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RE: Comments on Draft EIR for Proposed MSASP Update

Honorable Mayor and City Council, Planning Commission and Ms. di Iorio,

The proposed update to the MSASP presents a unique opportunity to transform the Millbrae station area into a vibrant, mixed-use, transit-oriented, and economically resilient neighborhood. It is classified as a Priority Development Area in the One Bay Area Plan as a critical part of the Bay Area wide solution to meet AB 32, California's Global Warming Act of 2006 and SB 375 that sets greenhouse gas reduction goals through the Bay Area Air Quality Management District [BAAQMD] using transportation and housing strategies.

For this reason, the Sierra Club offers the following comments on the draft EIR issued for the proposed MSASP Update. We hope that our comments will persuade the City of Millbrae to reevaluate the draft EIR for its adequacy, as well as the proposed MSASP Update for its conformance to the above laws and relevance in today's social, environmental and economic climate.

Air Quality

The Draft EIR informs that the proposed buildout of the Specific Plan Area, TOD #1, and TOD #2 would individually and collectively result in significant unavoidable impact to air quality in Millbrae. Specifically, the proposed actions would individually and collectively increase operational phase emissions beyond significance thresholds established by the BAAQMD for VOCs [volatile organic compounds] and NOx [nitrogen oxides], as well as exceed the projected growth increase for Millbrae and thus exceed BAAQMD's regional significance thresholds for air pollutants.

First, we must point out that it has been clearly established that motor vehicles are the primary source of NOX and VOC emissions, and these emissions increase in direct proportionality to VMT [vehicle miles traveled]. Therefore, a 95% increase in total daily VMT, even when accompanied by a 75% reduction in VMT per capita (as stated in the Draft EIR) does not mitigate but rather magnifies the threat posed by air pollution to the health of current and future Millbrae residents and the Bay Area.

Secondly, with regards to significant emissions of PM2.5 we urge the City to consider the fact that SFBAAB [San Francisco Bay Area Air Basin] which includes San Mateo County, is currently a designated nonattainment area for ozone and PM2.5. As a result, additional unmitigated emission of PM2.5 resulting from the proposed buildout of the specific plan area and TOD #1 and TOD #2 respectively, would further deteriorate local and regional air quality and increase health risk to sensitive receptors in the area.

Currently, in Millbrae, cardiovascular events, chronic lower respiratory disease and lung cancer, are among the top 5 leading causes of death for residents; and scientific studies by reputable organizations including the American Heart Association, World Health Organization, and The International Agency for Research on Cancer, have established a causal relationship between these diseases, and both short and long term exposure to air pollution.

To protect the health of Millbrae residents, who are already significantly burdened by poor air quality, it is clearly imperative that the City incorporate into the EIR, a more robust transportation demand management plan, if it is serious about a mitigation strategy for air pollution. This transportation demand management plan must prioritize and achieve transit, pedestrian and bicycle travel, safety, and connectivity, above cars, using clearly stated and measurable goals for shifting the mode share, and a pro-active program for meeting these goals. These are all currently missing in the proposed MSASP update and associated EIR¹.

Greenhouse Gas Emissions¹

SB 375, the Sustainable Communities and Climate Protection Act of 2008 was intended to reduce GHG emissions by aligning regional long-range transportation plans, investments and housing allocations, with local land use planning to reduce VMT and vehicle trips. The Metropolitan Transportation Commission [MTC] has a target 15% per capita GHG (15 MMTCO_{2e}) emissions reduction for light duty trucks and passenger vehicles from 2005 levels by 2035.

According to the Draft EIR, the per capita efficiency target for the proposed specific plan area update, TOD #1, and TOD #2, are all below the 4.6 MTCO_{2e} BAAQMD threshold. However, buildout emissions for each, exceed the 1,100 MTCO_{2e} bright-line threshold of the BAAQMD. The Draft EIR further categorizes the greenhouse gas impacts of the proposed specific plan update and TOD #1 and TOD #2, as less than significant without mitigation. The fact that projected GHG emissions in the plan, would only comply with BAAQMD per-capita GHG emissions threshold, and not with the BAAQMD bright-line emission (total emission) threshold, is grounds for a mitigation strategy. The EIR needs evaluate what alternatives can be enabled in the MSASP update to curb greenhouse gas emissions and meet targets of the Climate Action Plan.

¹ This may warrant instituting a Transportation Management Association, such as is being used by other cities - Mountain View, Sunnyvale, Emeryville, San Mateo- that has the capacity and authority to execute a Transportation Demand Management Plan effectively for both new and existing businesses and housing developments.

Transportation and Circulation

Under CEQA, a proposed project would have a significant impact on transportation and circulation if it would:

1. “Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrians and bicycle paths, and mass transit.
2. “Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections...”

The draft EIR highlights that the proposed buildout of the specific plan area would:

- Add considerable volume of traffic to intersection #4 El Camino Real/Millbrae Avenue
- Contribute a considerable level of traffic to intersection #5 El Camino Real/Murchison Drive
- Contribute considerable levels of traffic to intersection #7 California Drive/Murchison Drive
- Contribute considerable levels of traffic to intersection #8 Rollins Road/Millbrae Avenue.

Proposed mitigation to the above-listed significant unavoidable impacts revolve almost exclusively around lane additions and widening of existing roads to facilitate motorized travel. While there are a few proposed improvements to bicycle circulation, these are all confined to the small interior streets and a connection to the planned Bay Trail.

This approach to transportation design conflicts, distinctly, with at least four objectives in the Draft EIR (P. 3-40) that promote the development of Complete Streets within the entire specific plan area. It is vitally important that equal access and safety is available to pedestrians and bicycles especially along major gateway streets like El Camino Real and Millbrae Avenue. As noted in the Draft EIR, El Camino Real and Millbrae Avenue provide the most direct north-south and east-west connecting routes respectively, to the BART/Caltrain Station and to the specific plan area in general. It therefore begs the question why, besides the proposed few traffic signal improvements, there are no meaningful improvements to pedestrian and bicycle circulation along these major direct gateway routes. As important as El Camino Real and Millbrae Avenue are to vehicular and non-vehicular travel, lack of safety deter their use by the latter group. A review of traffic facilities by the Center for Investigative Reporting found that El Camino Real is the deadliest street in the San Francisco Bay Area and the section in Millbrae leads in the number of fatalities. The proposed addition of lanes to El-Camino Real/Millbrae Avenue intersection will further increase the risk of accidents especially involving pedestrians and bicyclists in this area. This is unacceptable.

The Sierra Club suggests that the City revise the Draft EIR to consider the safety and efficiency of alternative modes of travel along the major streets and intersections. Regulatory policies that must be considered in the analysis of every street intersection in the MSASP include:

- Caltrans Deputy Directive 64 (consider needs of non-motorized travelers),
- Caltrans Deputy Directive 64-R1 (provide for needs of travelers of all ages and abilities)
- Caltrans Director’s Policy 22 (accommodate needs of pedestrians and bicyclists),

- California Complete Streets Act of 2008 (AB 1358),
- Senate Bill 743 (which is intended to negate LOS as a measurement in EIRs),
- MTC Regional Regulations (that promote complete streets),
- Millbrae Policy C1.3 (promote safe walking),
- Millbrae Policy C1.8 (promote bikeway and pedestrian improvements),
- Millbrae Policy C3.1 (separate regional and commuter traffic from local traffic),
- Millbrae Policy C4.9 (provide a safe and logical bikeway system),
- Millbrae Policy C4.15 (pedestrian safety and convenience to be considered in the design of intersections), etc.

We propose a more robust mitigation to transportation and circulation impacts resulting from the proposed buildout of the specific plan area especially since current circulation patterns do not relieve congestion by enabling other modes. Our mitigation strategy, which is in consonance with relevant regulatory policies, Caltrans revised guidelines that allows LOS [level of service] to be disregarded in Priority Development Areas favoring pedestrians and bicycles, meets all the stated objectives of the MSASP Update, and is highly feasible. It includes, but is not limited to, the following major elements:

1. Narrowing of El Camino Real into a 2-lane roadway in each direction
2. Addition of a Class IV protected bicycle lane in each direction of El Camino Real
3. Addition of a Class II bicycle lane in each direction of Millbrae Avenue
4. Improved, safer, shorter pedestrian crosswalks with bulbouts to reduce the number of lanes crossed and a safe haven at the middle of the street
5. Improved sidewalks along El Camino to take an increased volume of pedestrian traffic in greater comfort and safety along a mixed use corridor with improved transit.

We want to reiterate that studies show adding lanes to roadways create added “induced demand” which is likely to result in both an increase in traffic and further reduced public safety; rather than improve an already unsafe traffic situation. Bike lanes, rather than additional lanes for motor vehicles, constitute the sustainable, long-term solution to current and anticipated future traffic load in the specific plan area. Bicycle boulevards like Bryant Street in Palo Alto, are shining examples of established means of reducing car traffic that works for most age groups. Electric bikes and tricycles parking and charging plans can also allow more people to use bicycles. Addition of bike lanes, especially separated bike lanes, to El Camino Real and Millbrae Avenue will provide safe and efficient opportunities for alternative travel when walking is not an option, discourage auto use, and provide opportunities for the City to reduce significantly VMT per capita and mitigate air pollution and GHG emissions associated with the proposed MSASP buildout, as required by SB375.

In addition to encouraging pedestrian and bicycle modes by improving access for these modes, it is well known that strategies to *discourage* auto use are also extremely effective. These strategies should be a consequence of the goals outlined in the MSASP. For example, to what extent, target, goal, and time frame will travel by foot, bicycle, bus and rail be made more efficient and attractive? How efficient are travel times for each of these modes relative to each other? How can walking and bicycling be made the most attractive options. We propose that:

1. Parking be entirely unbundled so that users pay to park throughout the MSASP area.
2. Employers use parking cash-out - employees are paid to not drive to work

3. Parking ratios be reduced and, at the same time, car-share spaces and car-share membership added. [Reduced parking increases affordability by reducing costs for building expensive parking garages and also by freeing up space, within the height envelop, that can be used for added housing or office space.]
4. Plan for only shared parking, preferably in separate public parking structures that can be removed and replaced if parking needs get reduced.
5. All buildings - office and residential- be required to participate in discounted transit pass programs so that residents and employees have transit convenience.
6. And, Resident Parking Permit programs need to be put in place, paid for by developer fees, in the neighborhoods around the MSASP area to protect neighborhoods from overflow parking.

Land-Use and Planning

The height proposed for TOD #1 exceeds the maximum height identified in the specific plan update for the proposed site. The Draft EIR states that no mitigation is available for this impact, but that a reduced-intensity alternative may eliminate the need for mitigation (P. 2-23).

The Sierra Club strongly supports high density development in the specific plan area, in line with Priority Development Area guidelines, and this is especially important since the proposed buildout is expected to increase population in the specific plan area by nearly 600% (Table 2-1).

We propose that the City amend the planning document and zoning ordinance in the MSASP to include public benefit zoning. This type of zoning would allow developers, like TOD #1, to exceed current maximum height thresholds when it is safe to do so, in exchange for equivalent, much-needed community benefits such as affordable housing, public open space, child care, free shuttle service, free or subsidized transit passes, car-share, subsidized community facilities, and other public improvement programs that would not normally be fundable.

This draft EIR is short on analysis and public participation and this is particularly glaring in the approach to public benefits. The EIR is explicit that the entitlements are not included in the analysis. However entitlements and zoning change have occurred as a collusion between council and developers to the detriment of the public. According to ABAG, Public Benefit Zoning (PBZ) – also known as Land Value Recapture- is based on the premise that land use changes and enhancement enacted by a public agency contribute to increased real estate values. It is reasonable to expect that if a private landowner benefits from public action, some benefits must be extended towards the community as well. In addition to the value created by the upzoning for the developer (as under incentive zoning) additional value is extracted from the landowner and dedicated to community benefits.

Affordable Housing

MSASP has a stated goal of 15% affordable housing. Yet the first development that is planned to go ahead (TOD #2) has no indication that affordable housing will be included.

Affordable housing coupled with reduced parking has been demonstrated as the most effective strategy for meeting regional air quality and transportation goals.

Affordable housing is important for meeting Priority Development Area goals because, individuals in the lower income brackets are the most likely to use alternative transportation options and to not add autos to the MSASP, thus contributing to meeting the air quality goals and public transportation, walking and bicycling mode-share goals.

TOD #2 is on publicly owned land and, therefore, is the most obvious place to expect affordable housing and in a quantity exceeding the 15% stated goal. Again, the City can encourage affordable housing by applying public benefit zoning throughout the specific plan area.

Other mitigation strategies that should be made standard in the MSASP

In addition to the above strategies that we propose, it is also advisable to make other mitigation strategies standard and mandatory in the MSASP. These are strategies such as are considered in the city's Climate Action Plan (CAP) to meet greenhouse gas targets. Rather than leaving these strategies as optional, the MSASP should make many of these strategies mandatory in the plan area in order to assist the city to meet its goals. There are many and could include green infrastructure such as:

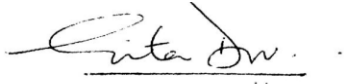
- capturing and reusing all rainwater on site
- using recycled water with double piping throughout
- permeable paving throughout
- rain gardens along sidewalks and in open parking
- quiet road surface for noise reduction in high density areas - rubberized road surface
- mandatory solar energy - active and passive
- priority for electric vehicles, electric charging stations, lower parking rates for electric cars
- requiring a high sustainability standard - higher than the standard LEED Silver - for the plan area
- bird-friendly design for all the buildings as the developments are near the baylands where thousands of birds live and feed daily and on the Pacific Flyway for millions of migratory birds.
- and many others listed in the CAP.

We submit the above comments with the expectation that our suggestions will be considered in improving the MSASP Update and associated Draft EIR. We hope that together we can bring the proposed MSASP update into realizing its obvious potential for being an improvement to the environment and economy of Millbrae, and the wellbeing of the residents of Millbrae rather than degrading their quality of life, health and safety.

Respectfully submitted,



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cc:

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