

Letter 32

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Comment 32-1

Commenter supports amendment to Section 15093(d) to consider region-wide or statewide benefits. Doing so will promote infill development, the amendment lends support of lead agencies in determining such a project may have local adverse impacts but benefits the larger scope of transportation-related impacts.

Response 32-1

The Natural Resources Agency notes Commenter's support of this revision. The Natural Resources Agency has further refined Section 15093 in response to comments. Specifically, it has added "region-wide or statewide environmental benefits" to the other benefits listed in section 15093(a), and deleted the proposed subdivision (d). The previously proposed subdivision (d) could have been interpreted to mean that lead agencies should consider region-wide and statewide environmental benefits in isolation. Listing region-wide and statewide environmental benefits among the other benefits enumerated in subdivision (a) placed those benefits within the proper context of the section governing statements of overriding considerations. This change clarifies that lead agencies must balance region-wide and statewide environmental benefits, just like the other listed benefits, against a project's significant adverse impacts in making a statement of overriding considerations. This change still advances the policy objective of encouraging lead agencies to consider benefits of a project that may extend beyond just a local jurisdiction.

Comment 32-2

Commenter supports addition of Section 15183.5 to require GHG Reduction Plans undergo CEQA for the use of tiering. This addition will clarify the debate amongst lead agencies about whether Climate Action Plans require CEQA analysis if they will be used for tiering.

Response 32-2

The Natural Resources Agency notes Commenter's support of this addition and would agree that for tiering to be a viable option, certain regulatory requirements, including environmental review of the

previous plan, would need to be completed. Accordingly, the Natural Resources Agency takes no further action on this comment.

Comment 32-3

Proposed amendments to Appendix F (II)(D)(2) appears to have removed recommendations proposed by OPR to include water conservation and solid waste reduction. Commenter requests justification.

Response 32-3

Appendix F provides guidance on Energy Conservation. To provide this guidance, it must first establish methodologies for analyzing and considering potential energy-related impacts. In its revisions, The Natural Resources Agency removed the subject language regarding water conservation and solid waste reduction from subdivision C.3 in Appendix F entitled “Environmental Impacts,” and re-located that language in a subsequent subdivision D.2, which addresses potential mitigation. This language was not, contrary to this comment, removed entirely, or from the section the commenter is concerned with, and therefore, the Natural Resources Agency rejects this comment.

Comment 32-4

Commenter supports revisions to Appendix G: GHG Emissions

Response 32-4

The Natural Resources Agency notes commenter’s support and takes no further action on this comment.

Comment 32-5

Commenter recognizes a grammatical error in Appendix G: Transportation/Traffic (a). The word “not” is missing to the sentence “...including, but limited to intersections...”

Response 32-5

In response to comments, this typographical mistake was fixed.

Comment 32-6

Commenter supports reference to alternative modes of transportation in Appendix G: Transportation/Traffic checklist.

Response 32-6

The Natural Resources Agency notes commenter's support and takes no further action on this comment.

Comment 32-7

Commenter is concerned that LOS will continue to result in unintended consequences, such as roadway widening, and will remain an option to lead agencies as long as LOS is in the Appendix G checklist. The result, many lead agencies drop LOS standards to "E" as a work-around method but does not address the real issue. Commenter recommends Appendix G: Transportation/Traffic question (a) is amended to be more expansive to include all modes of transportation.

Response 32-7

In response to comments, the Natural Resources Agency has refined Appendix G's Traffic Section. Traffic question (a) changes the focus from an increase in traffic at a given location to the effect of a project on the overall circulation system in the project area. Traffic Question (b) asks whether a project: "Conflict[s] with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?" Finally, traffic question (f) now asks whether a project: "Conflict[s]with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities." Through these questions, the Natural Resources Agency intends to provoke a thoughtful analysis about potential impacts from a proposed project relative to all facets of a lead agency's transit system. It further seeks to ensure that new standards for measuring impacts are not precluded. Since these questions promote the policies forwarded by the guidelines revised approach to traffic analysis, the Natural Resources Agency believes this fully responds to the Commenter's proposed questions and concerns. To the extent commenter sought its own language be inserted, its suggestion is rejected.

Comment 32-8

Revise Appendix G: Transportation/Traffic checklist question to consider the land use context of the project and the duration of the congestion.

Response 32-8

The Commenter appears to be requesting that the questions concerning traffic in the checklist include limiting language regarding the land-use of the proposed project. Presumably, any congestion management program or plan would take into account the existing land-uses of an area, thereby helping a lead agency to establish thresholds of significance that reflect the land-use at issue. Accordingly, if a project proponent reviews an entire congestion management program when analyzing traffic-related

impacts, the underlying land-use will necessarily be part of that analysis. Therefore, the Natural Resources Agency rejects this comment.

Comment 32-9

Revise Appendix G: Transportation/Traffic checklist question (f) to address the possibility of a project being required excess parking, thus inducing automobile use.

Response 32-9

Case law recognizes that parking impacts are not necessarily environmental impacts. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal. App. 4th 656, 697.) 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.) Consequently, the Natural Resources Agency rejects this comment.

Comment 32-10

Appendix G: Transportation/Traffic checklist question (f) should be revised to analyze the effects of parking and to guide planners to determine whether the parking supply is appropriate given the project's circumstances. Analysis should take into account the multi-modal transportation system.

Response 32-10

For reasons identical to those of Response 32-9, the Natural Resources Agency rejects the suggestion in this comment.