Update from the Tam Valley Vision Group’s Research Team
June 7, 2012

Update on the Plan Bay Area

At a special joint public meeting on May 17, 2012, officials from the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) voted for the Plan Bay Area Preferred Land Use Scenario and Transportation Investment Strategy.

If you recall from our presentation about Senate Bill 375, “Plan Bay Area” is ABAG’s and MTC’s Bay Area version of SB 375’s centerpiece - the Sustainable Communities Strategy. When completed, “Plan Bay Area” will be the Bay Area Region’s 25-year guide to jobs, population and housing distribution, in addition to transportation investments. In its current form, “Plan Bay Area” is highly flawed and uses unrealistic population and job growth projections to mandate planning for unrealistic high-density housing development.

Besides other objectives, “Plan Bay Area” mandates (through incentives** and penalties) planning for high-density housing development, including high-density affordable housing, in areas that are in close proximity to public transit. These areas are designated Priority Development Areas (PDA). [**SB-375’s incentives include (but are not limited to): 1) streamlining the California Environmental Quality Act (CEQA) for development that meets certain criteria; and 2) transportation funding.]

Infill development in PDAs is anticipated to comprise most of the Bay Area’s long-term growth.

In 2006, Marin County chose to include the commercial/mixed-use parcels in Tam Valley and Almonte lowlands in the Highway 101 Corridor PDA.

A Draft Plan Bay Area is slated for release in late 2012, to be followed by public hearings throughout the region in January through March 2013. MTC and ABAG are expected to approve a final plan by spring 2013.

To lessen the chance that Tam Valley and Almonte will be targeted for high-density housing, it is imperative that the districts be removed from the Priority Development Area. Based on the above schedule, this must be accomplished by the First Quarter of 2013. The Vision Group members and other local residents will need to be extremely politically active to accomplish this.

Senate Bill 226: This Legislation Streamlines CEQA Review for Certain Urban Infill and Solar Energy Projects
The below excerpts are from:

http://www.mondaq.com/unitedstates/article.asp?articleid=148656&login=true&nogo=1
and
“OPR Proposes SB 226 CEQA Streamlining Guidelines” by Morrison & Foerster LLP

“On the last day of the 2011 legislative session, the California legislature passed Senate Bill 226 (SB 226). The bill was signed by Governor Jerry Brown on October 4, 2011. SB 226 implements significant changes to the California Environmental Quality Act (CEQA) by:

- Authorizing limited CEQA review for urban infill projects that meet certain standards to be developed over the next several months;
  - A.) Once a project has cleared the qualification threshold, the lead agency will determine what level of streamlining is appropriate, ranging from complete exemption to a narrower, project-specific “infill EIR”. To determine which CEQA document is appropriate, the lead agency will undertake two inquiries: First, if the effects of the infill project were addressed in a prior planning-level EIR (e.g. prepared for a general plan, community plan, specific plan, or zoning code), they need not be analyzed again. Second, even if the effects were not addressed in a prior EIR (either because they are new effects or because they are more significant than what was previously analyzed), if they are substantially mitigated by uniformly applicable development policies (e.g. construction activity regulations), the effects need not be analyzed further.

- Creating a new statutory exemption for rooftop and parking lot solar energy projects; and
- Establishing that greenhouse gas emissions at a project or cumulative level do not disqualify use of categorical exemptions if the project complies with certain regulations and requirements.”

Marin County Board of Supervisors May 22, 2012 Workshop
On May 22, 2012 the Marin County Board of Supervisors conducted a workshop to consider appropriate methods to facilitate and “improve efficiencies in” the review process of development projects that are consistent with the Countywide Plan.

If we understood the outcome of the workshop correctly, over the next 6 to 8 months there will be meetings, which will be open to the public, to vet a variety of topics, such as regulatory and permitting coordination, fee structures, and California Environmental Quality Act (CEQA) review. If staff’s suggestions, as stated on the May 22nd Staff Report, are followed, these meetings may be overseen by a working group (AKA an advisory committee), consisting of special interest representatives, many of whom are pro-development and some of whom have vested financial interests in development.

It is our (the research group's) opinion that there is high probability that the “facilitation” and “improvement of efficiencies” will result in expediting and streamlining the development review process, which may include streamlining CEQA. In order to try to protect CEQA, transparency, public input and local control, the community will need to regularly participate in these meetings and remain highly vigilant.