

Community Development

Building & Safety
Economic Development
Planning



MEMORANDUM

TO: Planning Commission

FROM: David Crabtree, AICP, Community Development Director

BY: Jennifer A. Lilley, AICP, City Planner

CC: Steven Flower, Deputy City Attorney

DATE: March 16, 2017

SUBJECT: CEQA PROCESS CLARIFICATIONS REGARDING THE PROPOSED BREA PLACE PROJECT

This memorandum clarifies California Environmental Quality Act (CEQA) related items in general and specifically addressed in the Brea Place project staff report dated 2.28.17. It is being provided in advance of the Commission's next meeting to assist you in your review of the CEQA analysis and project materials. In summary, the environmental checklist process, the requirement for new and updated technical studies to assess impacts and the expanded review process for the Hines application serve to respect the legal requirements of CEQA as well as the City's commitment to informing the public beyond the legal minimum.

What is the purpose of CEQA?

- Inform decision makers and the public about the potential environmental effects of proposed projects.
- Identify ways environmental impacts can be avoided or reduced.
- Prevent significant environmental impacts by requiring mitigation measures where feasible.

Decision-makers must consider the environmental analysis as part of their process but are not bound to approve or deny a project based on the findings of the CEQA analysis. CEQA is an informational and disclosure process designed to assist in the consideration of projects.

Why Addendum and not a new EIR?

- CEQA requires consideration of any prior EIRs relevant to proposed development projects, if any such EIRs exist.
- CEQA requires review of new evidence to determine if changes in the project or its circumstances require changes to the EIR due to new information that shows there will be new or greater impacts.
- When considering prior EIRs, CEQA does not require a new initial study.

- In this case, the initial study environmental checklist and new technical studies were used to evaluate potential environmental impacts that could arise based on new information .

The 2003 General Plan EIR analyzed the environmental impacts for changes considered at that time, including the Brea Place mixed use site. This EIR is relevant for the Hines project and must be considered based on environmental practice, legislation, and applicable case law.

Does the environmental analysis rely on outdated data?

- The Addendum does not rely solely on 2003 technical studies prepared for the General Plan, but the 2003 EIR does provide the baseline for the current CEQA analysis.
- The Addendum also relies on new technical studies, including a new Traffic Impact Study, to assess whether changes to the project or its circumstances might result in new or greater impacts than were previously analyzed.

The Addendum prepared for the Hines project includes current technical studies considering existing environmental conditions. For example, a new traffic impact analysis was prepared and peer reviewed by third party experts. Focused studies/analyses including hydrology, water quality, sewer capacity and air quality were also performed and are attachments to the Addendum.

Was an Initial Study prepared?

The February 28 Staff Report noted the preparation of an “Initial Study”. CEQA generally defines an Initial Study as:

“...a preliminary analysis prepared by the lead agency to determine whether an EIR or a negative declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.”

CEQA does not require a formal “initial study” when a prior EIR has been prepared that may be applied to a project.

As provided by CEQA, a step in this analysis is to determine whether a previously approved EIR could be used with the project.

- In order to confidently determine whether an Addendum would be appropriate, the Addendum follows the environmental checklist and new technical studies were prepared and analyzed.
- As explained by the Deputy City Attorney during the staff presentation, the “initial study” referred to in the staff report was the environmental check list process outlined in CEQA.

Does an Addendum eliminate the CEQA Public Review process?

- An Addendum is a public document and must be considered by the Commission during the public hearing, but CEQA does not require a formal public circulation of an Addendum.
- The City has made the Addendum and all related studies available to the public and the Planning Commission for review and consideration prior to the public hearing and any action on the proposed project.
- The Planning Commission has continued its consideration of the Addendum and project entitlements 30 days to allow for more complete review and understanding of the Addendum and other project information.
- The public has been encouraged to ask questions, identify any concerns and provide information on the project prior to the Planning Commission’s decision.
- Staff has been working to address questions and clarify information.