

CONCERNS REGARDING THE BAY AREA PLAN (SB375) REQUIRING ACTION

June 2013

The Bay Area Plan (SB375) purports to reduce gas emissions, link major transportation to the development of adjacent housing (within ½ mile of approved major transit lines) while providing economic vitality for an indefinite time forward. The principle promotional vehicle is through abeyance of local requirements of CEQA review of transportation and adjacent housing. The local review is replaced by a regional CEQA overlay that is not locally appealable. Additional promotion is provided by MTC right of local allocation of state and federal transportation funding for specific locations that is also not appealable.

As structured and planned, the regional plan will result in unanticipated results that will be significantly contrary to SB375 premised goals and be very improvident of the region's future and options for remediation.

1. INDETERMINATE MANDATE: Inevitable change requires timely, collaborative, flexible mitigation responses for all affected entities. As legislated and undertaken, the ability to meet long-term and imminent regional needs does not exist because the Bay Plan is frozen in time, is un-appealable and lacks proper planning and implementation means.

2 .APPEAL RIGHTS: Only legal challenges and state legislative actions will be available.

3. PLANNING PROCESS: Submission by local governments of recommendations for transportation/housing futures provide a large part of the Bay Area Plan premises. Particularly regarding San Francisco, professional and legal mandated processes or enforceability do not sufficiently exist to merit a reliable, long term, unappealable plan. Particularly lacking is an enforceable Housing Element that provides for a sustainable diversity of housing needs linked to guided, mutually sustainable economic investments that can provide opportunities for housing to be linked to job maintenance and formation. Economic vitality requires regional resources and institutional means that are ignored by local and Bay Plan program processes and cannot result in realistic regional plans.

4. SEISMIC SAFETY: The regional plan program ignores seismic disaster impact on the city and its region. This area lacks capability now to remedy such an assured large scale disaster. In the event of such a disaster, the projected holding capability of the city now or in a future city of 2 million is not sufficient to provide life safety and functionality. To permit development of a transportation/housing development in the likelihood of disaster is to merit complicity that would inevitably result in a great many deaths.

5. ECONOMIC INVESTMENT: The Bay Plan lacks necessary programmatic sophistication sufficient to link jobs to economic investment potentials likely in a market environment free at present of an actionable governmental role. Sound economic planning require cognizance of the mutual inter-dependency between sustainable economic services and producers. Because the Bay Plan relies almost solely on local projections of economic underpinning, market forces will in likelihood place large economic investment outside of San Francisco while the Bay Plan encourages housing development inside of the city.

6. JOBS/HOUSING: As a result of economic dispersal, we will have the incongruous situation of city residents commuting to jobs outside of city as now exemplified with Silicon Valley. Gas emissions will therefore increase given the likelihood that public transportation cannot be supported for such dispersed service and work journeys. The damage to the economic vitality and public reliability for mitigation will be irreparable.

7. ENVIRONMENTAL PRESERVATION: Private lands needing environmental protection, especially in the outer counties, need enhanced powers for preservation. Suggested, for example, is an augmented Williamson Act that creates "greenbelt" use limitations by acquisition of irreversible development rights in exchange for abatement of property taxes and other local fees.

8. LEGALITY: The County of San Francisco is an "Administrative District of the State." It is likely that it is illegal, even under current state mandate, that an unelected, regional transportation agency can superimpose its plan implementation on San Francisco. An injunctive appeal for remedy is needed.

Actions Required:

The imminence of an enforceable Bay Area Plan requires both city and state review and remediation in the legislative level.

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