

***ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

City of Livermore
 Planning Division
 1052 South Livermore Avenue
 Livermore, CA 94550

FOR COUNTY CLERK USE ONLY

ENDORSED
 FILED
 ALAMEDA COUNTY

JUN 02 2021

MELISSA WILK, County Clerk
 By *MS* Deputy

FILE NO:

21-207**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:**

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD) A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,480.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

 B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,445.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

3. OTHER: _____

*** A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.***

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2021

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

JUN 02 2021

NOTICE OF EXEMPTION

MELISSA WILK, County Clerk
By RAA Deputy

TO: County Clerk
County of Alameda
1106 Madison St. – First Floor
Oakland, CA 94607

FROM: City of Livermore
1052 South Livermore
Livermore, CA 94550

SUBJECT: NOTICE OF EXEMPTION in compliance with the California Environmental Quality Act.

PROJECT

Title: Downtown Design Review (DDR) 20-019, Vesting Tentative Parcel Map (VTPM) 11186 – Subdivision (SUB) 21-003, and the First Amendment to Disposition Development and Loan Agreement with Eden Housing, Inc. for the Downtown Housing Project.

Location: Southeast corner of Railroad Avenue and South L Street (APN: 98-289-21-1)

Description: Hearing to consider a request for Downtown Design Review and Vesting Tentative Parcel Map to develop the western portion of the Downtown Core site (formerly Livermore Village) with the affordable housing component of the Downtown Plan approved by the City Council on January 29, 2018, and a First Amendment to Disposition, Development and Loan Agreement (DDL) with Eden Housing, Inc.

Applicant: City of Livermore

City's Contact: Jake Potter, Associate Planner

Telephone: (925) 960-4450

Public Agency Approving Project: City of Livermore

EXEMPT STATUS:

- Categorical Exemption (Sec. 15332, 15304 (a)(b), and 15308)
- Declared Emergency (Sec. 15269(a); 21080(b)(3))
- Emergency Project (Sec. 15269(b)(c); 21080(b)(4))
- Ministerial (Sec. 15268; 21080(b)(1))
- Statutory Exemption (Sec. 15182 (c) and Government Code Sec. 65457)
- "Common Sense" Exemption (Sec. 15061(b)(3)) The possible environmental impacts of the project have been considered in making this determination, as explained below.

Reasons why project is exempt:

Section 15182 (c) and Government Code Sec. 65457

1. The Downtown Specific Plan was initially adopted and its EIR was certified in 2004, with a Downtown Specific Plan Amendment adopted and a subsequent EIR certified in 2009. The City has adopted three addenda to the subsequent EIR in March 2019, August 25, 2020, and August 27, 2020, respectively (the original EIR, subsequent EIR, and addenda are collectively referred to as the "EIR"). The project is consistent with the allowed residential and park uses of the Specific Plan's Subarea 4 – Special Condition Sub-district D, as analyzed in the EIR. The project does not exceed the site's allowed density of 55 dwelling units per acre and conforms with all applicable development standards with respect to setbacks, height, open space, and parking. The project implements Specific Plan policies that seek to redevelop the project site (former Lucky's parcel), revitalize the Downtown, and provide a range of housing types. The project shall comply with the

Mitigation, Monitoring, and Reporting Program (MMRP) adopted with the certified 2009 Subsequent DSP EIR (SCH: 2008092085). The City continues to work with the Regional Water Quality Control Board to implement site cleanup consistent with the MMRP. For these reasons, the residential project implements the Downtown Specific Plan, which had an EIR prepared and certified after 1980.

2. No substantial changes are proposed which would require major revisions to the previous EIR, subsequent EIR, or addenda. The project proposes 130 residential units and park dedication, consistent with the allowed uses and densities contemplated in the EIR and addenda. Moreover, the modifications to applicable development standards approved pursuant to the State Density Bonus Law are not "substantial changes," because the reduction of the frontage setback and relief from parking standards would not result in significant environmental effects. Substantial changes in circumstances have not occurred requiring major revisions to the previous EIR, subsequent EIR, or addenda, as the site remains vacant and used for temporary parking and the site context remains heavily urbanized in the City's core, precisely as analyzed in the Specific Plan's certified EIR. There is no new information of substantial importance that would result in new impacts not previously discussed, result in more severe impacts, or require modifications to the existing mitigation measures. No substantial changes are proposed which would require major revisions to the previous EIR, subsequent EIR, or addenda. The project proposes 130 residential units and park dedication, consistent with the allowed uses and densities contemplated in the EIR and addenda. Moreover, the modifications to applicable development standards approved pursuant to the State Density Bonus Law are not "substantial changes," because the reduction of the frontage setback and relief from parking standards would not result in significant environmental effects. Substantial changes in circumstances have not occurred requiring major revisions to the previous EIR, subsequent EIR, or addenda, as the site remains vacant and used for temporary parking and the site context remains heavily urbanized in the City's core, precisely as analyzed in the Specific Plan's certified EIR. There is no new information of substantial importance that would result in new impacts not previously discussed, result in more severe impacts, or require modifications to the existing mitigation measures. The actions taken by the Water Board do not constitute new or changed circumstances under 15162. The contamination was addressed in the 2009 EIR and subsequent mitigation measures. For these reasons, no events described in CEQA Section 15162 have occurred and therefore no further environmental review is required.

Section 15332

1. The project is consistent with the intent of the Downtown Area General Plan designation because it would provide higher-intensity residential development of a density that supports the predominantly commercial Downtown environment. The project also implements the Land Use, Housing, Community Character, and Climate Change elements by providing affordable housing near transit that is of a high-quality architectural design and that provides sustainable features like photovoltaic arrays. The project's zoning is defined in the Downtown Specific Plan. The Specific Plan permits development up to 55 dwelling units per acre and a maximum of four stories, prior to the application of State Density Bonus Law provisions. The project proposed a density of approximately 52 dwelling units per acre and four stories of height, within the ranges permitted under the Downtown Specific Plan. The project is also eligible for a density bonus, and it is accordingly consistent with the applicable density range, development standards related to setbacks, height, and open space, and design standards and guidelines of the Downtown Specific Plan.

2. The site is located within the Downtown Core, the most densely urbanized location in Livermore. The site has generally been developed since Livermore's founding in 1869 with rail, commercial and other uses. The site is entirely within the City limits, is 2.5 gross acres in size, and is surrounded on all sides by street rights of way and urbanized residential and commercial uses.
3. The site is completely urbanized, graded, and topped with aggregate base material. It is currently used as a temporary surface parking lot and devoid of all trees and vegetation. Therefore, it has no value as habitat for endangered, rare or threatened species.
4. According to OPR screening criteria for SB 743, one-hundred-percent affordable projects in infill locations are presumed to have a less than significant traffic impact for CEQA purposes. The project is one hundred percent affordable to families of 20 to 60 percent AMI and is located on an infill site. Therefore, the project will not result in any significant traffic impacts.

In addition, although not required for CEQA purposes, the project traffic study (Fehr and Peers, October 2020) concluded the project would not significantly impact the Level of Service for surrounding intersections.

The project is residential in nature and will not produce noise impacts that exceed Downtown Specific Plan thresholds that anticipate a mix of residential and commercial uses. The project is conditioned on being consistent with the City's Noise Ordinance and the Downtown Specific Plan noise standards, both exterior and interior. The project is also consistent with the City's Right to Downtown Operations Ordinance.

Although noise impacts on future project residents is not an impact for CEQA purposes, the project is conditioned to ensure interior noise levels will not exceed 45 dBA, for the health and welfare of project residents. All waste receptacles are to be stored inside the buildings and only staged for pickup, which will reduce noise associated with waste collection.

The project is also conditioned to install interceptors in all parking garages and at the trash staging area to ensure contaminants do not enter the city storm drain or sanitary sewer system. All stormwater will be managed through stormwater retention areas, offering natural filtration. The construction site and vehicles will use the City's construction best practices and the Bay Area Air Quality Management District (BAAQMD) basic construction measures to reduce construction related emissions and to avoid significant amounts of dust during construction.

BAAQMD establishes localized CO emissions thresholds. A proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions exist for the project: 1) The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; 2) The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and 3) The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

Based on the Fehr and Peers, October 2020 traffic study, the project would generate a maximum of 75 peak hour trips. Given that the project would generate fewer than 100 peak hour trips and would be consistent with the site's current General Plan land use designation, the project would not conflict with the Alameda County Transportation Commission Congestion Management

Program (CMP). In addition, the General Plan identifies Railroad Avenue as capable of handling a maximum of 50,000 vehicles per day and L Street a maximum of 20,000 vehicles per day, well below BAAQMD's threshold of 44,000 vehicles per hour. Vertical and/ or horizontal mixing (tunnels or bridges) is not proposed. For these reasons, the project does not exceed BAAQMD CO emission thresholds.

In addition, the proposed multifamily development would not involve any land uses or operations that the California Air Resources Board (CARB) considers to be major sources of Toxic Air Contaminants (TACs), like freeways, distribution centers, railyards, and facilities with high amounts of Diesel Particulate Matter (DPM) (Air Quality and Land Use Handbook: A Community Health Perspective). As such, the project would not generate any substantial pollutant concentrations during operations. Therefore, the project will not produce any air or water quality impacts. The City continues to work with the Regional Water Quality Control Board to appropriately implement site cleanup consistent with the Mitigation, Monitoring, and Reporting Program (MMRP) adopted with the certified 2009 Subsequent DSP EIR (SCH: 2008092085).

5. Given its existing urbanized nature, the site is currently served by all required public utilities and services, including: water, sewer, storm drain, telecommunications, electricity, police, fire, and medical services. The project is within the Specific Plan's and EIR's anticipated density range, and therefore existing services have sufficient capacity to accommodate the incremental increase in demand.

Section 15304 (a) and (b)

1. The project proposes minor grading on a parcel with a slope less than 10 percent. In addition, the property is not a waterway and has not been designated as a scenic area. It is not located along any of the scenic routes identified in Livermore's General Plan nor identified as a Scenic Highway by the CA Department of Transportation. The site has not been designated a wetland by the CA Natural Resources Agency. Although the property is located within a liquefaction zone according to the CA Department of Conservation, it is not located on any faults or within any Alquist-Priolo earthquake fault zones.
2. The project proposes new landscaping activities associated with the residential project, including street trees, onsite trees, shrubs, and groundcovers. The landscaping would conform to the State Water Efficient Landscape Ordinance (WELO). The project also dedicates area for park space.

Section 15308

1. Section 15308 exempts actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment. Although construction activities are not included in this exemption, the project does include park dedication on Parcel Two of VTPM 11186. The land would be reserved for exclusive park use, which would include new tree, shrub, and groundcover plantings and open space. The park (Veterans Park) would provide for groundwater recharge, additional carbon sinks, and would be planted with native plant species attractive to important pollinators such as butterfly and bees. For these reasons, the park dedication contributes to the enhancement of the environment.

Exceptions – Section 15300.2

None of the exceptions listed in CEQA Guidelines Section 15300.2 apply, as described below. Therefore, each proposed exemption applies to the project.

1. Location. The project site is not located within a sensitive area. The site has not been designated a wetland by the CA Natural Resources Agency and, although the property is located within a liquefaction zone according to the CA Department of Conservation, it is not located on any faults or within any Alquist-Priolo earthquake fault zones. It is not located in a California Department of Forestry and Fire Protection 'Very High Fire Hazard Severity Zone' for a local responsibility area nor in a 'Fire Hazard Severity Zone' in a state responsibility area. The site is not located within a Flood Hazard Area identified by the Federal Emergency Management Agency.
2. Cumulative Impact. The project is fully consistent with the level of development that the City previously approved for the project site under the Downtown Specific Plan. Moreover, the Project would not result in any significant impacts, and its contribution to regional growth is not cumulatively considerable. Therefore, the project will not result in any cumulative impacts and is fully consistent with the Downtown Specific Plan and 2009 Subsequent EIR (SCH: 2008092085).
3. Significant Effects Resulting from Unusual Circumstances. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There is no evidence that any unusual circumstances exist. The project is consistent with the level of development contemplated in the Downtown Specific Plan, and the project's density bonus application to modify certain development standards does not create development conditions that are unusual for Downtown. Even if the use of a density bonus were unusual, there is no evidence that its use would result in significant environmental effects, because the modified setback and parking reductions applicable to the project under the density bonus law are unrelated to environmental protection. Moreover, the project is conditioned to comply with all mitigation measures established in the Downtown Specific Plan's 2009 Subsequent EIR (SCH: 2008092085). The actions taken by the Water Board do not constitute new or changed circumstances under 15162. The contamination was a known condition and addressed in the 2009 EIR and subsequent mitigation measures. This type of cleanup is routine for the downtown area and is similar to the remediation performed at sites such as Stockmen's Park and Legacy Apartments.
4. Scenic Highways. The project site is not located along any of the scenic routes identified in Livermore's General Plan nor identified as a Scenic Highway by the CA Department of Transportation. No damage to scenic resources will occur.
5. Hazardous Waste Sites. The project site is not included on the list of hazardous waste facilities compiled pursuant to California Government Code Section 65962.5 (i.e., the "Cortese List"), which comprises the following five parts: the list of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database; the list of Leaking Underground Storage Tank (LUST) sites from the State Water Resource Control Board (SWRCB) Geotracker database; the list of solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management unit; the list of active Cease and Desist Orders or Cleanup and Abatement Orders that concern the discharge of wastes that are hazardous materials; or the list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

6. Historical Resources. No substantial adverse change will occur to the significance of any historical resource. The project site does not contain any resource listed in Livermore's 2021 Historic Resources Inventory, the State Register of Historic Places, nor the National Register of Historic Places. Although the former Railroad Depot is eligible for the National Register of Historic Places, it has been relocated offsite to the Livermore Amador Valley Transit Authority transit center and would not be directly or indirectly affected by the project.

Signature: _____

Name & Title: Jake Potter, Associate Planner

Project Approval Date: May 25, 2021

NOTE TO APPLICANTS:

The environmental determination finding of Statutorily Exempt is subject to appeal within 30 days from project approval. The environmental determination finding of Categorically Exempt is subject to appeal within 35 days from project approval. To utilize these appeal periods, this document must be filed with the Alameda County Clerk at the address listed above. A \$50 filing fee is required.



State of California - Department of Fish and Wildlife
2021 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

Print Start Over Save

AC RECEIPT # 2987855

RECEIPT NUMBER:
 01 —06/02/2021—207
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF LIVERMORE PLANNING DIVISION	LEAD AGENCY EMAIL	DATE 06/02/2021
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COUNTY/STATE AGENCY OF FILING ALAMEDA	DOCUMENT NUMBER 21 - 207
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PROJECT TITLE
 DOWNTOWN DESIGN REVIEW (DDR) 20-019, VESTING TENTATIVE PARCEL MAP (VTPM) 11186 - SUBDIVISION (SUB) 21-003, AND THE FIRST AMENDMENT TO DISPOSITION DEVELOPMENT AND LOAN AGREEMENT WITH EDEN HOUSING, INC. FOR THE DOWNTOWN HOUSING PROJECT.

PROJECT APPLICANT NAME JAKE POTTER	PROJECT APPLICANT EMAIL	PHONE NUMBER (925) 960-4450
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PROJECT APPLICANT ADDRESS 1052 SOUTH LIVERMORE AVE.	CITY LIVERMORE	STATE CA	ZIP CODE 94550
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,445.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,480.25	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,171.25	\$	0.00

Exempt from fee

Notice of Exemption (attach)

CDFW No Effect Determination (attach)

Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

Cash Credit Check Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE R. CHANG, DEPUTY CLERK
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ALAMEDA COUNTY CLERK-RECORDER
1106 MADISON STREET
OAKLAND, CA 94607
(510)272-6362

ISSUED TO:
CITY OF LIVERMORE PLANNING DIVISION

RECEIPT # 2987855
DATE 06/02/2021 08:41:42 AM

SERVICE PGS QTY FEE

CASHIERING
HANDLING FEE 1 1 50.00
=====

Total Amount Due \$50.00

CHECK 202718 50.00
=====

Total Amount Paid \$50.00

MELISSA WILK
County Clerk-Recorder
Deputy: Rowena C