

MEMORANDUM

DATE: August 27, 2020

To: Bob Vinn, Assistant City Engineer

FROM: Theresa Wallace, AICP, Principal
 Kyle Simpson, Associate

SUBJECT: California Environmental Quality Act (CEQA) Addendum to the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent Environment Impact Report; Livermore, California (SUB20-008)

This document, prepared pursuant to CEQA and the regulations and policies of the City of Livermore, provides information and analysis concerning the approval of the proposed Vesting Tentative Map – Tract 8574, which would result in the subdivision of 3 adjacent City-owned parcels within the Downtown Specific Plan area into 9 parcels (proposed project). This document is an Addendum to the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent Environment Impact Report¹ (2009 Subsequent EIR), which was certified by the City of Livermore in March 2009. The 2009 Subsequent EIR was prepared subsequent to the EIR that evaluated the effects of the Downtown Specific Plan (2004 Final EIR).² In addition, an Addendum to the 2009 Subsequent EIR was prepared in March 2019 (March 2019 Addendum)³ to evaluate minor changes associated with the Downtown Specific Plan Amendments project.

This document is an Addendum to the 2009 Subsequent EIR and evaluates whether subdividing an approximately 7-acre, 3-parcel project site in the Downtown Area would result in new or substantially more adverse significant effects or require new mitigation measures not identified in the 2009 Subsequent EIR. The City of Livermore is the Lead Agency under CEQA. In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the 2009 Subsequent EIR, certified in March 2009, which is hereby incorporated by reference.

¹ LSA Associates, Inc. 2009. *Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent Environmental Impact Report*. March.

² LSA Associates, Inc. 2004. *Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report*. June.

³ LSA Associates, Inc. 2019. *Addendum for the Downtown Specific Plan Amendment Project*. March.

INTRODUCTION

The proposed project area is approximately seven acres in size and is primarily located in the northern portion of the block bound by Railroad Avenue, South Livermore Avenue, First Street, and South L Street.

The proposed project would result in subdivision of the approximately 7-acre, 3-parcel site into 9 parcels to accommodate land uses proposed by the Downtown Specific Plan Amendment project. The resulting subdivided parcels would be consistent with the Downtown Specific Plan Amendment land use concept that was evaluated in the March 2019 Addendum. The proposed project does not propose any changes to land uses, densities in residential units, or intensities of retail or commercial uses within the project site.

This Addendum is prepared pursuant to CEQA Guidelines Section 15164 which states: “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15162 specifies that “no subsequent EIR shall be prepared for that project unless the lead agency determines ... one or more of the following:”

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
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 was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (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
 - (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.

Pursuant to CEQA Guidelines Section 15164(e), the purpose of this Addendum is to describe and evaluate the proposed project (subdivision of the approximately 7-acre, 3-parcel project site into 9 parcels), assess the proposed modifications to the project evaluated in the 2009 Subsequent EIR, and identify the reasons for the City's conclusion that changes to the project site and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR.

The proposed project is limited to subdivision of the approximately 7-acre, 3-parcel project site into 9 parcels, and would allow for development identified in the March 2009 Addendum to proceed. The proposed project does not include any changes to the Downtown Specific Plan Amendments Land Use Concept analyzed in the March 2019 Addendum. The development identified in the Downtown Specific Plan Amendments Land Use Concept was found to be within the scope of the analysis included in the 2009 Subsequent EIR.

The March 2019 Addendum provided information that: (1) compared the environmental impacts of the 2019 changes with impacts expected to result from development approved in the Downtown Specific Plan and evaluated in the 2009 Subsequent EIR; (2) demonstrated that the 2019 changes would not result in new or more severe significant environmental impacts; (3) provided revised mitigation measures not identified in the 2009 Subsequent EIR, and (4) concluded that no substantial changes with respect to the circumstances under which the project would be undertaken since the 2009 Subsequent EIR was certified resulted in new or more severe significant environmental effects. The findings of the March 2019 Addendum are relevant to the proposed project because no land use changes or square footages of the Downtown Specific Plan Amendments Land Use Concept are included as part of the proposed project.

COMPARISON TO THE CONDITIONS LISTED IN CEQA GUIDELINES SECTIONS 15162 AND 15163

The following discussion summarizes the reasons that a subsequent or supplemental EIR, pursuant to CEQA Guidelines Sections 15162 and 15163, is not required and an Addendum to the 2009 Subsequent EIR is the appropriate CEQA document.

Substantial Changes

The proposed project would result in minor modifications (subdivision of the approximately 7-acre, 3-parcel project site into 9 parcels) to the project evaluated in the 2009 Subsequent EIR and the March 2019 Addendum would not result in new significant impacts beyond those identified in the 2009 Subsequent EIR and the March 2019 Addendum. The proposed subdivision would not substantially increase the severity of impacts identified in the 2009 Subsequent EIR and the March 2019 Addendum. In addition, the proposed subdivision would not require revisions to the 2009 Subsequent EIR. Therefore, the proposed changes to the project would be minor modifications, not substantial changes, and an Addendum is the appropriate document to address these minor modifications rather than a subsequent or supplemental EIR.

Substantial Changes in Circumstances

As described in the March 2019 Addendum, environmental conditions in and around the project site have not changed such that implementation of the proposed minor modifications to the 2009 Subsequent EIR would result in new significant environmental effects or a substantial increase in the severity of environmental effects identified in the 2009 Subsequent EIR, and thus would not require major revisions to the 2009 Subsequent EIR.

The 2009 Subsequent EIR included several mitigation measures to address potential impacts related to soil and groundwater quality within Downtown Specific Plan area. Since adoption of the March 2019 Addendum, two Cleanup Program Sites, as classified by the San Francisco Bay Regional Water Quality Control Board (RWQCB) were identified, and remediation activities have been initiated. Mitigation Measure HAZ-4 of the 2009 Subsequent EIR specifically identifies one of the two Cleanup Program Sites, Quality Cleaners, located at 2048 First Street (Case number 01S0828 with the San Francisco Bay RWQCB), due to the historical dry cleaning operations that occurred on site. Implementation of Mitigation Measure HAZ-4 as identified in the 2009 Subsequent EIR would require a soil and/or groundwater investigation work plan to be prepared and implemented to evaluate potential hazardous material impacts from operation of the Southern Pacific Railroad at the Livermore Village site and Quality Cleaners adjacent to the Livermore Village site. As a result, implementation of Mitigation Measure HAZ-4 is currently underway.

The second Cleanup Program Site, J Cleaners, located at 2093 Railroad Avenue on the northern portion of the project site (Case number 01S0190 with the San Francisco Bay RWQCB), was not specifically identified in the 2009 Subsequent EIR or the March 2019 Addendum; however, implementation of Mitigation Measure HAZ-1 of the 2009 Subsequent EIR would require environmental investigations to be performed prior to development of the project site, and would require remediation of the project site to be performed under the oversight of a regulatory agency, if required, based on the findings of the environmental investigations. The remediation activities that are currently underway have been initiated as a result of Mitigation Measure HAZ-1 of the 2009 Subsequent EIR.

New Information

No new information of substantial importance, which was not known or could not have been known when the 2009 Subsequent EIR was certified or when the March 2019 Addendum was adopted, has been identified which shows that the proposed minor modifications to the 2009 Subsequent EIR associated with the proposed project would be expected to result in: (1) new significant environmental effects not identified in the 2009 Subsequent EIR; (2) substantially more severe environmental effects than shown in the 2009 Subsequent EIR; (3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the City declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the 2009 Subsequent EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.

Since certification of the 2009 Subsequent EIR and approval of the March 2019 Addendum, and as discussed above, remediation activities have been initiated at two hazardous sites within the project

site to address contaminated soil and groundwater. The 2009 Subsequent EIR included Mitigation Measure HAZ-1 to address any hazardous materials sites discovered within the project site and established prescriptive measures and regulatory actions required to be undertaken to reduce potential environmental impacts. These regulatory actions are currently being implemented and are not considered new information that would require new mitigation measures to address. The proposed subdivision would require no new mitigation measures, because no new or substantially more severe impacts are expected beyond those identified in the 2009 Subsequent EIR and the March 2019 Addendum.

CONCLUSION

The proposed minor modifications (subdivision of the approximately 7-acre, 3-parcel project site into 9 parcels) to the 2009 Subsequent EIR described in this Addendum would not require major revisions to the 2009 Subsequent EIR due to new or substantially increased significant environmental effects. Subdividing the approximately 7-acre, 3-parcel project site would not alter the proposed land use components analyzed in the March 2019 Addendum, of which is within the scope of the 2009 Subsequent EIR. As such, the proposed minor modifications would have no new or more severe significant effects, and no new mitigation measures are required. Therefore, no subsequent or supplemental EIR or further CEQA review is required prior to approval of the proposed project, as described in this Addendum.