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Committed to Exposing The Truth About UN Agenda 21/Sustainable Development

Metropolitan Transportation Commission/Association of Bay Area Governments
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101 Eighth Street
Oakland, CA 94607

May 14, 2013

PUBLIC COMMENT/OBJECTIONS (16 pages)
Draft Plan Bay Area: Strategy for a Sustainable Region
March 2013

The Post Sustainability Institute strongly objects to the tremendous overreach of Plan Bay Area in the imposition of regional governance over the voters and their elected representatives in the nine county, 101 city San Francisco Bay Area. The elevation of an unelected, unrepresentative body over the people of these municipalities is a violation of the rights and freedoms guaranteed by the US and California constitutions. We assert that the Metropolitan Transportation Commission and the Association of Bay Area Governments have taken SB 375 and used it to impose an aggressive ideology of land use restrictions and regionalization. Regional governance inserts a layer of unelected boards between local government and the federal and state grant makers/funders. This regional layer (MTC/ABAG), unaccountable to the electorate, sets up *de facto* mandates for local government--effectively using money as a lure and a bludgeon to cities and counties desperate for funds. As more and more regions are created and imposed on local and state governments across the nation there will be less local control. Local government will exist solely to implement regional regulations administratively without meaningful input from the voters.

The necessity for government subsidies or changes to Proposition 13 (California property tax) to implement this Plan is clearly stated in the Plan itself on nearly every page. Restricting development of both residential and commercial uses primarily to highly urbanized city centers even when the real estate and economic markets do not support it is a recipe for failure and debt. The entire plan is a house of cards based on a financing scheme that does not exist in California: Redevelopment. Redevelopment debt has had a crippling impact on California; bonded debt for redevelopment in our state had reached \$81 billion by 2007 and was doubling every 10 years. (*Redevelopment: The Unknown Government*, Municipal Officials for Redevelopment Reform, 2007). The reinstatement or reinvention of tax increment financing for private development imposes a generational debt requiring 20-40 years of payments to bond brokers. Schemes for assembling and acquiring privately owned fully-developed land parcels in the Priority Development Areas will, as stated in the Plan, require eminent domain. Eminent domain is intended for public use only, and the perversion of the concept of public use to acquire land for private benefit will not be tolerated in California. In any case, at the time that Plan Bay Area is scheduled for adoption (July 18, 2013)

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none of these potential funding schemes is in effect, therefore the Plan fails the feasibility requirement of SB 375.

Plan Bay Area and SB 375 are predicated on the implementation of Sustainable Development. Sustainable Development was formally defined in the 1987 United Nations publication *Our Common Future* written by the UN World Commission on Environment and Development (referred to as the Brundtland Commission). Sustainable Development is defined as:

Development that meets the needs of the present without compromising the ability of future generations to meet their needs.

All that remained was to state that our current activities and means of living were 'compromising the ability of future generations to meet their own needs' and then decide what to do about it.

After *Our Common Future* was presented to the UN General Assembly in 1987 the World Commission on Environment and Development (Brundtland Commission) was tasked with designing strategies for achieving Sustainable Development by the year 2000. At the Rio Earth Summit in June, 1992, the Brundtland Commission came back with the action plan for implementing Sustainable Development globally: Agenda 21. Referred to as the Agenda for the 21st Century, this document was agreed to by 179 nations, including President George H.W. Bush.

William Clinton was elected President in November, 1992, and six months later he issued Executive Order #12852 which created the President's Council on Sustainable Development (PCSD). It first met in the summer of 1993; and continued until 1999. The members of the PCSD included Cabinet Secretaries for Transportation, Agriculture, Education, Commerce, Housing and Urban Development, Environmental Protection Agency, Small Business Administration, Energy, Interior, and Defense. Representing business were CEOs for Pacific Gas and Electric, Enron (Ken Lay), BP Amoco, and Dow Chemical, among others. Environmental organizations rounded out the balance with the Natural Resources Defense Council, Sierra Club, World Resources Institute, the Nature Conservancy, and the Environmental Defense Fund being the most notable.

The PCSD immediately began laying the groundwork for implementing Agenda 21 in the United States. The goal was to change public policy to bring it into alignment with the new agenda for the 21st century. The PCSD formalized its recommendations in '*Sustainable America—A New Consensus.*'

In the PCSD's list of vital elements to incorporate into their recommendations they included this statement:

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'We need a new collaborative decision process that leads to better decisions, more rapid change, and more sensible use of human, natural, and financial resources in achieving our goals.'

A new collaborative decision process. The new definition for consensus is the neutralization of expressed opposition.

In the old way of doing things, the democratic way, an issue is put before the voters and they vote on it directly, or they have a representative who reviews the issues, debates them publicly, and then votes. If the voters are not satisfied with the outcome, they can initiate a referendum or vote out the representative.

'Sustainable America—A New Consensus' does not allow for actual dissent. There can be no opportunity for failure in implementing Agenda 21. In fact the Cabinet Secretaries reported that they could implement approximately two thirds of the PCSD's recommendations administratively. However, it is not desirable that citizens notice that they are not being given a choice in the most important issues of their lives, so they are given the illusion that they are making decisions for themselves. The real meaning of consensus is to take away your voice and leave you feeling as if you are the only one who has some problem with the results. The President's Council on Sustainable Development incorporated the Delphi Technique into its recommendations so that 'more rapid change' could be imposed on us through clever manipulation. The Delphi Technique was used by MTC/ABAG and their consultants in their 'visioning meetings' in order to manipulate the outcome. Although they will say that they have never heard of the Delphi Technique they are in fact using it to direct public opinion, ignore or marginalize dissent, and declare 'consensus' on their preferred alternative.

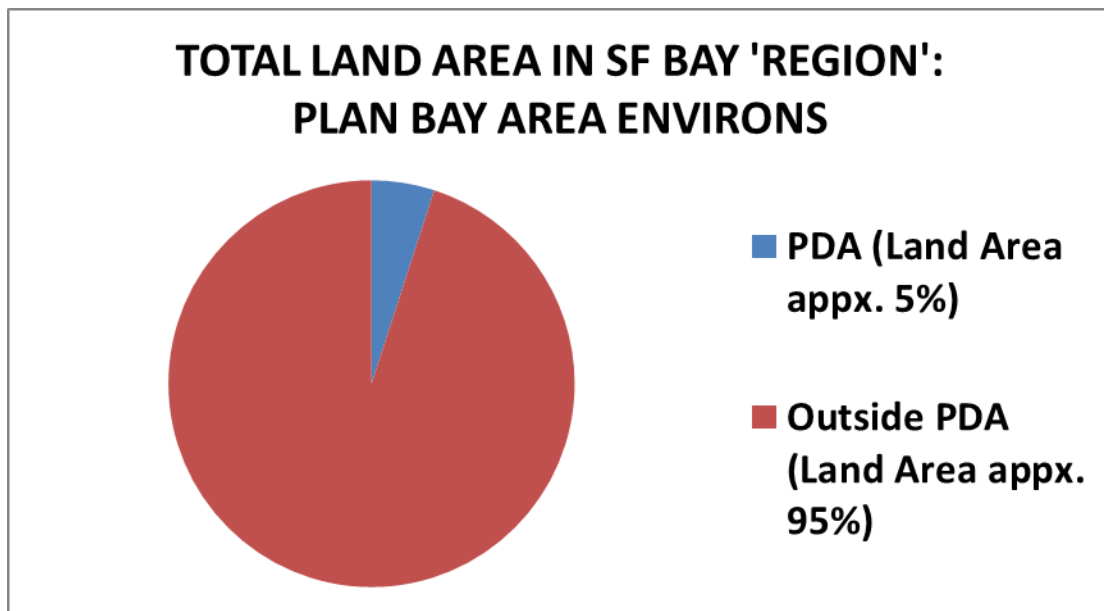
Sustainable Development/UN Agenda 21 is exemplified in the Plan Bay Area documents by the push for high density urban development in city centers by any means necessary while starving the rural and suburban areas for funds and development. Using tactics better suited to criminal gangs, MTC/ABAG is hoping to slam through the most aggressive regional plan in the United States. UN Agenda 21 is a global plan implemented locally, and this is the Plan for the SF Bay Area. Similar plans can be found throughout the United States and the world with names like Envision Utah, Imagine Calgary, Granite State Future, PlaNY, One Valley One Vision, Horizon 2025 (Ontario, Canada), and Hanoi (Viet Nam) Regional Center 2030 Plan. All of these plans are the same plan with the same goal: move people out of the rural and suburban areas into the city centers where they can be more easily managed, controlled, and surveilled. This is not a conspiracy theory, it is a conspiracy fact. No amount of government-sponsored shaming, mocking, marginalizing, or lying about those of us speaking the truth can change this fact. The people of the United States of America and of the State of California will not be a party to this plan to destroy private property and civil rights. We intend to fight Plan Bay Area and we intend to win.

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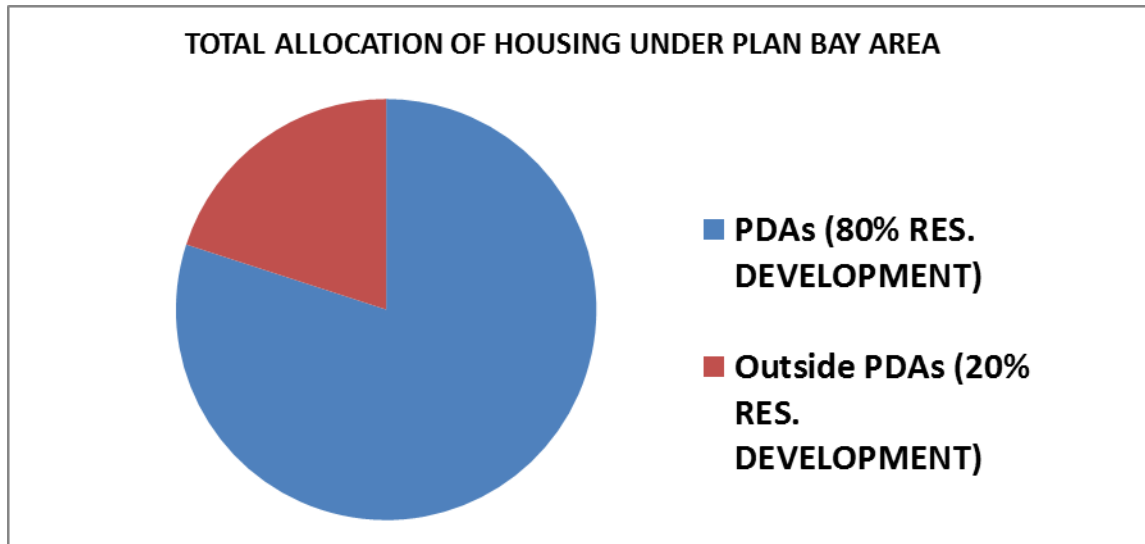
1. [PLAN BAY AREA](#) violates the 5th Amendment of the US Constitution by taking, limiting, effectively destroying, or rendering substantially less valuable the property and property rights of many citizens, residents and taxpayers without just compensation. Among other things the Plan is a *de facto* taking of property value by creating blanket restrictions on property. The Plan states that 100% of development rights will be stripped from rural land outside of 'urban footprint.' (Ref. Plan Page 101 "Directs all non-agricultural development within the existing urban footprint." "All growth occurs as infill development within UGB limits.") The Plan directs state and federal transportation funds to PDAs and areas supporting main transit corridors. Property values outside of PDAs will be lowered because transportation dollars will not be supporting infrastructure outside of PDAs. Withdrawal of infrastructure support from suburbs, rural areas, and areas outside of PDAs will result in more foreclosures, bankruptcies, and crime. More foreclosures, bankruptcies, and crime will result in lower property values and reduced property tax revenues for cities which will have a negative impact on all residents.

The charts below show the breakdown of development allocation under the Plan. The area within PDAs is approximately 5% of the land area in the nine county 101 city 'region.' Property owners within this area would obtain building permits at 80 times the rate of property owners in areas outside of PDAs. Thus, 95% of land receives only 20% of unit allocations. Each 1% of land receives 1/5 of 1% of unit permits for development. 5% of land receives 80% of unit allocations. Each 1% receives 16% of unit permits for development. Therefore PDA land owners receive permits for residential development at a rate 80 times greater than the rate of land owners outside of PDAs.



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2. PLAN BAY AREA violates the equal protection rights guaranteed under the 14th Amendment of the US Constitution by treating similarly situated citizens, residents and taxpayers unequally under color of law without the requisite legal justification for doing so, as set forth in paragraph 1, above, and as set forth hereafter.
3. Plan Bay Area violates Article 1, Section 7a of the California Constitution which provides that “A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws” because, as set forth above and hereafter, the Plan will effectively single out some citizens, residents and taxpayers for preferential treatment and deprive or limit other citizens, residents and taxpayers of the right to similar or equal treatment. Further, the Plan will limit or prevent this latter group from enjoying the peaceful and productive use of their own property without complying with any substantive or procedural due process safeguards.
4. Plan Bay Area violates Article 1, Section 1 of the California Constitution which provides that “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.”
5. Plan Bay Area violates Article 1, Section 3 of the California Constitution which purports to guarantee certain political rights, including the right to access to information concerning the conduct of the people’s business.

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6. PLAN BAY AREA violates voter-approved Urban Growth Boundary ordinances. Because the Priority Development Areas are within the UGBs but are much smaller restricted areas they are in violation of ordinances that clearly state that development must be encouraged out to the limits of city services: Urban Growth Boundaries. These ordinances are found throughout the Bay Area and cannot be changed without voter approval or in a manner that fails to comport with existing law.
7. Plan Bay Area will result in lower property tax revenues in areas outside of PDAs' arbitrary boundaries. This will result in loss of services (roads, police, schools, maintenance of government) because, as set forth above and hereafter, the Plan will effectively single out some citizens, residents and taxpayers for preferential treatment and deprive or limit other citizens, residents and taxpayers of the right to similar or equal treatment. Further, the Plan will limit or prevent this latter group from enjoying the peaceful and productive use of their own property without complying with any substantive or procedural due process safeguards.
8. Plan Bay Area will adversely impact development in areas inside of PDAs resulting in lower property tax revenues because there is no compelling feature of Plan Bay Area that will make developers build within PDAs. Smart Growth (high density development) is expensive to build and finance. Projected federal and state subsidies for residential and commercial development are entirely speculative and historically unreliable.
9. Plan Bay Area's requirement of 66% of commercial development within PDAs will lead to a loss of jobs and job growth in 95% of the Bay Area, the land outside of the PDAs, in violation of federal and state constitutional rights to live in a place of one's choosing and work for a living in the common occupations of the community without undue or unjust interference.
10. Land within PDAs is fully developed or nearly fully developed. The Plan does not include funding mechanisms for redeveloping this land to the Smart Growth model which is the development goal. The Plan was created in the years prior to the legislative ending of redevelopment in California (2012) and relies on a funding mechanism that is no longer permissible. Most PDAs are in former redevelopment areas.
11. Plan Bay Area admits that there is no funding for this plan. Plan imposes restrictions without funding for hoped-for development. Ref. Plan page 129, Land Use, Support PDA Development with Locally Controlled Funding. Plan states

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that 'over \$1 billion per year in tax increment financing' was 'lost in 2012 as a result of the elimination of redevelopment agencies throughout the state. ABAG and MTC will work to strategically replace this revenue source...A top priority should be a newly authorized tax-increment financing authority...'

12. Plan Bay Area violates California's second unit law AB 1866 (Chapter 1062, Statutes of 2002), Section 65852.2 (second-unit law) and Section 65583.1 (a portion of State housing element law) effective January 1, 2003. Plan bans residential development from rural areas even though second units are permitted under CA law. Plan severely restricts residential development in residential areas outside of PDAs and violates second-unit law permitting second units wherever physically possible. *Under limited circumstances, a locality may prohibit the development of second-units in single family or multifamily zones (Government Code Section 65852.2(c)). This prohibition may only be enacted if a locality adopts formal written findings based on substantial evidence identifying the adverse impact of second-units on the public health, safety, and welfare and acknowledging such action may limit housing opportunities in the region (Section 65852.2(c)). Prior to making findings of specific adverse impact, the agency should explore feasible alternatives to mitigate and avoid the impact. Written findings should also acknowledge efforts to adopt an ordinance consistent with the intent of second-unit law.*
13. People will be displaced anywhere development occurs in PDAs that is already developed. Older buildings do not conform to new design standards and will need to be demolished in order to satisfy the Plan goals. Plan does not adequately address this problem.
14. Plan states that 'low income residents' will not be displaced but they will be displaced under this plan when existing buildings are demolished. Plan has no provisions to compensate or relocate displaced people from project areas (PDAs).
15. The Plan attempts to implement redevelopment-style land restrictions without redevelopment laws. There are no protections for citizens, no oversight boards, no blight findings needed, no tax increment financing, no relocation, and no payments for displaced business owners and tenants.
16. Plan is a *de facto* taking of property value by creating blanket restrictions on property. Plan states that 100% of development rights will be stripped from rural land outside of 'urban footprint.' *Ref. Plan Page 101 "Directs all non-agricultural development within the existing urban footprint." "All growth occurs as infill development within UGB limits."*
17. Plan has not demonstrated or shown that there is sufficient vacant land within

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PDAs to accommodate projected population increases up to year 2040 in accordance with the 80%/66% development allocations.

18. Plan allows only farming ('working farms') in agricultural areas. Existing zoning allows for rural residential and residential subdivision. Plan violates Article 1, Section 7a of the California Constitution which provides that "A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws."
19. Plan makes no provision for purchase of Conservation Easements. At this time there is a market for the sale of development rights by rural property owners. Open Space Districts, non-profit organizations, and governmental agencies purchase development rights based on 'before and after' appraisals. After adoption of Plan development rights will be denied over agricultural property without payment.
20. Loss in property value without compensation. Plan creates legal non-conforming conditions in the PDAs (form-based codes require build-to lines at back of sidewalk and residential units constructed over commercial ground floor). Most buildings within PDAs are not currently constructed in the Smart Growth design and will be 'legally non-conforming' to the new construction model. Legal non-conforming conditions can result in increased property insurance costs, inability of building owner to obtain building permits to remodel the existing building, inability of owner or tenant to obtain use permits and occupancy permits from Planning/Building Departments.
21. Loss of jobs outside of PDAs due to restriction on commercial development will negatively impact those areas.
22. Plan directs state and federal transportation funds to PDAs and areas supporting main transit corridors. Property value outside of PDAs will be lowered because transportation dollars will not be supporting infrastructure outside of PDAs.
23. Withdrawal of infrastructure support from suburbs, rural areas, and areas outside of PDAs will result in more foreclosures, bankruptcies, and crime. More foreclosures, bankruptcies, and crime will result in lower property values and reduced property tax revenues for cities which will have a negative impact on all residents.
24. Plan states that the no-build/restricted build policy in areas outside of PDAs will preserve the character of 95% of areas. In fact this policy will cause areas outside of PDAs to go into decline because no new investment will come in.

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25. Current infrastructure is not adequate to accommodate concentrated development. Plan will require infrastructure upgrades in the PDAs in order to accommodate 80% of residential development and 66% of commercial development over the next 28 years. Plan does not adequately identify funding sources for the cost of developing sufficient infrastructure to support this massive development scheme.
26. Plan does not grant the power of eminent domain in PDAs, nor does it have the ability to do so. Plan does not adequately address how property in PDAs that is currently fully developed would house 80% of future residential development and 66% of future commercial development to the year 2040 without the power of eminent domain.
27. Plan says that it is voluntary for cities to adopt but although they could technically refuse to participate there are severe consequences for non-adoption.
 - A. Developers in city centers would not receive CEQA waivers for projects (unless already exempt.)
 - B. Developers in city centers would not have Infrastructure provided by the government at no cost to them.
 - C. Cities would not receive or be eligible for One Bay Area Grant (OBAG) money.
 - D. Cities may lose additional grants for development and transportation projects.
28. Plan states on page 73 that it 'rewards jurisdictions that accept housing allocations through Regional Housing Needs Allocation (RHNA) process' and that requires 'focusing growth in PDAs.' Rewarding jurisdictions will disadvantage other jurisdictions that do not go along with the Plan. Such conduct is inherently coercive and violates both federal and state Constitutional rights to due process and equal protection of the laws for the people affected by the Plan, and illegally usurps the rights and authorities vested in the political subdivisions of this state.
29. The Plan is an ultra vires act by a body that is usurping the rights vouchsafed to the state Legislature under the state Constitution, and a violation of the doctrine of the separation of powers by usurping both Legislative and Executive powers vested in different branches of the state government.
30. The Plan is a violation of the Intergovernmental Cooperation Act (40 USC §§ 531, 4231 and 6506) which encourages cooperation with local zoning and land use practices, and the Federal Urban Land Utilization Act (40 U.S.C. §§ 531-535), which is a congressional directive designed "to promote more harmonious intergovernmental relations and encourage sound planning, zoning, and land use practices" through federal compliance with local zoning.

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31. Metropolitan Transportation Commission members and Association of Bay Area Governments members should recuse themselves from voting when their town's vote is taken. These members have an obvious bias because they sit on these unelected, appointed boards and have been chosen because they are in agreement with MTC/ABAG.
32. Plan is presented as complying with the targets of SB375 but SB375 does not require PDAs or PCAs (Priority Conservation Areas).
33. PCAs are shown as dots on the Plan Bay Area maps. Where are the boundaries? Must assume that all land outside of Urban Growth Boundaries is targeted for conservation--effectively taking Conservation Easements without compensation.
34. If new development fails to materialize then there will be a housing shortage. If Plan is adopted and approved locally, the prohibitions of the Plan will immediately be imposed: No building in rural areas; scant development in non-PDA urbanized areas. Result? Future residential and commercial development is uncertain. Without funding the development of Smart Growth (high density mixed use) next to train tracks or busy streets will not occur. This will cause a housing shortage for the life of the Plan.
35. Plan fails to address the real potential for failure of its development scenario. How will Plan (cities and counties) meet housing goals if plan fails? In the Priority Development Area Development Feasibility and Readiness Assessment appendix to Plan Bay Area Strategy for a Sustainable Region, twenty PDAs are taken as a sample of the 169 PDAs. Of these twenty PDAs in the sample 85% will fail to meet their planned allocation (PDADFRA, Pages 19-31).
36. Compliance with the Plan is not 'voluntary' for cities and counties if they want to receive OBAG funding. Under the California Complete Streets Act of 2008 and MTC's 2005 Complete Street Requirements, municipalities must change General Plans to be RHNA compliant in order to be eligible for OBAG funding. Rf. Plan page 75, Performance and Accountability Policies. it is voluntary for cities and counties to adopt but the voluntary nature of the Plan is illusory because there are severe consequences for non-adoption: (A) Developers in city centers would not receive CEQA waivers for projects (unless already exempt.); (B) Developers in city centers would not have Infrastructure provided by the government at no cost to them; (C) Cities would not receive or be eligible for One Bay Area Grant (OBAG) money; and, (D) Cities may lose additional grants for development and transportation projects. Thus, the Plan is effectively compulsory for any city or county that wishes to remain vibrant and provide its inhabitants with a decent

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quality of life. As such, the Plan usurps the authority vested in the political subdivisions of this state and the political, Constitutional and legal rights vested in the people affected by the Plan.

37. Plan misrepresents what the preferred development-style (Smart Growth) looks like. Not a single picture of mixed use high density development in the Draft Plan Bay Area March 2013 book. This misleads the public.
38. Plan book does not name the citizens' representative for Sonoma County's nine cities. No contact person for this nine city area is identified for the public to contact regarding Plan Bay Area.
39. Under the California Health and Safety Code lack of new investment is criteria for a blight finding. Plan blocks new investment in areas both inside and outside of PDAs. Although redevelopment was ended in California the Health and Safety Code still includes criteria for blight.
40. Plan creates blight and no way to remediate it because redevelopment tax increment financing was eliminated in California
41. Plan eliminates competition in the market by restricting development to PDAs.
42. Plan devalues property so that it can be acquired by others more easily. Plan states that land will be acquired with funds allocated by Plan Bay Area. The same people and agencies making the rules are planning to purchase property that has lost development rights through the implantation of this plan.
43. Plan goes far beyond SB375 by using extreme methods and restrictions on private property rights in an unprecedented and unproven attack on citizens. Banning development in county agricultural areas is a violation of California and US constitution. SB375 does not preclude development within voter-approved Urban Growth Boundaries, nor does it advise restricting 80% of residential development to PDAs.
44. Plan restrictions result in loss of new revenue and sales taxes that new development would have contributed to the economy of the area outside of PDAs.
45. Plan refers to 'the Three Es triad' and the 'Equity Component' on page 18. What is the source for 'the Three Es triad'? What is the legal source for the 'Equity Component?' What are the Three E's? Environment, economy, and social equity: the three 'pillars' of UN Agenda 21/Sustainable Development.

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46. On page 24 of the Plan there is no mention of any public support for the plan although it clearly states 'a vocal contingent of participants at the public meetings expressed strong opposition to regional planning in general and to Plan Bay Area in particular.' Plan omits any mention of any in attendance, or focus groups, or polls being in support of the Plan.
47. The Plan purports to be an outgrowth of the consensus of Bay Area citizens solicited for their opinion but it is in fact an example of manufactured consensus and artificial democracy. Of the over 7 million residents in the SF Bay Area less than one tenth of one percent were present at 'visioning' meetings and workshops put on by Plan Bay Area/MTC/ABAG/consultant staff. These meetings were classic Delphi meetings designed to bring a group of people to a pre-determined outcome while giving them the impression that it was all their idea. The Delphi Technique was developed by the RAND Corporation in the post-WWII era and is used to manage and direct opinion. The vast majority of residents of the SF Bay Area have never heard of Plan Bay Area though their lives will be impacted for generations by this plan. Visioning meetings were packed with government officials, staff, consultants, non-profit organization partners and others who posed as 'citizens' while directing the outcome to 'the most aggressive of all land use scenarios considered by ABAG.' *Plan Bay Area PDADFRA page 7. Video of the meetings: Near Riot at Delphi Meetings series.*
48. The Plan violates 42 USC § 1983, in that it deprives the persons affected thereby of rights, privileges, and immunities secured by the Constitution and laws of the United States.
49. The Plan does not define its terms and therefore creates confusion and uncertainty for local governments and individuals. What does a 'housing unit' consist of and how is it defined? How does ABAG/MTC define 'jobs?' How would the remainder 20% of housing applicants be chosen among potential applicants? Would Plan Bay Area create a *de facto* 'beauty contest' competition for the remainder permits in cities with PDAs? Would 80% of the RHNA have to be permitted before the remainder 20% could obtain permits? Could cities grant permits into the future using up future years' allotments? What mechanism is in place for a city to retain OBAG money if less than 80% of the RHNA allotment is permitted? What impacts will there be to a city that is denying development permits to willing developers outside of the PDAs and is unable to find developers willing to build within PDAs? Similar comments/questions could be asked for the commercial restrictions in the Plan.

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50. Although the March 2013 Plan under review is not labeled 'FINAL,' it appears to be intended as a final Plan. The foregoing comments are made on the Plan as presented, on the assumption that it is final. If the March 2013 Plan is not the FINAL Plan then the undersigned reserve their rights to submit these and additional comments to the FINAL Plan. Any changes to the March 2013 Plan will invalidate it. No changes to the March 2013 Plan should be made without restarting the Public Comment Period. If changes are made to the March 2013 Plan and the Public Comment Period is not restarted, the public will be unlawfully deprived of the opportunity to comment upon the Plan.
51. Target #6 states: Direct all non-agricultural development within the year 2010 urban footprint (existing urban development and urban growth boundaries). *Draft Plan Bay Area page 101.*

By directing all non-agricultural development to within urbanized areas this plan places a building moratorium on all unincorporated county lands. Under this requirement no new homes would be permitted at all and no construction of non-agricultural commercial uses would be permitted. The plan does not include any detailed explanation of what agricultural development would include. Any building moratorium needs to be reasonable and not unduly oppressive upon individuals. It must protect the interests of the general public and granting of exceptions must be carefully controlled or they are a violation of due process. *First English Evangelical Lutheran Church v Los Angeles County* 482 U.S. 304, 107. S.Ct. 2378, 96 L.Ed. 2d 250

This *de facto* moratorium does not protect the interests of the general public and is unduly oppressive to individual property owners. Existing land use controls are already in place that severely limit the amount of development that can occur in rural areas:

"Most of the local agencies in the Bay Area with land use jurisdiction over territory that lies along the urban/rural boundaries have adopted growth management plans, urban limit lines, urban reserve areas, community separators, conservation easements, parks, greenbelts, agricultural land preservation trusts, performance standards, and large lot rural and agricultural zoning to manage urban sprawl, irrespective of the presence or absence or interregional transportation facilities that connect urban centers (see research cited in Chapter 2.3: land Use)." Environmental Impact Report Plan Bay Area Draft page 3.2-13.

Since extensive controls already exist it makes no sense to place a further restriction on rural property owners where it will have little effect on conserving rural lands. In fact it states that:

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"As indicated in Table 3.1-23, the number of farmland acres potentially affected by modeled development would be similar across all five alternatives." Environmental Impact Report Plan Bay Area Draft page 3.1-48, and "In all cases, the number of acres converted represents a negligible proportion of the 2,329,000 acres of agricultural land in the Bay Area (less than one percent in all cases)." Environmental Impact Report Plan Bay Area Draft page 3.1-49.

Banning all non-farm development serves no significant public interest and will have no bearing on whether or not the Plan Bay Area meets the targets of SB 375, that is to reduce car and truck emissions. With existing land use controls most development has been curtailed in rural areas already and the "negligible" amount of difference between having the no-plan alternative with the Plan Bay Area is not enough to justify a building moratorium which must be reasonable and serve a compelling public interest. Target number 6 should be stricken from Plan Bay Area

The question is: Why is this requirement included in the plan since it is unnecessary to the success of Plan Bay Area? Under existing rules and regulations property owners are paid to not develop their land through conservation easements purchased by government agencies, land trusts and the like. Target #6 would mean that it would no longer be necessary to purchase development rights because all development rights in rural areas would be extinguished by Plan Bay Area. Development rights which currently exist in rural, non-urbanized areas would simply be taken, stolen, from property owners under Plan Bay Area. This is a gross abuse of power and is unreasonable and unduly oppressive to individual property owners. It appears that Target #6 was included in the Plan because the government doesn't want to pay for acquiring development rights. Taking development rights without compensation to property owners then lowers the underlying fee value. When government agencies and non-profit organizations working with government later acquire these devalued properties their costs will be lower.

In addition, there are about 220 unincorporated small towns and villages in the nine county Bay Area 'region.' Prohibiting housing development or non-agricultural job creation in these 220 small communities would cause these areas to decline. Any area that does not have new investments and modernization occurring will eventually lead to blight which is a condition where new investments do not occur (*California Health and Safety Code*). Plan Bay Area would significantly contribute to functional and economic obsolescence in all of the 220 communities in the unincorporated county areas. By concentrating new development for housing, jobs and transportation infrastructure in only about 5% of the nine county region, funding to support the economies and infrastructure in the remaining 95% of the region would be severely reduced.

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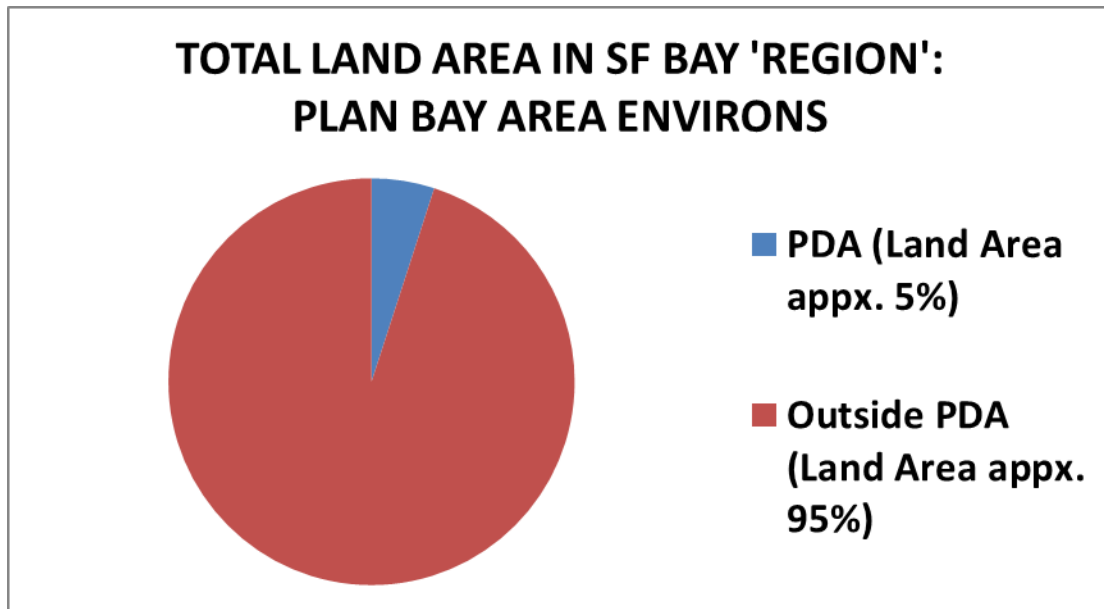
RECAP FOR CHARTS

The charts below show the breakdown of development allocation under the Plan. The area within PDAs is approximately 5% of the land area in the nine county 101 city 'region.' Property owners within this area would obtain building permits at 80 times the rate of those property owners in areas outside of PDAs.

95% of land receives only 20% of unit allocations. Each 1% of land receives 1/5 of 1% of unit permits for development.

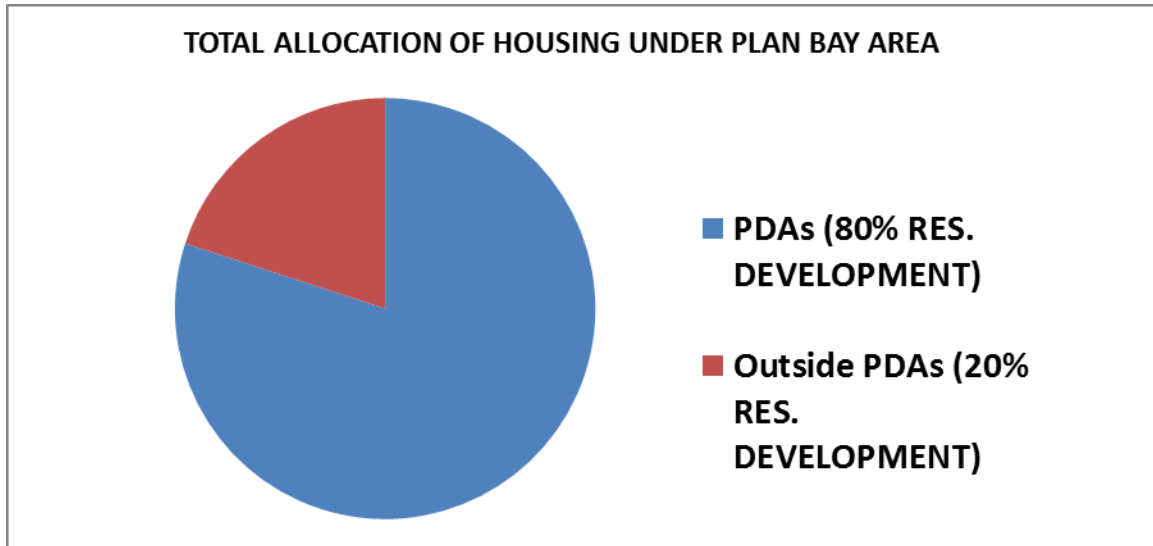
5% of land receives 80% of unit allocations. Each 1% receives 16% of unit permits for development.

Therefore PDA land owners receive permits for residential development at a rate 80 times greater than the rate of land owners outside of PDAs.



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Submitted via email, and in person at MTC/ABAG offices 5/15/2013

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