



ACTION ITEM

Metropolitan Transportation Commission/Association of Bay Area Governments' Draft Plan Bay Area 2050 Delta Plan Comment Letter

Summary: Staff will provide an overview of the Council's comment letter on the Metropolitan Transportation Commission/Association of Bay Area Governments' (MTC/ABAG) Draft Plan Bay Area 2050 and Draft Environmental Impact Report (EIR). The overview will describe Delta Reform Act requirements for the Council to provide review and advice regarding regional transportation plans and sustainable communities strategies pursuant to Water Code section 85212, and provisions within the Delta Reform Act that would exempt actions consistent with Plan Bay Area 2050 from the Council's covered action authority. MTC/ABAG's Assistant Director of Major Plans, Dave Vautin, will present Plan Bay Area 2050 and its relationship to the Delta. Because this represents a formal Council advisory function under Water Code section 85212, staff is seeking Council approval of the comment letter containing the preliminary findings and submittal of the letter to MTC/ABAG.

REQUESTED ACTION

The Council's authority pertaining to review of regional plans and sustainable communities strategies is set forth in Water Code section 85212 ("Section 85212"). Pursuant to this section, the Council is required to review and provide advice on Plan Bay Area 2050. Today, staff is recommending that the Council approve the preliminary findings documented in the July 20, 2021 comment letter on the Draft Plan Bay Area 2050 and Draft EIR for submittal to MTC/ABAG (**Attachment 1** to this staff report).

REGIONAL PLANNING AUTHORITY UNDER THE DELTA REFORM ACT

Section 85212 of the Delta Reform Act grants the Council specific authority to review and advise local and regional planning agencies regarding the consistency of local and regional planning documents (including sustainable communities strategies and alternative planning strategies) with the Delta Plan. The Council's review and advice may include, but is not limited to, the consistency of the local or regional planning document with the ecosystem restoration needs of the Delta, and whether lands set aside for natural protection are sufficient to meet the Delta's ecosystem needs.

It also requires a metropolitan planning organization preparing a regional transportation plan that includes land within the Primary Zone or Secondary Zone

of the Delta to consult with the Council early in the planning process regarding the issues and policy choices relating to the Council's advice. The Council's advice on Plan Bay Area 2050 provides benefits for future projects similar to early consultation. This is important because the Delta Reform Act exempts actions within the Secondary Zone of the Delta that a metropolitan planning organization (MPO) determines are consistent with a sustainable communities strategy or alternative planning strategy that the State Air Resources Board has determined would achieve regional greenhouse gas emission reduction targets from the Council's covered action authority. (Wat. Code § 85057.5(b)(4)).

There are three MPOs with jurisdiction in the legal Delta and Suisun Marsh: MTC/ABAG, the Sacramento Area Council of Governments (SACOG), and the San Joaquin Council of Governments (SJCOG). Federal and state laws require these agencies to prepare a regional transportation plan (RTP) and a sustainable communities strategy (SCS) that must be updated every four years in coordination with each local government and cover at least a 20-year planning horizon. SACOG last updated its RTP/SCS in 2019. Council staff submitted a comment letter in support of SACOG's 2019 plan and its consistency with the Delta Plan, which the Council approved in October 2019. SJCOG's RTP/SCS will be updated in 2022 and Council staff has begun meeting with SJCOG staff to discuss Delta Plan consistency requirements. MTC/ABAG's RTP/SCS, named Plan Bay Area, is discussed in more detail below.

PLAN BAY AREA 2050

MTC/ABAG is designated by the federal government as the MPO for the nine-county Bay Area region, which includes portions of the Delta Primary Zone, Delta Secondary Zone, and Suisun Marsh. As an MPO, MTC/ABAG is charged with preparing a regional transportation plan that must be updated every four years in coordination with each local government.

Plan Bay Area, the first Bay Area RTP to incorporate an SCS, was originally adopted in 2013. Plan Bay Area 2040 was adopted in 2017 as an update to the 2013 plan. Plan Bay Area 2050 represents the second update to the Bay Area RTP/SCS and is proposed for adoption in October 2021.

The proposed Plan Bay Area 2050 is a long-range regional plan that outlines housing, economic, transportation, and environmental strategies to achieve regional objectives for affordability, connectivity, diversity, health, and vibrancy, while also achieving greenhouse gas emissions reduction targets established by the California Air Resources Board. Draft Plan Bay Area 2050 and supporting documents are available at: <https://www.planbayarea.org/draftplan2050>.

CONSULTATION WITH COUNCIL STAFF

As noted above, pursuant to Section 85212, the Council is required to review and provide timely advice regarding the consistency of Plan Bay Area 2050 with the Delta Plan, and MTC/ABAG is required to consult with the Council early in the planning process regarding the issues and policy choices relating to the Council's advice. Council staff met with MTC/ABAG staff on December 12, 2019, and January 22, 2020, to offer timely advice on the consistency of Plan Bay Area 2050 with the Delta Plan. Following these meetings, MTC/ABAG shared its proposed Growth Geographies (which are areas in which urban development is proposed to be focused) and proposed Priority Conservation Areas so that Council staff could evaluate the consistency of these designations with the Delta Plan. The Council submitted a comment letter regarding the proposed Growth Geographies associated with Plan Bay Area 2050 on February 25, 2020, and MTC/ABAG provided a written response on April 7, 2020.

Council staff also submitted a comment letter on the Notice of Preparation (NOP) for the Plan Bay Area 2050 EIR on October 28, 2020, and a comment letter on Draft Plan Bay Area 2050 and the associated Draft EIR (**Attachment 1**) on July 20, 2021, containing preliminary findings regarding the Council's review and input on Plan Bay Area 2050. The July 20, 2021 letter noted that the preliminary findings would be recommended by Council staff and considered by the Council at today's meeting, following a presentation by MTC/ABAG and public comment.

SUMMARY OF PRELIMINARY FINDINGS

Based on the review of Draft Plan Bay Area 2050 and the Draft EIR, in compliance with the Delta Reform Act, section 85212:

- the Council has not identified any inconsistency of Draft Plan Bay Area 2050 with Delta Plan Policy DP P1 (see **Attachment 1**, pp. 4-7); and
- the Council has not identified that lands set aside for conservation and restoration in Draft Plan Bay Area 2050 are inconsistent with the ecosystem restoration needs of the Delta (see **Attachment 1**, pp. 7-9).

STAFF RECOMMENDATION FOR COUNCIL ACTION

Today, staff is recommending that the Council approve the preliminary findings provided in the July 20, 2021 comment letter (**Attachment 1**) and authorize staff to finalize and submit the letter to MTC/ABAG. Should the Council approve the findings, staff will transmit an updated version of the letter to MTC/ABAG inclusive of any revisions approved by Councilmembers and attesting to the Council's action.

FISCAL INFORMATION

Not applicable.

LIST OF ATTACHMENTS

Attachment 1: July 20, 2021 Comment Letter regarding Draft Plan Bay Area 2050 and Draft EIR

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