

Stadium Expansion Project Required EIR Based on Traffic and Parking Impacts

Perhaps reflecting a north-south division over the importance of a parking space, the Fourth District has held that impacts of a stadium project on parking, together with traffic, necessitated preparation of an EIR. [Taxpayers for Accountable School Bond Spending v. San Diego Unified School District](#), No. D060999 (Fourth Dist. April 25, 2013). The court expressly declined to follow a First District case holding that lack of parking constituted a social inconvenience, not a physical impact on the environment under CEQA. A school district approved a mitigated negative declaration for a project involving improvements to a school stadium, including bleacher replacement and field lighting. Petitioners claimed an EIR was required based on potentially significant light and glare, traffic and parking impacts. The appellate court concluded that light and glare from field lighting for evening games did not constitute a significant environmental effect. Although acknowledging that some residents would be affected by light and glare exceeding the established threshold of significance -- resulting in potential sleep disruption -- the court found this impact less than significant because of the limited hours of evening lighting, the limited number of evening events, and the small number (approximately seven) of affected residences. As to the traffic analysis, the court found that the MND should have calculated a "baseline" attendance record for afternoon games and then compared that baseline to expected attendance at evening games. It also faulted the MND's calculation of anticipated attendance because it was based on average evening attendance at five schools without explanation as to why three other schools with stadium lighting were excluded from the analysis. The court concluded that "[b]ased on the general consensus that evening football games will increase . . . the number of vehicles, any traffic problems experienced in the past logically will only be exacerbated if the Project is completed." There was therefore substantial evidence supporting a fair argument that the project could have significant traffic impacts. As to parking impacts, the court disagreed with the determination in [San Franciscans Upholding the Downtown Plan v. City and County of San Francisco](#), 102 Cal.App.4th 656 (2002), that a parking shortage amounted to a social inconvenience rather than an impact on the physical environment under CEQA. The MND's failure to establish a baseline attendance number, the court reasoned, precluded informed analysis of the project's adverse impact on parking in the area. Personal observations by local residents about parking impacts were found to be sufficient to support a fair argument the project could have a significant environmental impact, necessitating an EIR.

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