

## Letter 98

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### **Comment 98-1**

Commenter requests that “parking” remain in the Appendix G, Section XVI: Transportation/Traffic checklist question (f).

### **Response 98-1**

The Natural Resources Agency appreciates the concern raised in the comment that parking adequacy should be considered as part of project approval. The Natural Resources Agency disagrees, however, that “parking adequacy” is an environmental resource that should normally be analyzed in an initial study. Specific objections to the deletion of the parking question are addressed below.

### **Comment 98-2**

Commenter challenges the Natural Resources Agency’s decision to remove parking. California case law recognizes environmental impacts from inadequate parking capacity. The justification given in the Initial Statement of Reasons is misleading.

### **Response 98-2**

As explained in the Initial Statement of Reasons, the Natural Resources Agency concluded that the question related to parking adequacy should be deleted from the Appendix G checklist in part as a result of the decision in *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656*. The court in that case distinguished the social impact of inadequate parking from actual adverse environmental impacts. In particular, that court explained:

[T]here is no statutory or case authority requiring an EIR to identify specific measures to provide additional parking spaces in order to meet an anticipated shortfall in parking availability. The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality *is*. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. An EIR need only address the *secondary physical* impacts that could be triggered by a social impact.

(*Id.* at p. 698 (emphasis in original).) The Natural Resources Agency is aware of no authority requiring an analysis of parking adequacy as part of a project's environmental review. Rather, the Agency concurs with the court in the *San Franciscans* case that inadequate parking is a social impact that may, depending on the project and its setting, result in secondary effects. Consistent with existing CEQA Guidelines section 15131(a), deletion of the parking adequacy question from Appendix G checklist will ensure that the "focus of the analysis shall be on the physical changes." Specifically, the Appendix G checklist contains questions asking about possible project impacts to air quality and traffic.

The Natural Resources Agency disagrees with the comment's characterization of the court's holding in the *San Franciscans* case. That case did not hold that the inadequate parking required mitigation; rather, it held that the agency in that case appropriately mitigated the traffic and air quality impacts that could result from the project's parking demand. As explained above, however, this conclusion does not require that the social impact of parking adequacy must be included in the Appendix G checklist.

The discussion of parking in Final Statement of Reasons has been revised to reflect the discussion in this response. No further revision to the proposed amendments is required in response to this comment.

### **Comment 98-3**

Commenter challenges the Natural Resources Agency's decision to remove parking. The question is relevant to the Initial Study Checklist and should be retained. Commenter points to previous references to studies which suggest inadequate parking does result in secondary environmental impacts.

### **Response 98-3**

The discussion of parking in Final Statement of Reasons has been revised to reflect that parking adequacy, as a social impact, is relevant to an environmental analysis only to the extent that parking inadequacy causes adverse environmental impacts.

The comment points to examples of potential adverse impacts that could result from parking shortages, such as double-parking and slower circulation speeds. The comment specifically refers to a study of "cruising" behavior by Donald Shoup that noted that cruising could result in emissions of carbon dioxide.

The relationship between parking adequacy and air quality is not as clear or direct as the comment implies. Mr. Shoup, for example, submitted comments to the Natural Resources Agency supporting the deletion of the parking question. (See, Letter from Donald Shoup, Professor of Urban Planning, University of California, Los Angeles, October 26, 2009) (Letter 105).) In those comments, Mr. Shoup opines that cruising results not from the number of parking spaces associated with a project, but rather from the price associated with those parking spaces. (*Ibid.*) The Natural Resources Agency also has evidence before it demonstrating that providing parking actually causes greater emissions due to induced demand. The California Air Pollution Control Officers Association CEQA White Paper, for example, suggests reducing available parking as a way to reduce greenhouse gas emissions. (Greg Tholen, et al. (January, 2008). CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas

Emissions from Projects Subject to the California Environmental Quality Act. California Air Pollution Control Officers Association, at Appendix B, pp. 8-9.) Moreover, parking analyses do not typically address either air quality or traffic impacts; rather, such analyses often focus on the number of parking spaces necessary to satisfy peak demand, which is often established by a local agency as a parking ratio (i.e., one space per 250 square feet of office space). (See, e.g., Shoup, Donald. (1999). In Lieu of Required Parking. Journal of Planning Education and Research, Vol. 18 No. 4. Association of Collegiate Schools of Planning, at p. 309.) Thus, the question in Appendix G related to parking adequacy does not necessarily lead to the development of information addressing actual environmental impacts.

In sum, nothing in the CEQA statute, or cases interpreting that statute, require an analysis of parking demand. Further, parking supply is not a reasonable proxy for physical impacts associated with a project because parking supply may in some circumstances adversely affect air quality and traffic while in other circumstances, it may create air quality and traffic benefits. Thus, maintaining the parking question in the general Appendix G checklist is not necessary to effectuate the purposes of the CEQA statute. The Natural Resources Agency, therefore, declines to retain that question in Appendix G.

#### **Comment 98-4**

Commenter challenges the Natural Resources Agency's decision to remove parking. Eliminating parking from the checklist is unreasonable as a lead agency must nevertheless address adverse environmental impacts from parking and may not consider these impacts without a parking question.

#### **Response 98-4**

The comment quotes an explanation in the Initial Statement of Reasons supporting the inclusion of questions related to greenhouse gas emissions in the Appendix G checklist. That statement explained the reasoning supporting the addition of questions related to greenhouse gas emissions does not apply to the parking question. First, SB97 specifically recognized that CEQA requires analysis of the effects of greenhouse gas emissions, and directed that the CEQA Guidelines be updated to reflect the need for such analysis. No provision in the CEQA statute, however, recognizes parking supply as an environmental resource that should be studied in a CEQA analysis. Second, as recognized in the *San Franciscans* case, adequacy of parking supply is a social impact. (*San Franciscans Upholding the Downtown Plan, supra*, 102 Cal.App.4th at 698.) The existing CEQA Guidelines recognize that even where a social impact may lead to indirect physical impacts, the "focus of the analysis shall be on the physical changes." (State CEQA Guidelines, § 15131(a).) Because the existing Appendix G already contains questions related to air quality and traffic, an additional question related to the social impacts of parking supply is not necessary to ensure analysis of air quality and traffic impacts. No further revisions are required in response to this comment.

**Comment 98-5**

Commenter requests the Natural Resources Agency further explain why question (f) was removed. No such explanation was provided in the *Notice of Proposed Changes* (October, 2009).

**Response 98-5**

The Notice of Proposed Changes was intended to summarize revisions to the proposed amendments that were circulated for additional public review. The elimination of the parking question was already addressed in the Initial Statement of Reasons, and the Natural Resources Agency does not propose any further changes related to parking. The Final Statement of Reasons includes responses to both this set of comments, as well as those submitted on August 19, 2009, and includes a discussion of parking in the Thematic Responses.

**Comment 98-6**

Parking is an integral component of transportation-related circulation systems, therefore, should be explicitly included in the Checklist question asking about impacts to the circulation system. The revised language fails to include mandatory circulation components as required by the State of California General Plan Guidelines (2003).

**Response 98-6**

Question (a) in the transportation section of Appendix G asks whether a project will conflict with measures of effectiveness in an adopted plan or policy related to relevant portions of the circulation system. That question provides a non-exclusive list of the components of the circulation system. The Government Code does not state, as the comment implies, that parking facilities must be included in a general plan circulation element. (Government Code, § 65302(b).) The General Plan Guidelines provide that local agencies “may wish to consider” parking facilities in their circulation elements. (General Plan Guidelines, at p. 57.) Local agencies that do include specific measures of effectiveness for parking facilities in their general plans may then use question (a) to address those parking issues. Public agencies must, moreover, develop their own procedures to implement CEQA, and so may include parking-related questions in their own checklist if appropriate in their own circumstances. (State CEQA Guidelines, §§ 15022, 15063(f).) No revision to the proposed amendments is required in response to this comment.

**Comment 98-7**

Parking is an integral component of the circulation system and should be unambiguously included in the Initial Study Checklist. Revise question (a) as follows: “Conflict with an applicable plan, ordinance, or policy establishing 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, mass transit, and parking.” Removing parking is likely to have unintended adverse consequences on alternative transportation modes and motor vehicle travel.

#### **Response 98-7**

As explained in Response 98-2, above, the Natural Resources Agency finds that parking adequacy is largely a social issue that is not appropriate for inclusion in the Appendix G checklist. Therefore, the suggestion to include parking in question (a) is rejected.

#### **Comment 98-8**

Existing question (f) on parking can be refocused from capacity to performance. Performance-based measures of parking effectiveness (supply, demand, and management) address the issue of answering “what is adequate”, which depends on the parking demand generated by a project and the efficiency of parking management. Absent a parking question in the CEQA checklist, there will be no incentive for developers to incorporate demand measures or effective management policies.

#### **Response 98-8**

This comment includes two components: (1) parking adequacy could be determined using performance based measures; and (2) without a parking question in Appendix G, developers and agencies will have no incentive to implement creative solutions.

Parking adequacy likely could be judged using performance-based measures. However, as explained in Response 98-2, above, the Natural Resources Agency finds that parking adequacy is a social issue, and the focus of Appendix G should be on environmental impacts.

The Natural Resources Agency also disagrees that the absence of a parking question in Appendix G will preclude innovative solutions to parking problems. Many jurisdictions do have ordinances addressing parking requirements. Further, as the comment notes, the General Plan Guidelines suggest that parking may be an appropriate topic to address in a general plan circulation element. Thus, local agencies may dictate the most appropriate parking solutions for their own circumstances.

#### **Comment 98-9**

Commenter sites an example of how existing question (f) has encouraged creative parking solutions and references a case study on parking solutions to smart-growth development.

### **Responses 98-9**

The Natural Resources Agency acknowledges that parking supply may lead to social impacts that lead agencies may wish to regulate. Cities and counties can, and do, include parking related policies in their municipal ordinances and general plans. (See, e.g., Office of Planning and Research, General Plan Guidelines, at pp. 59-60.) To the extent an agency has developed parking related policies in a general plan, zoning ordinance, or other regulation, consistency with those policies could be analyzed as a potential land use impact. Because agencies are free to develop their own parking regulations and policies, the Natural Resources Agency finds that innovative responses to those parking policies may occur even if the Appendix G checklist does not contain a parking question. No further revision is required in response to this comment.

### **Comment 98-10**

Revise existing question (f): “[would the project] result in inadequate parking resources, after controlling parking demand, managing parking supply, and encouraging transportation alternatives[?]”

### **Response 98-10**

The Natural Resources Agency declines to revise question (f) as suggested in this comment. As explained in Responses 98-2 through 98-12, above, parking is a social issue, and Appendix G should focus on actual environmental impacts.