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Mr. Christopher Calfee, Special Counsel
Attn: CEQA Guidelines
California Natural Resources Agency
1017 L Street, #2223
Sacramento, CA 95814

Via email: CEQA.Rulemaking@resources.ca.gov

Dear Mr. Calfee:

On behalf of Fox Strategy LLC, a California-based firm with knowledge and experience in environmental research and consulting, I hereby submit written comments on the *Revised Text of the Proposed Amendments to the CEQA Guidelines* for greenhouse gas emissions.

The purpose of this letter is to urge the Natural Resources Agency to retain a “parking question” in its *Proposed Guideline Amendments*, Appendix G “Environmental Checklist Form,” Section XVI Transportation/Traffic, question (f) on page 48. The existing question asks whether a project would “result in inadequate parking capacity.”

In its *Initial Statement of Reasons* (July 2009, p. 68), the Natural Resources Agency raised the following three reasons for eliminating the existing parking question from the CEQA Checklist:

... the proposed amendments would eliminate the existing question (f) relating to parking capacity. [1] Case law recognizes that parking impacts are not necessarily environmental impacts. (San Franciscans Upholding the Downtown Plan v. City and County of San Francisco, 102 Cal. App. 4th at 697.) [2] Therefore, the question related to parking is not relevant in the initial study checklist. [3] As noted above, however, if there is substantial evidence indicating adverse environmental impacts from a project relating to parking capacity, the lead agency must address such potential impacts regardless of whether the checklist contains parking questions. (*Ibid.*)

In a letter submitted August 19, 2009, I challenged the Agency’s three reasons for eliminating the parking question. A brief summary follows.

- (1) California case law does recognize environmental impacts from inadequate parking capacity. After providing a detailed analysis, my letter concludes the Natural Resources Agency’s statement “parking impacts are not necessarily environmental impacts” is misleading and should be properly restated as “parking impacts can result in environmental impacts.”

- (2) The parking question is relevant to the Initial Study Checklist and should be retained in the CEQA Checklist. The Natural Resources Agency's contention appears to be that inadequate parking capacity is a social inconvenience and not an environmental impact. Yet my prior letter cites scientific studies by Donald Shoup and several other researchers to substantiate that inadequate parking capacity often results in significant (secondary) environmental impacts. For example, drivers hunting for scarce parking (so-called "cruising") can generate huge increases in traffic congestion and add significant amounts of carbon dioxide and other dangerous pollutants to the environment. Indeed, some of these scientific studies are now referenced at the end of the Natural Resources Agency's *Notice of Proposed Changes* (October 2009).
- (3) It is unreasonable to eliminate the parking question from the Checklist, as the Agency suggests, because a lead agency must nevertheless address any adverse environmental impacts from parking. My earlier letter demonstrates why eliminating the parking question from the CEQA checklist will likely make it *more* difficult for the lead agency and others to conduct a thorough environmental review. The Agency also concedes this point, "Despite the detailed provisions in the Guidelines themselves, *questions should appear in the checklist because some lead agencies will not seriously consider an environmental issue unless it is specially mentioned in the checklist.*" (Italics added, *Initial Statement of Reasons*, p. 67).

Despite such objections, the Natural Resources Agency's *Revised Text of the Proposed Amendments to the CEQA Guidelines* (October 2009) still proposes eliminating the parking question (f). The Agency's *Notice of Proposed Changes* (October 2009) explains refinements made to other Transportation questions in the Checklist in Appendix G, but the Agency remains silent on its proposed elimination of the parking question.

The Proposed Amendments included changes to the Appendix G questions related to transportation. **[A]** The intent of those amendments was to recognize a lead agency's discretion to choose its own methodology for determining transportation-related impacts of a project while ensuring that all components of a circulation system are addressed in the analysis. Several comments raised concern regarding the formulation of the proposed question. **[B]** The proposed revisions would refocus the question from the capacity of the circulation system to the performance of the circulation system as indicated in an applicable plan or ordinance. The proposed revisions also clarify and update language regarding safety considerations and other mass transit and non-motorized transportation issues. (*Page 3*)

The following comments respond to the Agency's explanations of its most recent changes to the Appendix G questions related to transportation.

[A] Parking is an integral component of transportation-related circulation systems, and should therefore be explicitly included in the Checklist questions.

The Natural Resources Agency's intention as stated above is for the revised Checklist questions in Appendix G "to recognize a lead agency's discretion to choose its own methodology for determining transportation-related impacts of a project while *ensuring that all components of a*

circulation system are addressed in the analysis” (italics added). Further refinement of the Checklist questions, however, is needed to meet the Agency’s stated intention.

For example, the Natural Resources Agency’s most recent revision of Transportation/Traffic question 16(a) on pp. 47-48 of Appendix G states,

Conflict with an applicable plan, ordinance or policy establishing a measure 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, pedestrian and bicycle paths, and mass transit.

This revised language does not explicitly include mandatory circulation components such as terminals and public facilities (including parking) as required by the *State of California General Plan Guidelines* (2003) and as widely recognized by transportation and planning experts.

Tom Vanderbilt observes (*Slate.com*, August 17, 2009), “When we talk about transportation, we tend to talk about things in motion. What is often unremarked upon, in conversations about crowded highways, is something without which those crowds would not exist: parking.” Indeed, parking is an integral component of circulation systems and should be unambiguously included in the list of relevant components at the end of question 16(a) and elsewhere.

Somewhat surprising is the title of Tom Vanderbilt’s article -- *What Would Get Americans Biking to Work? Decent Parking*. “If car parking is often overshadowed in traffic talk, bicycle parking is even more obscure.” A comprehensive view of parking includes not only motor vehicle parking, but also includes bicycle parking, “park and ride” for mass transit, and many other transportation-related effects.

Many people may overlook this comprehensive view of “parking”, but it is a specific part of the *State of California General Plan Guidelines* (2003) and reflects a perspective widely shared among transportation engineers and planners. The *Guidelines* (pp. 59-60) ask that general plans address parking performance in three areas.

- Assess the adequacy of existing on- and off-street parking, particularly in urban and commercial areas.
- Assess the effects of parking policies (i.e. off-street parking standards, on-street parking restrictions, graduated parking fees, etc.) on congestion, energy use, air quality, and public transit ridership.
- Assess the need for bicycle parking.

The proposed elimination of parking from the Transportation/Traffic questions in section 16 of the CEQA Checklist in Appendix G will likely have unintended negative consequences on alternative transportation modes as well as on motor vehicle travel. Therefore, I urge that the Natural Resources Agency modify question 16(a) and add “parking” as follows:

Question 16(a): Conflict with an applicable plan, ordinance, or policy establishing a measures of effectiveness for the performance of the circulation system **and its components**, 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, pedestrian and bicycle paths, ~~and~~ mass transit, **and parking**.

[B] The parking question 16(f) can be refocused, if necessary, from capacity to performance. In either case, a parking question should be retained in the CEQA Checklist.

The Natural Resources Agency explains, “The proposed revisions would refocus the question from the capacity of the circulation system to the performance of the circulation system as indicated in an applicable plan or ordinance.” This proposed shift to “performance” is easily accommodated with respect to parking, so there is no need to abandon the question.

Performance-based measures of parking effectiveness include three elements – parking *supply* (or capacity), parking *demand*, and parking *management* (or policy). The existing CEQA question asks if a project would result in “inadequate parking capacity.” The answer of whether the parking supply (or capacity) is adequate, of course, depends also upon the parking demand generated by the project and how efficiently the supply and demand can be managed.

In many situations, implementing demand reduction measures or improving parking management policies can resolve the issue of inadequate parking capacity. For instance, the *State of California General Plan Guidelines* (2003, p. 61) recommends that cities and counties include such parking strategies in their development policies:

- Strategies for the management of parking supply such as increased parking fees, graduated parking fees, metered on-street parking, and staggered work schedules.
- Strategies for the control of parking demand such as improved transit service, amenities for bicyclists, and subsidized rideshare vehicles.

Without a parking question in the CEQA Checklist, it is unlikely that lead agencies or project developers will search for creative parking solutions for the reasons stated earlier in (3). In my experience, after identifying potential adverse environmental impacts of inadequate parking capacity through the CEQA review process, project developers typically choose to decrease parking demand or to increase the effective capacity through improved parking management policies. Building new spaces to increase parking supply is a last resort. Furthermore, it is easier in this process for cities and counties to provide incentives for developers to utilize alternative modes of transportation.

In my prior letter, I provided several examples of how the parking question in the CEQA Guidelines has encouraged creative parking solutions. For example, the City of San Francisco has a pilot program to test the effectiveness of managing the supply of its curb parking by adjusting parking meter rates to maintain 85% occupancy level to assure parking availability and thus reduce greenhouse gas emissions from cruising. Such performance-based parking standards are

now becoming more widely adopted. Other smart-growth parking solutions are reviewed in Wilbur Smith Associates' study for The Metropolitan Transportation Commission (June 2007), *Developing Parking Policies to Support Smart Growth in Local Jurisdictions: Best Practices*.

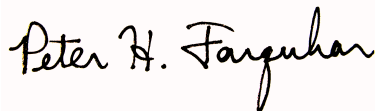
In summary, explicitly retaining a parking question in the CEQA Checklist is an important contribution to mitigating potentially significant environmental effects resulting from inadequate parking capacity. If the Natural Resources Board's proposed shift from capacity to performance is critical, then I recommend revising the parking question 16(f) as follows,

Question 16(f): "Result in inadequate parking ~~capacity~~ resources, after controlling parking demand, managing parking supply, and encouraging transportation alternatives."

The implications of this proposed revision are to make explicit the underlying three elements of parking performance (supply, demand, and management); to emphasize the integral role of parking in interconnecting different modes of transportation; and to recognize parking as a general resource in the overall circulation system.

I hope the Natural Resource Agency will adopt the two recommended changes in questions 16(a) and 16(f) in its *Proposed Guideline Amendments*. California communities and regions need the continued focal attention on parking impacts from CEQA and other environmental review processes; otherwise, many programs will not succeed.

Very truly yours,

A handwritten signature in black ink that reads "Peter H. Farquhar". The signature is written in a cursive style and is positioned above the typed name and title.

Peter H. Farquhar, member
Fox Strategy LLC