



City of Bellflower

M E M O R A N D U M

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TO: Brian K. Lee, Community Development Director  
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Planner  
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FROM: Duane Morita, Consultant

SUBJECT: Streamlining Infill Projects: SB 226 and Section 15183.3 of CEQA  
Guidelines

DATE: April 25, 2012

As requested by Planning staff, this memo summarizes OPR's proposed CEQA amendments relating to streamlining of infill projects and describes relevance and benefits to the City of Bellflower. The amendments were proposed as SB 226 and would update Section 15183.3 of the CEQA Guidelines.

**Summary of SB 226 and Section 15183.3**

SB 226 and the proposed amendments to Section 15183.3 of the CEQA Guidelines are intended to: (a) expedite the environmental review process for infill projects, and (b) establish CEQA streamlining rules that implement the Sustainable Communities and Climate Protection Act of 2008 which "comprehensively integrate land use planning, transportation investments, and climate policy".

"Infill Projects" are defined as any residential, commercial/retail, transit station, school, or public office building that meets the requirements of the proposed legislation. In addition, less than half of any infill project site could be used for parking.

The key feature of the proposed legislation is that it requires the City to provide "substantial evidence" in support of any determination relating to infill projects. In support of any determination, the legislation requires the City to comply with the following:

- Prepare and fill out a written checklist form. The sample form that was provided looks exactly like any other environmental checklist form.

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- Show that the proposed infill project complies with and analyzes the following performance standards that were provided with the legislation: (a) provision of renewable energy, (b) calculation of vehicular miles, (c) pedestrian transportation benefits, (d) compliance with any transit plan, and (e) remediation of soil and water resources.
- Determine whether any environmental documentation that was previously prepared for an infill project analyzed the proposed infill project and the affected site. The City's EIR for the General Plan could qualify as "previous environmental documentation".
- Determine if new information is known, since the time the previous environmental documentation was prepared, that would now need to be analyzed with the proposed infill project. If determined that additional environmental impacts would result with the proposed infill project, the analysis would be included in the aforementioned environmental checklist form. Mitigation measures could be recommended to alleviate any impact. If mitigation measures are not available to mitigate any new impact, a new "Infill EIR" would require preparation. This Infill EIR would evaluate only those new impacts relating to the infill project that was not analyzed in the previous environmental documentation.

### **Relevance and Benefits to Bellflower**

In general, the proposed legislation has minimal relevance to the City of Bellflower; similarly, only minimal benefits would be realized by the City. The following explains the reasons for this conclusion.

Under existing CEQA Guidelines (Class 32, Section 15332), infill projects are categorically exempted. Therefore, when reviewing infill projects, if staff determines that said project would not result in any significant impact and also would satisfy those provisions described in the Class 32 Categorical Exemption, further analysis would not be required.

SB 226 has less provisions and restrictions when defining infill projects. Therefore, it could be argued that this is a benefit of SB 226. However, SB 226 does require that the aforementioned issues (in bullets) be analyzed to provide "substantial evidence" that the particular infill project would not result in any significant impact and would also implement the objectives of the Sustainable Communities and Climate Protection Act of 2008. In effect then, all infill projects would require some level of analysis under SB 226. It's curious that OPR considers SB 226 to be a method for "streamlining and expediting" review of infill projects.

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Given that the City is built-out and therefore, most projects would be considered infill, it makes better sense to continue utilizing the Class 32 Categorical Exemption for providing environmental clearance for infill projects rather than utilize the procedures and performance standards described in SB 226.