

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
STATEMENT OF SUPPORT
ENVIRONMENTAL COMPLIANCE DETERMINATION**

**525 East Broadway
Application No. 2004-05 (SPR20-009)
August 5, 2021**

Section 15162 of the California Environmental Quality Act (CEQA) establishes when subsequent Environmental Impact Reports (EIRs) or negative declarations shall be prepared. The Proposed Project proposes to construct a seven-story mixed-use building containing 48 dwelling units, 5,090 square feet of ground level commercial uses, and an integrated three-level, 60 stall parking garage at 525 East Broadway in the Downtown Plan (PD-30) District. The proposed structure includes subterranean, at-grade, and above grade parking.

The Proposed Project was analyzed as part of the previously certified Downtown Plan Program Environmental Impact Report (PEIR). A Program Environmental Impact Report (EIR) Compliance Checklist (PECC 02-21) was prepared for this project (525 East Broadway Project Downtown Plan Program EIR Compliance Checklist [ESA, May 2021]). The PEIR Compliance Checklist analyzed the proposed project in accordance with the Downtown Plan PEIR (SCH No. 2009071006) and determined that the project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan PEIR, with mitigation measures included. Additionally, the development is subject to the Downtown Plan PEIR Mitigation Monitoring and Reporting Program (MMRP).

Pursuant to CEQA Section 15162, when a EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record that additional analysis is required. As stated in the following analysis and 525 East Broadway Project Downtown Plan Program EIR Compliance Checklist (ESA, May 2021), the proposed project would be consistent with the certified PEIR and no new impacts would occur. Therefore, no subsequent environmental analysis is warranted under CEQA.

CEQA Section 15162:

(a) WHEN AN EIR HAS BEEN CERTIFIED OR A NEGATIVE DECLARATION ADOPTED FOR A PROJECT, NO SUBSEQUENT EIR SHALL BE PREPARED FOR THAT PROJECT UNLESS THE LEAD AGENCY DETERMINES, ON THE BASIS OF SUBSTANTIAL EVIDENCE IN THE LIGHT OF THE WHOLE RECORD, ONE OR MORE OF THE FOLLOWING:

(1) SUBSTANTIAL CHANGES ARE PROPOSED IN THE PROJECT WHICH WILL REQUIRE MAJOR REVISIONS OF THE PREVIOUS EIR OR NEGATIVE DECLARATION DUE TO THE INVOLVEMENT OF NEW SIGNIFICANT

ENVIRONMENTAL EFFECTS OR A SUBSTANTIAL INCREASE IN THE SEVERITY OF PREVIOUSLY IDENTIFIED SIGNIFICANT EFFECTS;

The PEIR analyzed the buildout of the Downtown Plan area. The Proposed Project would comply with all development standards and be located in the same geographic location as the assumptions analyzed in the PEIR. Therefore, the project would be consistent with the size, height, location, use, and materials analyzed in the PEIR for the development of the Downtown Plan area.

The PEIR Compliance Checklist analyzed the project in accordance with the Downtown Plan PEIR (SCH No. 2009071006) and determined that the project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan PEIR, with mitigation measures included. The analysis determined that no new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur with construction of the Proposed Project.

(2) SUBSTANTIAL CHANGES OCCUR WITH RESPECT TO THE CIRCUMSTANCES UNDER WHICH THE PROJECT IS UNDERTAKEN WHICH WILL REQUIRE MAJOR REVISIONS OF THE PREVIOUS EIR OR NEGATIVE DECLARATION DUE TO THE INVOLVEMENT OF NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR A SUBSTANTIAL INCREASE IN THE SEVERITY OF PREVIOUSLY IDENTIFIED SIGNIFICANT EFFECTS; OR

The Downtown Plan PEIR was prepared in 2010, circulated in 2011, and adopted in 2012. A Program EIR Compliance Checklist (PECC 02-21) was prepared for the project-level analysis. As documented in PECC 02-21, no changes have occurred related to site or project circumstances that would result in additional environmental impacts. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(3) NEW INFORMATION OF SUBSTANTIAL IMPORTANCE, WHICH WAS NOT KNOWN AND COULD NOT HAVE BEEN KNOWN WITH THE EXERCISE OF REASONABLE DILIGENCE AT THE TIME THE PREVIOUS EIR WAS CERTIFIED AS COMPLETE OR THE NEGATIVE DECLARATION WAS ADOPTED, SHOWS ANY OF THE FOLLOWING:

(A) THE PROJECT WILL HAVE ONE OR MORE SIGNIFICANT EFFECTS NOT DISCUSSED IN THE PREVIOUS EIR OR NEGATIVE DECLARATION;

The Downtown Plan PEIR was prepared in 2010, circulated in 2011, and adopted in 2012, and no information indicates that new significant impacts would occur that were not previously analyzed. As documented in PECC 02-21, the PEIR Mitigation measures would remain in effect for the Proposed Project. PECC 02-21 determined that all potential impacts of the Proposed

Project were determined to be within the assumptions and impacts analyzed in the PEIR. The mitigation measures will remain in effect for the Proposed Project. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(B) SIGNIFICANT EFFECTS PREVIOUSLY EXAMINED WILL BE SUBSTANTIALLY MORE SEVERE THAN SHOWN IN THE PREVIOUS EIR;

The Downtown Plan PEIR was prepared in 2010, circulated in 2011, and adopted in 2012, and no information indicates that previously examined impacts would become more severe with implementation of the project. As documented in PECC 02-21, the PEIR Mitigation measures would remain in effect for the Proposed Project. PECC 02-21 determined that all potential impacts of the Proposed Project were determined to be within the assumptions and impacts analyzed in the PEIR. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(C) MITIGATION MEASURES OR ALTERNATIVES PREVIOUSLY FOUND NOT TO BE FEASIBLE WOULD IN FACT BE FEASIBLE, AND WOULD SUBSTANTIALLY REDUCE ONE OR MORE SIGNIFICANT EFFECTS OF THE PROJECT, BUT THE PROJECT PROPONENTS DECLINE TO ADOPT THE MITIGATION MEASURE OR ALTERNATIVE; OR

The PEIR envisioned alternative build out scenarios. The analysis included in PECC 02-21 are at the project level and would not prove an alternative or additional mitigation measure feasible. The mitigation measures will remain feasible and in effect for the project. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(D) MITIGATION MEASURES OR ALTERNATIVES WHICH ARE CONSIDERABLY DIFFERENT FROM THOSE ANALYZED IN THE PREVIOUS EIR WOULD SUBSTANTIALLY REDUCE ONE OR MORE SIGNIFICANT EFFECTS ON THE ENVIRONMENT, BUT THE PROJECT PROPONENTS DECLINE TO ADOPT THE MITIGATION MEASURE OR ALTERNATIVE.

The PEIR envisioned alternative build out scenarios for the plan area. The analysis included in PECC 02-21 are at the project level and would not prove an alternative or additional mitigation measure feasible. No new mitigation is required to reduce potential impacts further than previously analyzed. The mitigation measures will remain feasible and in effect for the project. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

Incorporated by Reference:

525 East Broadway Project Downtown Plan Program EIR Compliance Checklist
(ESA, May 2021).