

Letter 28

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Comment 28-1

Inadequate parking does result in environmental impacts because of traffic congestion from people cruising for parking. Neighborhood air quality suffers as a result. CEQA Guidelines Initial Study Checklist questions for Transportation/Traffic (a), (b) and (f) should remain as is.

Response 28-1

See Responses 9-1,11-6, and the Thematic Responses in the Final Statement of Reasons for additional discussion.

As explained in the Initial Statement of Reasons, case law recognizes parking impacts are not necessarily environmental impacts. (Initial Statement of Reasons at pg. 64 to 65.) (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal. App. 4th 656, 679.) Therefore, the question related to parking is not relevant in the initial study checklist. However, if there is substantial evidence indicating a potential for adverse environmental impacts from a project related to parking capacity, such as for example attendant air quality issues that result from cars idling while searching for parking spots, the lead agency must address such potential impacts regardless of whether the checklist contains parking questions. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109.) The Natural Resources Agency, therefore, rejects this comment.

Comment 28-2

Use of any thresholds of significance should be based on exact measurements. A threshold based only on performance based standards would be inexact.

Response 28-2

Public Resources Code section 21000, subdivision (d) expressly directs public agencies to identify whether there are any critical thresholds for health and safety to identify those areas where the capacity of the environment is limited. A threshold is a numeric or qualitative level at which impacts are normally less than significant. (State CEQA Guidelines, § 15064.7(a); see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1107.) With respect to greenhouse gas emissions, the Natural Resources Agency has intentionally maintained a lead agency's discretion to

determine the appropriate threshold of significance for a proposed project. No further revision to the text is required to respond to this comment.

Comment 28-3

Revisions need to prepare public agencies to adequately address all the issues relating to the built and natural environments.

Response 28-3

“The regulations contained in [the State CEQA Guidelines] are prescribed by the Secretary for Resources to be followed by all state and local agencies in California in the implementation of the California Environmental Quality Act.” SB97 required the Office of Planning and Research and the Natural Resources Agency to develop and adopt, respectively, guidelines on the analysis and mitigation of greenhouse gas emissions. As explained in the Initial Statement of Reasons,

[T]he Proposed Amendments suggest relatively modest changes to various portions of the existing CEQA Guidelines. Modifications address those issues where analysis of GHG emissions may differ in some respects from more traditional CEQA analysis. Other modifications are suggested to clarify existing law that may apply both to analysis of GHG emissions as well as more traditional CEQA analyses.

(Initial Statement of Reasons, at p. 10.) Thus, the proposed amendments, and the CEQA Guidelines in general, are intended to assist public agencies in carrying out their duties under the California Environmental Quality Act. This comment does not address any specific provision of the proposed amendments, and no further revision is required in response to this comment.