



Plan Bay Area 2050+

DEIR, Table 1-1: Building Industry Association Settlement Agreement Components and Compliance Information

Summary: The Draft EIR references the 2013 Building Industry Association’s settlement that followed litigation over the first Plan Bay Area. The section acknowledges that the settlement created “ongoing obligations” and the responsibility to create the Regional Housing Growth Total and Forecasted Development Pattern for MTC and ABAG, but it provides little insight into how those obligations influence planning assumptions, housing forecasts, or transportation investment decisions.

Action: The MTC/ABAG governing boards should direct staff to share the Settlement Agreement and fully explain the agreements impacts on growth, RHNA, and how the settlement impacts modeling assumptions or policy choices.

Observations & Questions:

1. **Lack of Transparency About Settlement Obligations:** What are the obligations? How do they affect growth forecasts? How do they impact Regional Housing Need Assessments and allocations? Who benefits from the settlement obligations? What is the duration of the settlement? Who evaluates the impact of the
2. **Lack of Clarity about how the Settlement Agreements Influence Housing Assumptions:** BIA represents development interests. How do the Settlement Agreements impact housing production quotas, the Regional Housing Need Allocation (RHNA) assumptions, or market-rate vs. affordable housing production.
3. **Procedural vs Impact on Community and Constituents:** How does the Settlement Agreement influence local infrastructure capacity, displacement, environmental impact, and long-term affordability?

Why this matters: City and county planners count on DEIR disclosures to understand regional expectations. The lack of information, hampers governments’ ability to evaluate Plan Bay Area and the draft EIR. Greater transparency is essential to assess whether Plan Bay Area’s housing, transportation, economic, and environmental reflect independent, evidence-based planning, or obligations negotiated through previous out-of-court settlements.

Table 1-1: Building Industry Association Settlement Agreement Components and Compliance Information

Agreement Paragraph	Agency Obligation	Timing	Where Addressed	Compliance Completed
6a.	<p>Regional Housing Control Total and Forecasted Development Pattern. The SCS shall set forth a forecasted development pattern for the region that includes the Regional Housing Control Total, which shall have no increase in in-commuters over the baseline year for the SCS.</p>	<p>Regional Housing Control Total must be determined and disclosed prior to issuance of a Notice of Preparation for the SCS/RTP EIR, or if no EIR is prepared, then at least 6 months before a draft SCS is released for public review.</p>	<p>The agencies shall use the adopted methodology for determining the Regional Housing Control Total in the final Plan Bay Area SCS.</p>	<p>Yes. For Plan Bay Area 2050+, the Regional Housing Control Total was determined using the same, adopted Regional Growth Forecast methodology originally approved by ABAG in September 2019 for Plan Bay Area 2050. This methodology was carried forward and used to prepare the updated Regional Growth Forecast for Plan Bay Area 2050+.</p> <p>The updated forecast was shared publicly in draft form in November 2023, and has been referenced throughout the update process, including as part of the Final Blueprint Approval Resolution in January 2025. While the updated forecast was not formally approved as a stand-alone item (as was done in the previous planning cycle), it was disclosed on multiple occasions and incorporated into the Plan Bay Area 2050+ Final Blueprint, thus fulfilling the requirement to determine and disclose the Regional Housing Control Total prior to release of the NOP and the draft SCS.</p>
6b.	<p>Validation. The agencies shall implement robust monitoring of regional development patterns, at a minimum tracking building permit issuance, number of units in PDAs, and type of residential development.</p>	<p>Monitoring would be done prior to release of the SCS.</p>	<p>The results shall inform each update of the Plan Bay Area SCS.</p>	<p>Yes. For Plan Bay Area 2050+, MTC-ABAG tracked residential permitting activity in both PDA and non-PDA areas and presented this information at a public meeting in May 2024. This monitoring fulfilled the requirement to validate regional development patterns before the SCS was made available for public review.</p> <p>https://mtc.legistar.com/LegislationDetail.aspx?ID=6658399&GUID=82B81AFC-BDDA-46F6-BAC4-4CE62D002180&Options=&Search=.</p> <p>In addition, MTC-ABAG continues to track housing growth through its Vital Signs regional monitoring initiative, which provides ongoing data on</p>

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				<p>housing permits and development trends across the Bay Area. Together, these efforts demonstrate compliance with the validation obligation and ensure that updated development patterns informed the Plan Bay Area 2050+ process.</p> <p>https://vitalsigns.mtc.ca.gov/indicators/housing-permits)</p>
6c.	<p>Feasibility Analysis. The agencies shall prepare an update to the PDA Feasibility Analysis to include analysis of local land use policies, market demand, financial feasibility, site-related issues, financing, and infrastructure needs.</p>	<p>The update shall be published prior to issuance of a Notice of Preparation for the SCS/RTP EIR or, if no EIR is prepared, then at least 6 months before a draft SCS is released for public review.</p>	<p>The results of the analysis shall inform each update of the Plan Bay Area SCS.</p>	<p>Yes. MTC-ABAG fulfilled this obligation as part of the Plan Bay Area 2050 development process. The results of updated PDA feasibility analysis informed Plan Bay Area 2050 and continue to inform the update process for Plan Bay Area 2050+.</p>
6d.	<p>Assumptions and Disclosure. The agencies shall disclose and accept public comments on the key assumptions and descriptors to be used in preparation of each SCS update.</p>	<p>Key assumptions shall be disclosed prior to preparation of a document comparable to the Initial Vision Scenario, setting forth development scenarios, or if no such document is prepared, assumptions shall be disclosed at least 6 months prior to public release of a draft SCS. Key descriptors shall be disclosed with release of the SCS.</p>	<p>Appropriate assumptions and descriptors are to be used in preparation of the final Plan Bay Area SCS.</p>	<p>Yes. For Plan Bay Area 2050+, the disclosure of key assumptions built on the Regional Growth Forecast methodology originally adopted by ABAG in September 2019 for Plan Bay Area 2050. That methodology was carried forward to develop the updated Regional Growth Forecast for Plan Bay Area 2050+, which was disclosed publicly in draft form in November 2023 and incorporated into the Final Blueprint Approval Resolution in January 2025.</p> <p>For Plan Bay Area 2050+, the Blueprint strategies and related land use modeling assumptions were refined through multiple stages of engagement and disclosure. Staff began public and partner engagement in summer 2023 to inform revisions, and the Joint MTC Planning Committee and ABAG Administrative Committee approved the revised Draft Blueprint strategies and Growth Geographies in January 2024.</p>

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				<p>The performance outcomes of the Draft Blueprint were released in June 2024, followed by additional engagement in summer 2024 to support further refinements. The Final Blueprint strategies were approved by the MTC Commission and ABAG Executive Board in January 2025, with updated performance outcomes shared in June 2025.</p> <p>These steps ensured that both the Regional Growth Forecast and the Blueprint strategies were disclosed with sufficient opportunity for public comment prior to release of the draft SCS.</p>