked staff what the study was, where it was done, and the background of the study, staff just repeated the same three sentences that were listed in the discussion. She suggested having qualified staff that can provide real answers.
- Paul Magginetti, Greater East San Carlos Neighborhood Assn., commented on a housing project under development in San Carlos, with a developer who feels entitled to ignore his concerns, with SamTrans that seems intent on becoming a real estate empire, and a city staff that feels they're entitled to undermined his efforts to have his needs heard and met. He suggested that staff improve transportation and stay out of housing.
- Peter Singleton raised four assumptions that he thinks undermine the Plan that is being developed and need to be addressed before it becomes a valid plan: 1) ABAG and MTC are using assumptions of population growth that are wildly overstated; 2) The models assume that greater density equals decreased greenhouse gas emissions per capita. The empirical data shows the exact opposite; 3) The models assume that there is a vast unmet need and market demand for mixed-use commercial space and mixed-use residential. The empirical data falsifies that; and 4) This body was assigned by the State initially 5% decrease in greenhouse gas emissions per capita, and this body went back to the State and demanded that the State assign this region a 15% decrease in greenhouse gas emissions

per capita. Lastly, he urged the committee to please consider that the citizens that know about this do not like the plan, and these are the people whose interest you serve. Another concern is the assumption that the public must be persuaded to agree to this plan rather than the public should be consulted where then maybe the plan should be changed.

- Glenn Gelineau commented on the visioning sessions, and that the elected officials found them to be uncomfortable. What the committee members need to do is change their visioning sessions because the people who are affected by this plan are not happy. He noted that there is a conflict with special interest groups being funded by grant money from MTC and ABAG to help facilitate some of the visioning sessions. The future visioning sessions need to be held in the evening so everyone has the opportunity to be heard.

Committee comments:

- Commissioner Rein-Worth requested updated information to affirm the discussions on population assumptions, the GHG targets, etc. She also asked how the phone survey will be structured. Ms. Ellen Griffin stated that staff retains a pollster to draft the questions. She noted that in previous polls sponsored by MTC there have been a working group of commissioners to provide the survey, giving staff an acceptable margin of error, and then presents the results with the commissioners at a public meeting.
- Supervisor Luce stated that the planning process is at a stage where MTC/ABAG will be evaluating environmental impacts of a preferred alternative versus other alternatives, so the questions need to be targeted on that question.
- Commissioner Haggerty agreed that the MTC/ABAG Committee meetings should begin with the Pledge of Allegiance, and also suggested that the public events be scheduled to begin at 5 p.m. rather than 4 p.m. with the public hearings from 7 p.m. to 9 p.m. to accommodate everyone.
- Chair Spering asked if each county will have the option of holding the meetings at a later time. Ms. Griffin stated that staff will schedule meetings around the Elected Officials availability, and what's convenient for the public.

Commissioner Haggerty moved approval of staff's recommendation with the public events beginning at 5 p.m. Commissioner Mackenzie seconded. Motion passed unanimously.

Supervisor Luce asked for approval from the ABAG Administrative Committee. Commissioner Haggerty moved approval, Councilmember Pierce seconded. Motion passed unanimously.

ONEBAYAREA GRANT (OBAG): Deadline Extension Requests for General Plan Housing Element Certification by the State Department of Housing and Community Development (HCD)

Ms. Miriam Chion, ABAG, stated that ABAG staff has been working on an ongoing basis with HCD and local jurisdictions to coordinate and facilitate HCD certification of housing elements in the region as required by the One Bay Area Grant Program. As of December 7, 2012 there are 19 jurisdictions that have not obtained HCD certification. Seventeen have requested an extension by the November 1, 2012 deadline. Nearly all of the 19 jurisdictions anticipate having a certified housing element by June 2013. The rest have indicated that they will meet the January 31, 2014 deadline.

Ms. Chion noted the Albany, Mill Valley, and Millbrae have not yet sent a draft of their housing element to HCD for review, but have indicated that they would complete this step by December 31, 2012.

In closing, she stated that by June 30, 2013, each CMA must indicate whether any funding is to be held in reserve for a project in a jurisdiction that does not have a certified housing element at that time but has adopted a board resolution that commits resources to complete its housing element update by January 31, 2014.

Ms. Chion requested approval of the requests received from the 19 jurisdictions for an extension until January 31, 2014 to obtain housing element certification from HCD.

Committee comments:

- Commissioner Dodd mentioned that Napa County won a lawsuit on its Housing Certification and that they believe they have a certified housing element, and have complied with all of the rules and regulations. He noted that if HCD decides the housing element wasn't done right, but the court rules that it was, this committee should recognize that.
- Chair Sperring asked if the law requires staff to use HCD certification. Ms. Chion stated that for the approval of the housing elements, HCD certification is what staff is using for this process, but it's up to the committee to choose an alternative.
- Commissioner Mackenzie asked if ABAG had discussions with the City of Cotati. Ms. Chion stated that the Cotati City Council approved its housing element two days ago so it's going to HCD for certification in the next few days.

Public comment:

- Heather Gass expressed her opposition against the entire process and submitted the following documents to the committee: 1) Compact for a Sustainable Bay Area; 2) ICLEA Local Government for Sustainability Charter; 3) 1997 ICLEA Return of Organization Exempt From Income Tax Form.
- Parisa Fatehi-Weeks, Public Advocates, commended the requirement of an HCD-approved housing element as a condition of OBAG funding, which is a voluntary source of funding that cities can pursue. She stated that because funds will be held in reserve for jurisdictions that have not yet complied but are working on it, she asked what happens to the funding in reserve, and will there be a better backup designation in the case that a jurisdiction isn't able to come into compliance.
- Glenn Gelineau commented on the visioning sessions and requested that they facilitate the comments of the public and to heed some of those comments.

Chair Sperring asked for a motion to approve staff's recommendation. Commissioner Haggerty moved approval, Commissioner Mackenzie seconded. Motion passed unanimously.

Supervisor Luce requested that MTC create some sort of appeals process when there is a difference of opinion between HCD and what the courts decide. He stated that somehow HCD believes they are more intelligent than the judges who decide whether we are consistent with

state law. He commented on International Council for Local Environmental Initiatives (ICLEA) and stated that within their own Climate Action Plan, they do use ICLEA as a professional source as to how accounting is done – they provide technical input. He asked for a motion from the ABAG Administrative Committee to approve staff's recommendation. Councilmember Pierce moved approval, Commissioner Liccardo seconded. Motion passed unanimously.

OTHER BUSINESS/PUBLIC COMMENT

There being no other business, the meeting adjourned at 10:45 a.m. The Committee's next meeting is scheduled for Friday, January 11, 2013 at 10:45 a.m. in the Lawrence D. Dahms Auditorium, Joseph P. Bort MetroCenter, Oakland, CA.

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