



MAYOR LIANG CHAO
lchao@cupertino.gov

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3192 •
CUPERTINO.GOV



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Metropolitan Transportation Commission (MTC)
Association of Bay Area Governments (ABAG)
375 Beale Street, Suite 700
San Francisco, CA 94105

Re: City Council Comments on the Draft Plan Bay Area 2050+ and Draft Environmental Impact Report

Dear MTC and ABAG Board Members:

The City Council of Cupertino appreciates the opportunity to comment on the Draft Plan Bay Area 2050+ and its accompanying Draft Environmental Impact Report (Draft EIR). As local elected officials responsible for public safety, fiscal stewardship, infrastructure planning, and environmental protection, we have substantial concerns that the Draft Plan relies on an overstated population and employment forecast, and that the Draft EIR does not adequately analyze or mitigate the resulting environmental, public safety, and infrastructure impacts.

Specifically, our concerns center on:

1. The Draft Plan's inflated and non-standard regional growth forecast, which diverges sharply from the State's official projections and does not account for potential reductions in jobs due to the impact of Artificial Intelligence (AI) and increased out-migration driven by demonstrated trends in remote or gig work; and
2. The Draft EIR's reliance on mitigation measures that are voluntary, deferred, non-enforceable, and dependent on optimistic assumptions about infrastructure expansion — resulting in numerous impacts remaining Significant and Unavoidable (SU).
3. The Draft Plan's and Draft EIR's dependence on major future regional, state, and federal funding streams that have not been secured, creating substantial funding risks and unfunded local obligations for the infrastructure, public services, and hazard-mitigation measures required to support the Plan's growth assumptions.

Throughout the Draft EIR, mitigation is deferred to voluntary actions by local jurisdictions, relies on non-binding guidance ("where feasible"), presumes infrastructure expansion under

optimistic conditions, and lacks measurable performance standards. As a result, the Draft EIR itself acknowledges that many impacts remain Significant and Unavoidable (SU) unless every jurisdiction independently implements the recommended measures—an approach that does not meet the feasibility or enforceability requirements of the California Environmental Quality Act (CEQA).

Our concerns fall into six primary categories:

1. The Growth Forecast Is Overstated and Uses a Non-Standard Modeling Approach

The Draft Plan's demographic assumptions significantly exceed State forecasts:

- The Draft Plan projects 9.6 million residents in 2050, an increase of +1.84 million people—nearly four times the California Department of Finance (DOF) projected increase of approximately +0.49 million.
- In percentage terms, the Draft Plan assumes a 24% regional population growth rate, compared to the DOF's much lower 6.5% projection.

In addition to overstating regional growth, the Draft Plan's assumptions are out of alignment with statewide demographic trends. According to the DOF/Demographic Research Unit (DRU):

- California as a whole is projected to grow by only about +1.0 million residents through 2050.
- Under the Draft Plan, the Bay Area alone would account for +1.84 million residents—nearly double the State of California's total expected population increase.

These inconsistencies raise serious concerns about the plausibility of the Draft Plan's regional assumptions.

The Plan uses a policy-driven economic model (REMI) in which population is derived from assumed job levels rather than demographic fundamentals. This approach does not incorporate major structural shifts in the Bay Area economy, including:

- Sustained out-migration driven by remote work and the gig economy, reducing long-term residential demand.
- Office vacancy rates approaching 30%, signaling reduced demand for commercial space and slower office-based employment growth.
- Workforce reductions from AI-driven automation in key white-collar sectors, lowering future job and population growth.

Because the growth forecast drives Regional Housing Needs Allocation (RHNA) requirements, CEQA baselines, transportation modeling, and infrastructure planning, reliance on an inflated forecast risks significant regional planning misalignment.

Inflated forecasts also create a risk of “paper demand”: developers will not build units for which no real market exists, yet cities may still be penalized under State housing

laws for failing to meet housing production targets that are based on unrealistic population projections.

2. Wildfire, Emergency Evacuation, and Public Safety Impacts Are Significant and Unavoidable (SU)

The Draft EIR identifies several impacts as Significant and Unavoidable (SU):

- Impact HAZ-7 — Significant and Unavoidable (SU): Wildfire exposure, pollutant release, and post-fire geohazards in and near Fire Hazard Severity Zones (FHSZs).
- Impact HAZ-6 — Significant and Unavoidable (SU): Increased population and congestion impair emergency response and evacuation performance.
- Impact CUM-8 — Significant and Unavoidable (SU): Cumulative wildfire and evacuation impacts.

Although the Draft Plan excludes certain Wildland–Urban Interface (WUI) areas from Priority Development Areas (PDAs), the Draft EIR notes that development may still occur near high-risk locations, infrastructure will continue passing through fire-prone areas, and congestion will constrain evacuation capacity. Mitigation measures for HAZ-7, HAZ-8, and CUM-8 are discretionary, rely on voluntary implementation by local jurisdictions, and use “where feasible” language; therefore, wildfire and evacuation impacts remain Significant and Unavoidable (SU).

3. Water Supply, Wastewater, Stormwater, and Landfill Capacity Are Significant and Unavoidable (SU)

The Draft EIR finds the following impacts to be Significant and Unavoidable (SU):

- Impact PUF-1 — Significant and Unavoidable (SU) if not fully mitigated: Environmental impacts from new or expanded utility infrastructure.
- Impact PUF-2 — Significant and Unavoidable (SU): Insufficient water supplies in normal, dry, and multiple-dry-year scenarios.
- Impact PUF-3 — Significant and Unavoidable (SU): Wastewater treatment capacity shortfalls.
- Impact PUF-4 — Significant and Unavoidable (SU): Solid waste and landfill capacity limitations.

Regional landfill facilities are already operating near capacity, and many jurisdictions face long-term solid waste constraints that the Draft EIR does not fully address. Similarly, stormwater systems in numerous Bay Area communities are undersized or at or near capacity, particularly under projected climate-driven increases in extreme precipitation. These constraints contribute to the Draft EIR’s findings that solid waste and stormwater impacts remain Significant and Unavoidable (SU).

The Draft EIR is internally inconsistent: project-level and program-level water-supply impacts under Impact PUF-2 are Significant and Unavoidable (SU), yet cumulative hydrology and water-resource impacts in the Other CEQA-Mandated Sections are classified as “less than significant (LTS).” This is not credible, as cumulative impacts cannot be less severe than project-level Significant and Unavoidable (SU) impacts.

Many of the region’s water, wastewater, and stormwater facilities lie in sea-level-rise zones, yet the Draft EIR relies on external agencies to undertake future adaptation projects without identifying funding, timelines, feasibility, or enforceable regional mitigation measures.

Accordingly, these infrastructure impacts remain Significant and Unavoidable (SU).

4. Hospitals, Emergency Services, Police, Fire, and Schools — Mitigation Deferred; Impacts Remain Significant and Unavoidable (SU)

Under Impact PSR-1 — Significant and Unavoidable (SU) if mitigation is not fully implemented, the Draft EIR identifies increased demand for:

- Fire and police services,
- Emergency Medical Services (EMS),
- Hospital and Emergency Room (ER) capacity,
- Intensive Care Unit (ICU) and behavioral-health resources,
- K–12 school facilities, including special education,
- Libraries and civic facilities.

The Draft EIR provides no regional analysis of hospital or ER capacity, fire/EMS response-time feasibility, police staffing constraints, or school district facility needs. Because mitigation consists of voluntary, future local actions, PSR-1 remains Significant and Unavoidable (SU).

5. Air Quality, Seismic, Flooding, and Hazardous Materials Impacts Are Under-Analyzed; Many Are Significant and Unavoidable (SU)

The following impacts remain Significant and Unavoidable (SU) or are inadequately mitigated:

- Impact AQ-2 — Significant and Unavoidable (SU) if not fully mitigated: Freeway-adjacent pollutant exposure for sensitive receptors.
- Impact AQ-3 — Significant and Unavoidable (SU): Conflict with air-quality plans.
- Impact NOI-1 / NOI-2 — Significant and Unavoidable (SU): Construction and traffic noise.

- Impact GEO-1 through GEO-5: Seismic and liquefaction hazards in unstable-soil or bayfill areas (classified as Less Than Significant with Mitigation, but still substantial).
- Impact HAZ-4 / HAZ-5 — Significant and Unavoidable (SU): Hazardous materials exposure and vapor intrusion risks.
- Impact BIO-1 through BIO-4 — Significant and Unavoidable (SU): Biological resource impacts, including riparian disturbance and habitat fragmentation.

Many Priority Development Areas (PDAs) lie immediately adjacent to freeways—corridors with some of the highest PM_{2.5} and ultrafine particle concentrations in the state. The Draft EIR underestimates these risks by relying largely on existing regulations and generalized best practices rather than enforceable, performance-based mitigation, leaving freeway-adjacent air-quality impacts Significant and Unavoidable (SU) where local implementation is uncertain.

Many Plan Bay Area growth areas are projected to face tidal flooding, storm-surge impacts, overtopping of levees, or sea-level-rise hazards by 2050 and 2100. The Draft EIR repeatedly cites future coordination with external agencies to address these risks but does not identify funding, timelines, feasibility, or enforceable mechanisms for implementation. This constitutes mitigation deferral, which is not permissible unless performance standards and enforcement mechanisms are established.

Mitigation in this section depends heavily on existing regulations or discretionary local actions, without enforceable regional performance standards. As a result, these impacts remain Significant and Unavoidable (SU).

6. Transportation, Vehicle Miles Traveled (VMT), Congestion, and Evacuation Impacts Are Significant and Unavoidable (SU)

The Draft EIR identifies the following transportation and evacuation-related impacts as Significant and Unavoidable (SU):

- Impact TRA-2 — Significant and Unavoidable (SU): Conflicts with CEQA Vehicle Miles Traveled (VMT) standards.
- Impact TRA-4 — Significant and Unavoidable (SU): Emergency access delays and evacuation constraints.
- Impact HAZ-6 — Significant and Unavoidable (SU): Increased population and congestion impair emergency response and evacuation performance.

Evacuation performance is not evaluated for earthquakes, Public Safety Power Shutoff (PSPS) events, flooding, or multi-hazard scenarios. The Draft Plan nonetheless places substantial growth in evacuation-constrained corridors.

Impact HAZ-6 highlights a critical fact: concentrating growth in certain corridors under the proposed plan can worsen traffic-related evacuation constraints, even if per-capita Vehicle Miles Traveled (VMT) is reduced region-wide.

7. Funding Risks and Unfunded Local Liabilities

The Draft Plan and Draft EIR assume that local governments, utilities, school districts, and special districts will fund and deliver many of the improvements needed to support Plan Bay Area 2050+ growth. However, many of these obligations lack identified funding, creating substantial uncertainty about the feasibility of required mitigation.

- Local Funding Required for Major Mitigations

Several impacts identified as Significant and Unavoidable (SU)—including fire and police protection, Emergency Medical Services (EMS), hospital and ER capacity, K–12 and special-education facilities, water supply reliability, wastewater and stormwater capacity, flood protection, and evacuation performance—are expected to be addressed using local agency resources, with no secured regional, state, or federal funding.

- Reliance on Developer Impact Fees and Utility Rates

The Draft EIR assumes that water, wastewater, stormwater, solid-waste, and school facilities will be funded through developer impact fees, capacity/connection fees, and customer utility rates. Recent State legislation, including SB 937 (fee deferral) and AB 602 (fee constraints), makes these revenue sources increasingly uncertain and inconsistent with the Plan’s assumptions.

- Major Regional Initiatives Without Funding

Large-scale Plan strategies—such as the EN1 sea-level-rise adaptation program (estimated at \$96 billion, with only \$6 billion identified), major transit expansions, and regional housing initiatives—depend on future regional tax measures and new State or federal funding that have not been secured.

Together, these gaps create significant unfunded liabilities for local jurisdictions. Many impacts remain Significant and Unavoidable (SU) not because mitigation is infeasible, but because no reliable funding mechanism has been established to carry it out.

City Council Requests

A. Corrections and Technical Revisions

- i. Align growth assumptions with California Department of Finance (DOF) and Demographic Research Unit (DRU) projections.
- ii. Add Reduced-Growth, Remote-Work, and AI-Impact alternatives.
- iii. Resolve inconsistencies between PUF and HYDRO findings.
- iv. Include enforceable, performance-based mitigation for wildfire, emergency evacuation, water supply, wastewater, hospitals, and schools.
- v. Ensure that development in high wildfire-hazard areas proceeds only where enforceable mitigation measures—such as adequate evacuation capacity and fire-hardening standards—are in place.

- vi. Ensure that development in high flood-risk or sea-level-rise-vulnerable areas proceeds only where long-term flood protection and clearly defined, feasible, and enforceable mitigation measures are assured.

B. Mitigation Improvements

- i. Require development in wildfire-hazard areas to meet minimum evacuation-capacity ratios, fire-hardening requirements, and defensible-space implementation before growth allocations are approved.
- ii. Mitigation should address ER, ICU, and behavioral-health capacity triggered by population growth, rather than deferring to unfunded future local expansions.
- iii. Conduct regional analyses of wastewater, stormwater, landfill, and electric-grid capacity.
- iv. Adopt functional-recovery standards so critical facilities and corridors remain operable—or recover quickly—after earthquakes, wildfires, or extreme-weather events.
- v. Identify funding gaps for major Plan strategies—such as the \$96 billion EN1 sea-level-rise program—and evaluate feasible phased or reduced-scale alternatives where funding is uncertain.
- vi. Provide an assessment of the local capital and operating costs needed to support Plan Bay Area 2050+ growth, including the extent to which cities, counties, school districts, utilities, and special districts would need to rely on developer impact fees and local revenues.
- vii. Reconcile the Plan’s reliance on developer impact fees with recent State legislation that limits fee timing and justification.

C. Transparency

- i. Clearly identify all impacts that are Significant and Unavoidable (SU).
- ii. Provide a thorough Statement of Overriding Considerations if adopting the Plan despite its Significant and Unavoidable (SU) impacts.

In conclusion, the Draft Plan and Draft EIR do not yet demonstrate enforceable mitigation or provide sufficiently realistic, internally consistent analysis. To protect public safety, ensure infrastructure and environmental resilience, and maintain fiscal responsibility, the City Council urges MTC and ABAG to revise both documents accordingly.

Thank you for your consideration.

Sincerely,

Liang Chao
Mayor