FINAL ENVIRONMENTAL IMPACT REPORT

PACIFIC AND LIVERMORE TOWNHOMES PROJECT LIVERMORE, CALIFORNIA

STATE CLEARINGHOUSE NO. 2025021071

LSA

December 2025

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FINAL ENVIRONMENTAL IMPACT REPORT

PACIFIC AND LIVERMORE TOWNHOMES PROJECT EIR LIVERMORE, CALIFORNIA

STATE CLEARINGHOUSE NO. 2025021071

Submitted to:

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1.0 INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document was prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the Pacific and Livermore Townhomes Project (project) for the City of Livermore (City). The Draft EIR identifies the likely environmental consequences associated with implementation of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City circulated a Notice of Preparation (NOP) to solicit input from responsible and trustee agencies regarding the scope and content of the Draft EIR, as well as to identify potential areas of controversy. The NOP was published on March 3, 2025, and was distributed to local, regional, and State agencies. A scoping session for the preparation of the Draft EIR was held at 7:00 p.m. on March 18, 2025. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was distributed to State responsible and trustee agencies for 45 days and made available for local public review for 45 days beginning on September 16, 2025, and ending on October 31, 2025. The Draft EIR and announcement of its availability were posted electronically on the City's website, and hard copies were available for public review at the Livermore City Hall and the Civic Center Library at 1052 South Livermore Avenue and 1188 South Livermore Avenue, respectively.

During the public review period for the Draft EIR, the City received seven written comment letters. In addition, four verbal comments were provided at the Planning Commission public hearing held on October 7, 2025, for the proposed project. Copies of all written comments received during the comment period are included in Appendix K, Public Comment Letters on the Draft EIR, of this document.

1.3 DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- **Chapter 1.0: Introduction**. This chapter discusses the purpose and organization of this RTC Document and summarizes the environmental review process for the project.

- **Chapter 2.0: Draft EIR Commenters**. This chapter contains a list of organizations and individuals who submitted written comments on the Draft EIR during the public review period.

- **Chapter 3.0: Comments and Responses**. This chapter contains a matrix that includes text of each CEQA related comment received on the Draft EIR during the public review period and a written response to each comment. Reproductions of all comment letters are included in Appendix K, Public Comment Letters, on the Draft EIR.

- **Chapter 4.0: Draft EIR Text Revisions**. This chapter contains corrections and edits to the Draft EIR that are necessary in light of the comments received and responses provided or are necessary to amplify or clarify material in the Draft EIR. Double underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

- **Appendices**. Appendix K includes all written comments submitted on the Draft EIR.

2.0 DRAFT EIR COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Chapter 3.0, Comments and Responses, of this document.

2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 3.0 includes a matrix of each CEQA related comment received on the Draft EIR during the public review period, including verbal comments provided at the Planning Commission public hearing held on October 7, 2025, and a written response to each comment. Reproductions of all comment letters are included in Appendix K, Public Comment Letters on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: Organizations (O) and Individuals (I).

2.2 LIST OF COMMENTERS ON THE DRAFT EIR

Table 2.A provides a list of the organizations and individuals that commented on the Draft EIR prior to the close of the public comment period. The comments received have been organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Table 2.A: List of Comments Received

Letter Number	Name	Date	Type of Comment
Organizations			
O-1	East Bay For Everyone	September 16, 2025	Written
O-2	Lisjan Nation	October 3, 2025	Written
Individuals			
I-1	Travis Pullen	September 17, 2025	Written
I-2	Linda Eschen	September 18, 2025	Written
I-3	Jean Pullen	October 1, 2025	Written
I-4	Commissioner Anderson	October 7, 2025	Planning Commission Verbal Comment
I-5	Commissioner Kronzak	October 7, 2025	Planning Commission Verbal Comment
I-6	Jason Lowry	October 7, 2025	Planning Commission Verbal Comment
I-7	Adam Thompson	October 7, 2025	Planning Commission Verbal Comment
I-8	Janet Brandi	October 8, 2025	Written
I-9	Bill Noyes	October 31, 2025	Written

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3.0 COMMENTS AND RESPONSES

This chapter provides written responses to the comment letters received on the Draft Environmental Impact Report (Draft EIR) and verbal comments provided at the Planning Commission public hearing on October 7, 2025. The letters received during the public review period on the Draft EIR are provided in their entirety. The letters are immediately followed by responses keyed to the specific comments.

Please note that responses are not provided for comments that do not raise environmental issues or relate to the adequacy of the information or analysis within the Draft EIR, as no comment is enumerated or response required, per *State CEQA Guidelines* Section 15132. In addition, when general support or opposition is given for the project, that comment is noted but no further analysis is provided in the response, as the commenter is not questioning the adequacy of the information or analysis within the Draft EIR.

Where comments on the Draft EIR concern issues requiring technical expertise such as those related to transportation, the responses to comments, like the initial analysis in the Draft EIR, relies on the knowledge and professional analysis of qualified experts. The comments received on the proposed project did not require any revisions to the Draft EIR. Therefore, no significant changes have been made to the information contained in the Draft EIR as a result of the comments received, and no significant new information has been added that would require recirculation of the document pursuant to *State CEQA Guidelines* Section 15088.5.

3.1 COMMENTS AND RESPONSES MATRIX

Table 3.A includes all CEQA-related comments received on the Draft EIR and a response to each comment. The text of each comment has been included in the matrix and includes any grammatical errors included in the original comment letter. Each comment letter is included in its entirety in Appendix K, Public Comment Letters on the Draft EIR.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
Organizations		
O-1	**East Bay For Everyone (September 16, 2025)**	
O-1-1	Hi, We just got a notice of availability for CEQA review for this project. We thought that this type of project would be exempt from CEQA now because of state law. Can you describe why CEQA is still a requirement here? Thanks very much, Kevin Burke	This comment inquires about why the proposed project was not exempt from CEQA. While the proposed project would utilize "Builder's Remedy" rights pursuant to the Housing Accountability Act (Government Code Section 65589.5), the use of Builder's Remedy does not exempt a project from environmental review. Under the Housing Accountability Act jurisdictions without a compliant Housing Element must process qualifying housing developments even if the project does not fully conform to local zoning or general plan standards; however, the statute does not eliminate the need for CEQA compliance when a project still requires discretionary approvals. The Legislature expressly stated that Builder's Remedy projects are not exempt from CEQA under Government Code Section 65589.5(e). In this case, the City of Livermore must act on several remaining discretionary actions associated with the proposed project such as design review and approval of project-specific permits—and those actions trigger the need for environmental review under CEQA. Therefore, the City of Livermore as the lead agency determined that an Initial Study should be prepared. (Appendix J). The Initial Study determined that the project may result in potentially significant impacts to several resource areas, including air quality, biological resources, cultural resources, energy, greenhouse gas emissions hazards and hazardous materials, land use and planning, noise, and transportation, requiring further environmental and technical analyses. Results of the project-specific technical analyses prepared for the proposed project identified the need for mitigation measures to reduce potentially significant impacts associated with the proposed project. As described in Section 15300 and 15300.2(b) of the *CEQA Guidelines*, Categorical Exemptions can only apply to projects which do not have a significant effect on the environment and shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment. If a proposed project

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		would require mitigation, it would be reducing impacts from a potentially significant effect and therefore would not qualify for a Categorical Exemption. Therefore, the City of Livermore (City) determined that, based on several factors including location and project components, preparation of an EIR was appropriate for the proposed project. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
O-2	**Lisjan Nation (October 3, 2025)**	
O-2-1	Hi Michele and Jennifer, Here are the Tribe's comments on the Draft EIR for the Pacific and Livermore Avenue Townhomes Project. Thank you for the opportunity to comment. The Tribe is concerned that the Tribe's proposed mitigation measures, shared on September 5 were not taken into account for this project. As currently written, Mitigation Measure CUL-1 mitigates impacts to cultural resources, but not Tribal Cultural Resources. Archaeologists are qualified to evaluate cultural resources, but they are not qualified to evaluate potential Tribal Cultural Resources. As previously shared in the Tribe's proposed mitigation measures, the Tribe respectfully requests that another mitigation measure (Mitigation Measure TCR-1) be added to address the inadvertent discovery of Tribal Cultural Resources, which would involve contacting consulting Tribes. Inadvertent discovery of Tribal Cultural Resources (TCR-1): If cultural resources of potential Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the entity shall retain a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented in consultation with the	This comment expresses concern regarding the Draft EIR's proposed cultural and tribal cultural mitigation measures, claiming that the Tribe's previously proposed mitigation language was not incorporated into the document. The comment requests the addition of a new mitigation measure addressing the inadvertent discovery of Tribal Cultural Resources and proposed revisions to Mitigation Measure CUL-2. The Draft EIR analyzes the potential for the proposed project to result in the inadvertent discovery of unknown archaeological resources and human remains in Section 4.3, Cultural Resources, and Section 4.10, Tribal Cultural Resources, respectively. Additionally, Section 4.10.3.2 of the Draft EIR summarizes the City's consultation efforts with the Confederate Villages of Lisjan Nation, including the Tribe's September 5 correspondence requesting notification procedures and treatment protocols should archaeological materials or human remains be inadvertently uncovered. The Draft EIR includes Mitigation Measures CUL-1 and CUL-2, which require immediate cessation of work within 50 feet of a discovery, evaluation of the find by a qualified archaeologist, and treatment of the resource in accordance with applicable sections of the California Public Resources Code and Health and Safety Code. These regulations

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
	consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for Tribal Cultural Resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery. The Tribe is also concerned with the language in Mitigation Measure CUL-2, which directly contradicts the language previously shared with the City during consultation. Specifically, we respectfully request removal of the sentence: "The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." From the Tribe's perspective, this is an inappropriate way to treat ancestral remains and should not be proposed in advance, before an MLD is designated. The Tribe also requests addition of the following language: "There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance." We look forward to your response, and once again, we appreciate the opportunity to consult on this project in order to protect Tribal Cultural Resources.	establish the process for evaluating and treating inadvertently discovered archaeological resources, Tribal Cultural Resources, and Native American human remains, including coordination with the Native American Heritage Commission (NAHC) and the Most Likely Descendant (MLD), where applicable. The Tribe requests that work be halted within 100 feet of a potential Tribal Cultural Resource and that the Draft EIR adopt a separate TCR-specific mitigation measure naming the Lisjan Nation as a consulting entity. However, no substantial evidence has been provided demonstrating that a 100-foot buffer is required to avoid or reduce a significant environmental impact beyond the protections already afforded by state law and the performance standards contained in Mitigation Measures CUL-1 and CUL-2. The 50-foot buffer is established based on the archaeological field survey results and the site-specific likelihood of intact resources documented in the project's Draft EIR section and Appendix G. In addition, background research at the project site returned a negative result for the project site's potential to contain tribal cultural resources. The existing stop work measures meet state law standards and fully comply with the procedural requirements for the treatment of archaeological resources, Tribal Cultural Resources, and human remains under State law. If a consulting Tribe provides credible evidence that a larger buffer is warranted for a specific find, the City shall implement a larger buffer (up to 100 feet) pending evaluation and agreement with the consulting Tribe(s). However, the City acknowledges the need for a modified CUL-2 mitigation measure to establish procedures as requested by the Tribe for specific identification of tribal cultural resources, and as such Mitigation Measure TCR-1 shall apply to the proposed project as detailed herein: **Mitigation Measure TCR-1: Unknown Tribal Cultural Resources.** In the event that unknown tribal cultural resources are discovered during ground-disturbing activities, work shall cease within 50 feet of

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a cultural resource of potential Native American origin. The contractor shall immediately notify the City, who shall then contact the Native American Heritage Commission (NAHC) and a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards). In coordination with NAHC and the archaeologist, the City shall determine the appropriate Tribe(s) with cultural affiliation to the project area at the time of the find. If the City and consulting Tribe(s) determine that the discovery is a Tribal Cultural Resource, the applicant shall retain a Tribal representative, at the applicant's expense, to work with the qualified archaeologist to prepare a Discovery Treatment Plan. The Plan shall be developed in consultation with the consulting Tribe(s) and shall identify avoidance as the preferred mitigation strategy. If the Discovery Treatment Plan requires monitoring, avoidance, recovery, or other on-site treatment, the applicant shall fund a qualified Tribal monitor and any Tribal experts requested by the consulting Tribe(s). The plan shall specify the monitor's duties, working hours, and protocols, including stoppage authority for the monitor if sensitive material is encountered. If avoidance is not feasible, the Plan shall include culturally appropriate treatment measures, which may include, but are not limited to: ● Establishing construction monitoring activities for the duration of ground-disturbing activities; ● Establishing protective buffers (consistent with the 50-foot halt distance) and any additional buffers recommended by the consulting Tribe(s) and archaeologist; ● Stabilization or in-situ preservation; ● Culturally appropriate documentation or heritage recovery;

Table 3.A: Comments and Responses Matrix

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		● Confidentiality protection of TCR locations (sensitive location information shall be restricted to the City, the consulting Tribe(s), and qualified professionals with a demonstrated need to know); ● Access for Tribal practitioners and/or traditional use; ● Prohibition on photography, public dissemination, or testing of Native American human remains or associated funerary objects unless expressly authorized by the consulting Tribe(s) and consistent with applicable law. Work may resume in the halted area only after the City, in coordination with the consulting Tribe(s) and the qualified archaeologist, has reviewed and approved the Discovery Treatment Plan. The City shall complete its review within 7 calendar days of receipt of the Plan unless the City documents good cause for additional time and provides written notice to the consulting Tribe(s) and applicant. If the consulting Tribe(s) request additional measures, the City shall incorporate them unless the City documents why a requested measure is infeasible under applicable law. Additional procedural clarifications: If human remains are discovered and are determined to be Native American, all handling and disposition shall follow CCR Section 15064.5, PRC Section 5097.98, Health and Safety Code Section 7050.5, and the protocols set forth in the Discovery Treatment Plan developed in consultation with the consulting Tribe(s) and, where applicable, the Most Likely Descendant (MLD). If reburial is part of the agreed treatment, reburial shall be conducted with appropriate dignity in a location agreed upon by the consulting Tribe(s) and the City, and the location of such reburial shall be kept confidential and protected from further disturbance to the extent permitted by law. The applicant shall maintain a record of all notifications, consultations, monitoring reports, Discovery Treatment Plans, and treatment actions and shall provide copies to the City and the consulting Tribe(s) upon request. A final monitoring/treatment report shall be prepared by the qualified archaeologist and Tribal monitor

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		and submitted to the City and NAHC within 30 days of completion of mitigation activities. The addition of this mitigation measure does not meet the thresholds outlined in State CEQA Guidelines Section 15088.5 for recirculating a Draft EIR after the draft has been released for public review but before the final EIR is certified. Under that Section, recirculation of the Draft EIR is required only where substantial new information would result in new significant effects or a substantial increase in the severity of previously identified significant impacts. If changes—such as the presentation of a markedly different alternative or mitigation measure—alter the environmental analysis in a way that could affect public understanding and comment, the lead agency must recirculate the revised portions of the EIR. However, if the changes only clarify or make minor adjustments to the existing analysis, recirculation isn't required. As Mitigation Measure TCR-1 outlines the same stop work and notification requirements as Mitigation Measure CUL-1 that were presented in the Draft EIR while clarifying additional steps should finds be considered tribal cultural resources. Because the addition of TCR-1 refines notification and treatment protocols but does not alter the Draft EIR's environmental analysis or introduce new significant impacts; therefore recirculation is not required. The comment also requests revisions to CUL-2 regarding treatment practices, including prohibitions on photography or testing and specifying reburial procedures. These requests reflect Tribal cultural preferences but do not pertain to the adequacy of the CEQA analysis or the effectiveness of the mitigation in reducing environmental impacts to a less-than-significant level. CEQA does not require incorporation of Tribal preference-based protocols when the adopted mitigation already meets the legal standard of reducing impacts to less than significant. Mitigation measure CUL-2 establishes protocols consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e); State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). As the Mitigation Measure states "The **MLD** may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." Therefore, removal or analysis would not take place without MLD recommendations. While the City holds that Mitigation Measures CUL-2 meets the requirements of the original consultation request, the text requested by the Tribe was added as shown below: **Mitigation Measure CUL-2: Cultural Resources Monitoring and Accidental Discovery, Human Remains.** In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. If human remains are determined to be Native American, the MLD, in coordination with consulting Tribal representative(s) identified by the NAHC, shall have lead authority to recommend treatment. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Livermore shall consult with the MLD as

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		identified by the NAHC to develop an agreement for treatment and disposition of the remains. There shall be no scientific removal, pictures taken or invasive testing done on the Native American human remains or associated funerary objects without the express written consent of the MLD and the consulting Tribe(s). All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives and the MLD, in consultation with the City and qualified archaeologist as necessary, shall determine reburial procedures for the Native American human remains and associated funerary objects with the appropriate dignity either. Reburial shall occur at a location agreed upon by the consulting Tribe(s) and the property owner that preserves access for descendant communities in perpetuity and avoids future disturbance. Records identifying TCR locations shall be kept confidential consistent with PRC § 5097.9 and other applicable law. Prior to the issuance of grading permits, the Director of the City of Livermore Community Development Department, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above. No further response is necessary.
Individuals		
I-1	**Travis Pullen (September 17, 2025)**	
I-1-1	Dear Commissioners, I am writing to express my strong opposition to the proposed Pacific and Livermore Avenue Townhomes Project. After reviewing the Draft Environmental Impact Report (EIR), I believe the project poses significant and unmitigated impacts that threaten the character, livability, and sustainability of our community. I respectfully urge the Planning Commission to reject the project in its current form.	This comment expresses opposition to the proposed project, claiming that the project poses significant and unmitigated impacts to the character, livability, and sustainability of the community. Impacts related to community character, livability, and community sustainability are analyzed in Section 4.7, Land Use and Planning, of the Draft EIR. As described therein, the proposed project would use the builder's remedy. As such, although the height of some of the buildings and the absence of commercial use is inconsistent with the

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		project site's existing General Plan land use designation and zoning, the proposed project is allowed under the Housing Accountability Act. Additionally, the proposed project would be consistent with applicable Association of Bay Area Governments' Plan Bay Area strategies and although inconsistent with the current General Plan Land Use designation, the proposed project would still comply with all other applicable City of Livermore General Plan policies. As the proposed project is already located in an area surrounded by residential and commercial development, the proposed project would be compatible with surrounding land uses. *State CEQA Guidelines* Section 21082.2(c) limits evaluation of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. Therefore, impacts related to community character, livability, and community sustainability are not required to be analyzed under CEQA. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Additionally, this comment does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-1-2	1. Traffic and Safety Concerns The project will add 115 new residential units and 268 parking spaces in an already congested area. The Draft EIR acknowledges the need for additional traffic controls, including a Rectangular Rapid Flashing Beacon (RRFB), yet this measure is insufficient given the increased pedestrian, bicycle, and vehicle traffic at the intersection of Pacific Avenue and South Livermore Avenue. Congestion will worsen, and pedestrian safety— particularly for children, seniors, and people with disabilities—will be compromised.	This comment expresses general concerns related to parking, traffic congestion, and pedestrian safety from the proposed project, claiming that the proposed RRFB would be insufficient to mitigate potential traffic impacts. Impacts related to parking, traffic congestion, and pedestrian safety are analyzed in Section 4.9, Transportation, of the Draft EIR. As described therein, the proposed project would include a RRFB to help improve pedestrian safety at the project site and would be consistent with all programs, plans, ordinances, and policies related to the

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		circulation system, including the Alameda County Congestion Management Program (CMP) Transportation Impact Analysis Technical Guidelines, which are applicable to any projects which could potentially impact the Alameda County CMP roadway network, or those which generate more than a specified number of peak hour trips. As the proposed project would result in fewer than 100 peak-hour trips, impacts related to vehicle miles traveled (VMT) and congestion are considered less than significant, and no further analysis is required. Additionally, the proposed project would be consistent with all General Plan policies related to pedestrian access and would implement Mitigation Measure TRA-1 to ensure safety for vehicles, pedestrians and bicyclists on the project site. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-1-3	2. Inadequate Transit and Infrastructure Planning While the Draft EIR notes that new bus stops and a shelter may be added, the proposed density is far greater than what the current public transit and roadway infrastructure can support. No clear plan has been presented for how additional transit service will be funded or implemented. Without substantial improvements, residents will remain car-dependent, further worsening traffic and greenhouse gas emissions.	This comment expresses general concerns related to transit and infrastructure planning, claiming that the City's current public transit and roadway infrastructure is inadequate to support the density of the proposed project, that the Draft EIR does not present a clear plan for funding transit service, and that without substantial improvements, the proposed project will worsen traffic and greenhouse gas (GHG) emissions. Impacts related to transit service and roadways are analyzed in Section 4.9, Transportation, of the Draft EIR, and impacts related to GHGs are analyzed in Section 4.5, Greenhouse Gas Emissions, of the

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		Draft EIR. As described in Section 4.9, the proposed project is expected to result in one new transit trip during peak commute hours, which would not cause a significant degradation in transit operations and the proposed project would not result in significant impacts related to transit service. Pursuant to Section 15021(a)(2) of the *CEQA Guidelines*, mitigation is only required for those effects which are significant. As such, mitigation would not be required for the proposed project's impact on transit services. To determine potential project impacts to existing transit routes in the project area, the City has engaged in coordination with the Livermore-Amador Valley Transit Authority (LAVTA), which provides transit service to the project area, and serves the existing bus stop adjacent to the project. LAVTA did not identify any potential impacts due to the proposed project. While LAVTA did not identify any impacts to transit services associated with the proposed project, the proposed project would include improvements to the bus stop located adjacent to the project site. As described in Section 4.5, the proposed project would be consistent with the City's 2022 Climate Action Plan and therefore would not result in significant impacts related to GHG emissions. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
I-1-4	3. Environmental Impacts and Loss of Open Space The project will replace more than 55,000 square feet of landscaped open space with hardscape and dense residential development. This not only eliminates valuable urban greenery that mitigates heat island effects but also reduces local biodiversity and stormwater absorption. The cumulative environmental impacts—particularly air quality, noise, and greenhouse gas emissions—are inadequately addressed in the Draft EIR.	This comment expresses general concerns related to loss of open space and the cumulative impact analysis for air quality, noise, and GHGs in the Draft EIR. As described in Chapter 3, Project Description, the project site is currently developed with two commercial buildings, surface parking, ornamental landscaping, and a vacant lot that was previously occupied by a gas station. The project site does not contain open space in its existing condition. In addition, the proposed project would include approximately 55,201 square feet of landscaped area, including 26,052 square feet of open space with an approximately 8,865-square-foot park and open to the public. Therefore, the proposed project would provide more open space and landscaping than under existing conditions. In addition, the project includes 47% native plants as part of the proposed landscaping plan. In addition, the existing project site includes approximately 255,432 square feet of impervious surfaces and approximately 29,530 square feet of pervious surfaces. The proposed project would result in a net decrease in impervious surface coverage of approximately 37,910 square feet (13.3 percent) compared to existing conditions for a total of 217,522 square feet of impervious surface and 67,440 square feet of pervious surface. The Draft EIR analyzes all proposed, recently approved, under construction, and reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed project, as listed in Chapter 4, Evaluation of Environmental Impacts, Cumulative Analysis Context. As none of the reasonably foreseeable projects would result in impacts, the proposed project cannot result in cumulative impacts beyond the impacts already identified in the EIR. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-1-5	4. Parking and Neighborhood Spillover Although the Draft EIR proposes 268 parking spaces, history shows that high-density projects often underestimate real parking demand. Overflow parking will inevitably spill into adjacent residential streets, creating friction with existing residents and undermining neighborhood livability.	This comment expresses general concerns related to parking demand associated with the proposed project. For this qualifying infill project in a transit priority area, Public Resources Code Section 21099(d)(1) provides that parking impacts shall not be considered significant environmental impacts under CEQA. As a result, the availability, supply, or configuration of on-site or off-site parking does not constitute a CEQA issue and is not used to determine the significance of environmental impacts. The following discussion of parking is therefore provided for informational and disclosure purposes only. This information is included to support general understanding of project operations and site planning but does not form the basis for any impact determination under CEQA. The proposed project would provide 268 parking spaces, including 38 guest surface parking spaces, 27 standard (non compact) parking spaces, 8 compact parking spaces, 3 Americans with Disabilities Act parking spaces, and 230 townhouse vehicle parking spaces. While parking impacts, including social inconveniences related to parking shortages, are not required to be analyzed under CEQA, the proposed project's parking would be consistent with the City's parking requirements as stipulated in the Livermore Development Code Chapter 4.04, Parking, which requires townhouses to include one to two parking spaces for each dwelling unit and one guest

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		parking per 4 dwelling units. The proposed project provides more parking than City standards require. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-1-6	5. Community Character and Scale The scale of this project is not consistent with the surrounding neighborhood. Central Livermore is characterized by a balance of small scale residential, commercial, and institutional uses. Inserting a 115-unit townhome development with a large pool and clubhouse will significantly alter the neighborhood's character and strain community resources.	This comment expresses general concerns related to land use incompatibility. As described in Response to Comments I-1-1 and I-1-2, the Draft EIR adequately analyzes land use compatibility and VMT impacts. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.

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I-1-7	Conclusion In light of these unresolved concerns—traffic congestion, insufficient infrastructure, loss of open space, parking impacts, and incompatibility with neighborhood character—I strongly urge the Planning Commission not to certify the Draft EIR or approve the Pacific and Livermore Avenue Townhomes Project as currently proposed.	This comment concludes the commenters' concerns and re-expresses opposition to the proposed project. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
I-2	**Linda Eschen (September 18, 2025)**	
I-2-1	Dear Ms. Ackerman, Good Morning Ms. Ackerman, I am a resident at [redacted] Across the street is the old Nob Hill Shopping Center. We do not need anymore housing in this area. What the people need is a shopping center that is useable. The Nob Hill closed approximately February 2016. This commercial building usage is needed in this community. We definitely do not need anymore townhouses. We need more local businesses to be in an updated shopping center. Livermore High School is just around the corner and does not need the traffic these 115 townhouses will cause to this community. We need a shopping center that is allowed to be remodeled and filled with new and existing businesses. Leave this property as a commercial building site. My vote is a resounding NO to the proposed 2930 Pacific Avenue, 6.54 acre project. Linda Eschen	This comment expresses opposition to the proposed project, expressing general concerns related to traffic and land use compatibility. Under the Housing Accountability Act (HAA; Government Code Section 65589.5) qualifying housing developments are entitled to proceed even if they do not comply with the jurisdiction's existing zoning standards or General Plan land use designations. Builder's Remedy effectively limits the City's ability to deny or require reductions in the density, use, or physical form of a qualifying housing project on the basis of inconsistency with local land use regulations. As such, while the proposed project may not conform to certain zoning district requirements, development standards, or General Plan land use designations, the HAA requires the City to process the application without enforcing those otherwise applicable local development controls. The project must still comply with objective standards and all applicable building, health, and safety codes; however, the City cannot deny or substantially modify the project solely due to a conflict with local land use designations. In addition, as described in response to Comment I-1-2 and I-1-3, the proposed project would not result in significant impacts related to traffic congestion. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not

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		addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-3	**Jean Pullen (October 1, 2025)**	
I-3-1	Dear Commissioners, I am deeply opposed to the proposed Pacific and Livermore Avenue Townhomes Project. Upon reviewing the Draft Environmental Impact Report (EIR), I conclude that this project, in its current form, negatively impacts the surrounding neighborhoods. This project, adding 115 residential units and 268 parking spaces, will have adverse effects on key traffic and safety in the area, worsening the already existing vehicle, pedestrian and bicycle traffic issues. With the added congestion, current traffic and safety problems will multiply, posing significant risks to children, seniors and those with disabilities. The proposed density of the project, despite some mitigation efforts to provide more bus stops, does not address the problem of providing additional transit service for the multitude of residents who will be residing in the complex. Without concrete commitments — and funding — to address public transit and road infrastructure needs, the residents may be forced to rely on private vehicles, further exacerbating traffic problems as well as air quality. Furthermore, spillover parking may become a problem for the surrounding neighborhoods if there is not enough parking available onsite.	This comment expresses opposition to the proposed project and general concerns related to traffic congestion, pedestrian and bicycle safety, parking, and transit use. Refer to responses to Comment I-1-2, Comment I-1-3, and Comment I-1-5 regarding impacts to traffic congestion, safety, transit use, and parking associated with the proposed project. In addition, the proposed project would include the implementation of mitigation measures AIR-1 and AIR-2 that would include emission minimization measures during construction. As discussed in Section 4.1 Air Quality the proposed project operational emissions would be below established thresholds. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR; does not raise environmental issues; and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.

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I-3-2	The environmental impacts of the project are also of concern. Replacing 55,000 square feet of open space with dense residential development and hardscape creates substantial issues such as the creation of heat islands, the depletion of local biodiversity and potential lack of adequate stormwater absorption.	This comment expresses concerns regarding the replacement of open space. As described in response to Comment I-1-4, the proposed project would create more open space than there currently is under existing conditions on the project site. Additionally, as described in Section 4.2, Biological Resources, of the Draft EIR, the proposed project would implement Mitigation Measures BIO-1 through BIO-3 to ensure that project activities, including landscaping and tree removal, would not result in adverse impacts to protected trees and nesting birds. No substantial impacts to special status plant or animal species were identified according to the Biological Resources Technical Memorandum (Appendix D) prepared for the proposed project. Potential impacts associated with stormwater absorption are analyzed in Section 4.6, Hazards and Hazardous Materials, Section 6.4.3, Hydrology and Water Quality, and Section 6.3.9, Utilities and Service Systems, of the Draft EIR. In addition, an in-depth analysis of impacts associated with stormwater are discussed in Section 3.10 of the Initial Study (Appendix J) prepared for the project. As stated therein, the proposed project would be required to comply with existing regulations including the Construction General Permit, the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit, and City of Livermore Municipal Code requirements, including those established under the Alameda County Clean Water Program. This would include preparation of a Stormwater Pollution Prevention Plan and compliance with construction- and operation-phase stormwater requirements (MM HYD-1 and MM HYD-2). As described in Chapter 3.0, Project Description, on-site stormwater would be collected and treated consistent with Alameda County National Pollutant Discharge Elimination System (NPDES) C.3 requirements for Low Impact Development (LID). Therefore, the proposed project would not result in impacts related to stormwater absorption.

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Letter/ Comment Number	Comment	Response
		This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-3-3	The shear scale of this development will impact the nearby neighborhoods, which are characterized by a combination of small scale homes, interspersed with some commercial and institutional uses. This project will definitely change the character of the surrounding areas and doesn't seem a good fit for this part of Livermore.	This comment expresses general concerns related to land use incompatibility. As discussed in Section 3.1 of the Initial Study (Appendix J) and Section 6.3.1 of the Draft EIR, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality or substantially degrade the existing visual character of the project site or its surrounding area and is subject to design review approval as outlined in the City of Livermore Development Code Chapter 9.07, and be consistent with applicable land use regulations, as described in Response to Comment I-1-1. As part of final approvals, the proposed project underwent design review to ensure compatibility with the surrounding area. This process includes City staff and decision-maker review of building articulation, scale transitions, façade treatment, and streetscape improvements to confirm that the project integrates appropriately with adjacent development and maintains the visual quality of the area. The City's design review procedures function as an additional safeguard to ensure that, even under Builder's Remedy, the project respects the character of its context and does not result in adverse visual effects under CEQA. The proposed project would not be inconsistent with surrounding land uses. This comment does not provide evidence that the analysis

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		is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-3-4	In summary, there are too many unknowns with issues regarding traffic and safety impacts, infrastructure requirements, the loss of open space, parking challenges, and the appropriateness of this site for the neighborhood. In light of these concerns, I implore the Planning Commission not to certify this Draft EIR or approve the townhome development as it currently stands. Thank you for your consideration.	This comment concludes the commenter's concerns and summarizes the commenter's opposition to the proposed project. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
I-4	**Commissioner Anderson (October 7, 2025)**	
I-4-1	At the public hearing on October 7, Commissioner Anderson inquired about the Draft EIR's methodology regarding bicycle counts.	Bicycle counts were conducted in accordance with the methodology outlined in the Institute of Transportation Engineers (ITE) Manual of Transportation Engineering Studies, which provides standardized procedures for collecting and interpreting bicycle volume data. Counts performed at key intersections, on South Livermore Avenue, Pacific Avenue, and Dolores Street show low bicycle activity in the area (a total of 5 bicycle trips during the AM peak hour and 12 bicycle trips during the PM peak hour for all three intersections). These intersections serve and will continue to serve as the primary access points to the project site, ensuring the data accurately represent existing bicycle activity in the area most likely affected by the project. In line with ITE guidance, bicycle counts were conducted during typical peak travel periods, with bicycle movements recorded by direction and maneuver (e.g., through, left, or right turns) at 15-minute intervals. Bicycle counts were validated to ensure data

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		accuracy, and short-term counts were adjusted using standard expansion factors to account for daily and seasonal variation. This approach ensures that the data provides a reliable snapshot of bicycle travel demand and inform the evaluation of multimodal access and potential project-related effects on bicycle circulation. In addition, the proposed project would provide 30 bicycle parking spaces for guests in well-lit, highly visible locations on site, as described in Mitigation Measure TRA-1. In addition, the proposed project would maintain bicycle access to and through the site, as none of the project's access points or circulation routes would be gated or otherwise restricted. All driveways, pathways, and on-site circulation areas would remain publicly accessible, ensuring that bicyclists can enter the site, access bicycle parking facilities, and travel between Bancroft Way and the adjacent alley without limitation. As a result, the project would not impede bicycle connectivity or circulation in the area. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
	At the public hearing on October 7, Commissioner Anderson inquired whether the VMT analysis accounted for loss of existing commercial uses.	Vehicle Miles Traveled (VMT) is calculated using regionally standardized models that estimate the total number of miles driven by residents or employees associated with a proposed development. These models rely on regional averages for trip generation, trip length, and mode share derived from travel behavior data collected through sources such as the California Household Travel Survey and regional travel demand models (e.g., SCAG, MTC, SACOG). As such, VMT estimates are not based on site-specific land use conditions—like the presence or absence of nearby commercial uses—but rather represent the average travel behavior of similar land use types within the broader region. This regionalized approach ensures consistency and comparability across projects, while local variations (such as a

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		lack of nearby services) are captured indirectly through broader land use and transportation patterns already reflected in the regional data. When evaluating a project, the project's location is matched to its corresponding VMT zone, and the zone's modeled VMT rates serve as the baseline for estimating project-generated VMT. Because the zone reflects all trip types—including residential, employment, visitor, and commercial trips—the zone-level VMT provides a reliable proxy for how much driving an average project in that area is expected to generate. The VMT Zone corresponding to the proposed project captures average distances that reflect travel by many households, jobs and trips. A single project typically would not materially change the VMT zone's average. This change is too small to meaningfully alter the zone-wide VMT averages, which are based on thousands of households, jobs, and trips. Instead, the project is evaluated within the context of the existing VMT zone to determine whether its residential or commercial trip patterns would be expected to result in higher or lower VMT relative to the zone average. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
	At the public hearing on October 7, Commissioner Anderson inquired if the Draft EIR should evaluate an alternative for added commercial uses and less housing.	Under CEQA, the analysis and selection of project alternatives are intended to identify feasible options that would attain most of the project's basic objectives while avoiding or substantially lessening one or more significant environmental impacts. The alternatives analysis focuses on reasonable and practicable options that could reduce impacts, rather than presenting an exhaustive list of every conceivable variation of the project. CEQA requires that alternatives be evaluated at a level of detail sufficient to provide meaningful comparison to the proposed project, enabling decision-makers and the public to understand the environmental trade-offs involved. An alternative that introduces commercial uses in combination with similar residential densities would generally not reduce

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		environmental impacts and could, in many cases, result in greater impacts due to increased traffic generation, higher utility demands, and greater overall site disturbance. The purpose of the alternatives analysis is therefore to focus on scenarios that could feasibly lessen significant impacts while still meeting most of the project's objectives. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
	At the public hearing on October 7, Commissioner Anderson inquired if comments received from the NOP would be addressed again.	Comments received during the Notice of Preparation (NOP) circulation and scoping process are used to refine the scope and focus of the Draft EIR by identifying key environmental issues, potential areas of concern, and the range of alternatives or mitigation measures to be considered. These comments are carefully reviewed and incorporated into the Draft EIR analysis as appropriate, ensuring that the document addresses the relevant environmental topics raised during early consultation. Because the issues identified during the NOP and scoping process are already evaluated in detail in the Draft EIR, they are not repeated in Response to Comments (RTC) Document. Instead, the RTC Document focuses on responding to comments received on the Draft EIR itself, providing clarifications, revisions, or additional analysis as necessary to ensure a comprehensive and legally adequate environmental review under CEQA. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.

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I-5	**Commissioner Kronzak (October 7, 2025)**	
I-5-1	At the public hearing on October 7, Commissioner Kronzak inquired about Assembly Bill (AB) 52 associated with the proposed project.	In accordance with AB 52 and Public Resources Code (PRC) Sections 21080.3.1 and 21080.3.2, the City of Livermore initiated formal consultation with Native American tribes traditionally and culturally affiliated with the project area. On February 10, 2025, LSA requested a search of the Sacred Lands File (SLF) from the Native American Heritage Commission (NAHC). The NAHC responded on February 13, 2025, indicating that no tribal cultural resources were known within the project vicinity and provided a list of 26 Native American tribal contacts for additional consultation. On March 31, 2025, the City sent notification letters and a project description with a site map to each of these contacts, inviting their participation in consultation pursuant to AB 52. Responses were received from several tribes, including Wilton Rancheria, Muwekma Ohlone Tribe of the San Francisco Bay Area, Confederated Villages of Lisjan Nation, and Amah Mutsun Tribal Band, acknowledging the City's outreach and requesting further engagement Through this consultation process, tribes were provided with detailed project information, including the results of the NAHC SLF search and the archaeological record search. The Muwekma Ohlone Tribe and Confederated Villages of Lisjan Nation requested formal consultation and review of cultural resource materials. The City provided the requested information on August 19, 2025, and continued communication to incorporate tribal recommendations into project mitigation. Specifically, the Lisjan Nation requested inclusion of mitigation measures for the inadvertent discovery of tribal cultural resources and notification protocols if resources are uncovered. In response to the Lisjan Nation comments received on the Draft EIR the changes outlined in response to Comment O-2-1, inclusion of a Tribal Cultural Resources Mitigation Measure and inclusion of language requested regarding treatment of Native American human remains, were implemented in the Draft EIR and incorporated in Chapter 4, Draft EIR text revisions of this Final EIR.

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		This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
I-5-2	At the public hearing on October 7, Commissioner Kronzak inquired about rodent issues associated with the proposed project demolition.	To address potential rodent and pest issues related to development, the City of Livermore includes typical conditions of approval that mirror Alameda County pest control requirements, which requires the preparation and implementation of a Pest Control Plan prior to demolition activities. It is important to note that the presence or management of rodents, in and of itself, is not considered a physical environmental impact under CEQA, as rodent activity does not constitute an environmental effect on humans or the environment in the manner defined by Public Resources Code Section 21060.5. Therefore, rodent-related issues are not used to determine environmental significance in this EIR. However, consistent with standard construction best practices and local public health procedures, the City includes such conditions to ensure safe and orderly site preparation, avoid nuisance conditions to nearby properties, and comply with applicable code requirements. The Pest Control Plan (PCP) is therefore provided for informational and regulatory compliance purposes, and not as a CEQA mitigation measure. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
I-5-3	At the public hearing on October 7, Commissioner Kronzak inquired about hazards and groundwater issues associated with the proposed project, as well as mitigation measures.	Impacts related to hazards, hazardous materials, and groundwater are analyzed in Section 4.6, Hazards, of the Draft EIR. Mitigation Measures HAZ-1 and HAZ-2 together establish an adaptive management framework to ensure hazardous materials are properly identified, managed, and remediated throughout project

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		implementation. Under HAZ-1, a qualified environmental professional must conduct a Hazardous Building Materials Survey (HBMS) prior to any demolition or renovation to identify potential contaminants such as Polychlorinated Biphenyls (PCBs) or other hazardous building materials. The HBMS must include abatement specifications consistent with all applicable regulations, and evidence of completed abatement must be submitted to the City before construction proceeds. Under HAZ-2, the project sponsor must coordinate with the appropriate oversight agency (e.g., Regional Water Quality Control Board [RWQCB] or Department of Toxic Substances Control [DTSC]) to conduct additional subsurface investigations and prepare a Soil and Groundwater Management Plan (SGMP) outlining procedures to protect workers, the public, and the environment during ground-disturbing activities. Importantly, this measure includes adaptive management provisions: if previously unknown contamination, underground storage tanks, or other environmental hazards are discovered during construction, work must be temporarily halted, and a qualified environmental professional must assess the new conditions. The SGMP would then be revised or expanded, in consultation with the oversight agency, to include additional sampling, remediation, or engineering controls as necessary. Construction can only resume once the appropriate corrective actions are approved and implemented. This adaptive process ensures that unexpected contamination is properly addressed, maintaining regulatory compliance and safeguarding health and environmental quality throughout project implementation. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.

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I-6	**Jason Lawry (October 7, 2025)**	
I-6-1	At the public hearing on October 7, the commenter expressed general support for the project and noted that approximately 15 homes have an easement along the rear of the property and raised concerns regarding potential effects from vehicle headlights and the lack of a physical barrier or buffer between the project site and adjacent residences. He expressed the need to add necessary buffers.	Based on Figure 3-9 (Proposed Conceptual Landscape Plan) of the Draft EIR, the area between the driveway along Dolores Street and the adjacent residences to the north incorporates several buffering mechanisms designed to reduce potential effects such as car headlights and noise. The internal driveway is set back from the northern property line and is separated from the existing homes by a combination of landscaping and fencing. The plan shows an existing wall that will remain along the shared property boundary, supplemented by a new wood fence in select areas. In addition, evergreen screening trees and columnar shrubs are proposed along the driveway edge, creating year-round visual screening between vehicles and the residences. These are paired with shade trees planted at regular intervals and stormwater treatment planters, which provide both visual softening and additional vertical separation. Together, these elements form a layered buffer that mitigates direct headlight glare, reduces visual intrusion, and maintains privacy for the adjacent homes while preserving safe driveway access for project residents. This comment does not contain any substantive comments or questions about the environmental analysis or conclusions contained in the Draft EIR. Specific concerns are described and addressed in further detail in the responses above. No further response is required.
I-6-2	At the public hearing on October 7, the commenter expressed concern regarding remediation of chemicals on-site but concluded by expressing enthusiasm for the revitalization of the area.	See Response I-5-1
I-7	**Adam Thompson (October 7, 2025)**	
I-7-1	At the public hearing on October 7, commenter expressed that they are representing a long-standing business that has operated in the vicinity for approximately 70 years, expressed concern about the potential for significant impacts related to soil contamination and the adequacy of planning for soil management during site remediation. He specifically questioned how contaminated soil would be handled and the disposal location.	See Response I-5-1

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I-8	**Janet Brandi (October 8, 2025)**	
I-8-1	I'd like to voice my position as against this project. The city does not need more high density housing. Just drive around. There are already numerous multi family dwellings under construction and/or recently finished. Does your report go over impact to schools, roads, water use, etc. the city would be better served remodeling or rebuilding the shopping center to house a Sprouts and leaving the current small business to operate. Does your impact study include what demolishing the property will do to those shop owners livelihood? I think not. Again, I oppose this development. Janet Brandi	This comment expresses opposition to the proposed project, claiming the City does not need more residential development, and that the Draft EIR does not take impacts to shop owners into consideration. As described in response to Comments I-1-1, the Draft EIR adequately analyzes land use compatibility impacts. The proposed project would not be inconsistent with surrounding land uses. In addition, as described in response to Comment I-1-2, above, the proposed project's impacts to local roadways would be less than significant. Impacts to schools are discussed in Section 3.15 of the Initial Study (Appendix J) and Section 6.3.7 of the Draft EIR prepared for the proposed project. The Initial Study determined that population growth associated with the proposed project would be consistent with planned growth for the region. In addition, although the proposed project would generate approximately 49 students, the Livermore Valley Joint Unified School District has sufficient capacity to accommodate these students, and the proposed project would be required to pay school developer fees when building permits are obtained. Therefore, impacts to schools are adequately analyzed in the Draft EIR, and no further analysis is required. Water use associated with the proposed project is discussed in Section 3.19 of the Initial Study and Section 6.3.9 of the Draft EIR prepared for the proposed project. As described therein, the Cal Water Livermore District provides water to the project site, and the City would have sufficient water supply to support the proposed project, implementation of the project would not require new or expanded entitlements for water supplies, and impacts related to water supply would be less than significant. Therefore, impacts associated with water use are adequately addressed in the Draft EIR, and no further analysis is required. Additionally, impacts to shop owners are not required to be analyzed under CEQA, as *State CEQA Guidelines* Section 21082.2(c) limits

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		evaluation of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-9	**Bill Noyes (October 31, 2025)**	
I-9-1	Hi Jennifer, This is a followup to my previous email 3/4/25 concerning the Pacific and Livermore Townhouse Project. I am the owner of [redacted]. As mentioned, my backyard backs up to the project. For the record, my concerns still are:	This comment is introductory and describes the below as the commenter's formal comments on the Draft EIR. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-9-2	1) The new fence between the properties would limit sound transmission best if it were precast concrete and higher than 6 feet. There will be a considerable amount of traffic noise in the alleyway and garages.	This comment states that a precast concrete wall over 6 feet would limit sound transmission best and that there will be traffic noise in alleyways and garages. The proposed project's impacts associated with noise, including traffic noise, construction noise and operational noise impacts to sensitive receptors (including air conditioning units), are analyzed in Section 4.8, Noise, of the Draft EIR. As described therein, the traffic noise increase associated with the proposed project would be imperceptible to the human ear. In addition, while the Draft EIR found that construction noise associated with the proposed project

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		may be loud enough to impact nearby sensitive receptors, implementation of Mitigation measure NOI-1, which would require the City of Livermore to verify that grading and construction plans include noise-reduction practices including but not limited to maximizing distance from sensitive receptors, utilizing equipment mufflers, and strategically locating staging areas, would ensure that impacts related to construction noise would be reduced to the extend feasible. Operation of the project would generate limited new noise primarily from typical residential activities, vehicular circulation, and stationary mechanical equipment. As shown in the noise analysis, project-generated traffic would increase roadway noise by only 0.0 to 0.2 dBA, which is well below the 3 dBA threshold of perceptibility and would not constitute a substantial permanent noise increase at nearby sensitive receptors. Stationary on-site noise sources—including HVAC equipment and parking area activity—would be designed and located to comply with the City's exterior noise standards and Title 24 interior noise criteria. Noise-producing equipment would be screened, shielded, and sited away from residences, and all buildings would incorporate modern construction materials and code-compliant insulation, ensuring interior noise remains below the 45 dBA CNEL standard. With these project design features and compliance with the City's Noise Ordinance for ongoing operations, operational noise impacts would be less than significant. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to

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Letter/ Comment Number	Comment	Response
		Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-9-3	2) How will the soil contamination be monitored during construction and after? Who will see oversee the retention of the test wells in the alleyway?	This comment inquires about soil contamination monitoring. Refer to response to Comment I-5-3 regarding hazards and hazardous materials associated with the project, including oversight by appropriate regulatory bodies and procedures for potential soil contamination associated with the proposed project. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-9-4	3) Location of the air conditioning units to minimize noise to the existing neighbors on Cabrillo. On a hot day and evening there could be multiple units going all at once.	This comment expresses concern regarding noise from air conditioning units associated with the proposed project. Refer to response to Comment I-9-2, above, regarding noise impacts to sensitive receptors associated with the proposed project. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to

Table 3.A: Comments and Responses Matrix

Letter/ Comment Number	Comment	Response
		Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.
I-9-5	4) Exterior lighting for the units and alleyway should be of the type and locations as not to shine onto the Cabrillo neighbors homes and backyards. Thank you, Bill Noyes	This comment expresses concern regarding exterior lighting associated with the proposed project. Impacts associated with light and glare were analyzed in Section 3.1, Aesthetics, of the Initial Study prepared for the proposed project (Appendix J of the Draft EIR). As described therein, exterior lighting and glare associated with the proposed project would be comparable to the existing light and glare emitted by existing residential and commercial uses in the project vicinity. In addition, the proposed project would adhere to California Building Code (CBC) and California Code of Regulations (CCR) standards to reduce potential light and glare impacts, including light-shielding techniques. As such, the exterior lighting and glare from the Project were evaluated and found not to constitute a significant impact. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Therefore, the analysis and mitigation presented in the Draft EIR is sufficient. This comment does not address the adequacy or completeness of the Draft EIR, does not raise environmental issues, and does not request the incorporation of additional information relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. No further response is necessary.

4.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft Environmental Impact Report (EIR) in response to comments and staff initiated changes on the Draft EIR that are being made to clarify and supplement materials in the Draft EIR. The revised text does not provide new information that would result in any new significant impact not already identified in the Draft EIR or a substantial increase in the severity of an impact identified in the Draft EIR that cannot be mitigated to a less than significant level with implementation of mitigation measures agreed to by the project sponsor. Thus, none of the text revisions would require recirculation pursuant to *State CEQA Guidelines* Section 15088.5. The Draft EIR and this response to comments document together constitute the Final EIR for the Pacific and Livermore Townhomes Project. In the revisions shown below, added text is indicated with underlined text. Text deleted is shown in ~~strikeout~~.

4.1 REVISIONS TO CHAPTER 2.0, SUMMARY

The following text changes to the Draft EIR constitute changes which serve to clarify the existing Mitigation Measures. These changes do not change the intent of the Mitigation Measures and would not result in any additional environmental impacts. Therefore, recirculation of the Draft EIR is not necessary.

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR, Page 2-4

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.1: AIR QUALITY			
Impact AIR-1: The proposed project would result in a potentially significant impact related to fugitive dust in excess of applicable air quality thresholds.	S	**Mitigation Measure AIR-1: Basic Best Management Practices.** In order to meet the Bay Area Air District (Air District) fugitive dust threshold, the following Basic Best Management Practices shall be implemented by the project applicant during all phases of the project construction period, including site preparation, demolition, grading, and vertical construction of residences: ● All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day with additional watering as needed to prevent visible dust emissions from leaving the site. ● All haul trucks transporting soil, sand, or other loose material off-site shall be covered. ● All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. ● All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). ● All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used. ● All excavation, grading, and/or demolition activities shall be suspended when sustained wind speeds exceed 20 mph averaged over a 1-minute period using an on-site anemometer located in an open area of the project site. ● All trucks and equipment, including their tires, shall be washed off prior to leaving the site at an established and maintained stabilized, designated wheel-wash station near a site exit ● Unpaved roads providing access to sites located 100 feet or farther from a paved road shall be treated with a 6- to 12-	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		inch layer of compacted layer of wood chips, mulch, or gravel. • Publicly visible signs with the telephone number and name of the person to contact at the City of Livermore regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.	
Impact AIR-2: The proposed project would result in a potentially significant impact related to a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard.	S	**Mitigation Measure AIR-1** (see above)	LTSM
Impact AIR-3: The proposed project would result in a potentially significant impact related to the exposure of sensitive receptors to substantial pollutant concentrations.	S	**Mitigation Measure AIR-2: Level 3 Diesel Particulate Filters.** During construction of the proposed project, the project contractor shall ensure all off-road, diesel-powered construction equipment of 50 horsepower or more used for the project construction meets, at a minimum, the California Air Resources Board Tier 2 emissions standards equipped with Level 3 diesel particulate filters or the equivalent.	LTSM
Impact Air-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	LTS	**None Required**	LTS
4.2: BIOLOGICAL RESOURCES			
Impact BIO-1: The proposed project could potentially have a significant adverse impact on nesting birds.	S	**Mitigation Measure BIO-1:** If project activities including tree removal, demolition, or construction take place during nesting bird season (February 1 to September 15), a qualified biologist shall conduct focused surveys for active nests within 5 days prior to the initiation of project-related activities. Surveys shall be conducted in all potentially suitable habitat on site and within 300 feet of ~~adjacent to~~ the project site. If a lapse in project-related activities of 7 days or longer occurs, another focused survey will be required before project activities can resume. If an active nest is found, the biologist	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		shall consult with the California Department of Fish and Wildlife (CDFW) regarding appropriate action to comply with the Fish and Game Code of California. The qualified biologist shall observe any identified active nests for at least 30 minutes prior to the start of any construction-related activities to establish a behavioral baseline of adults and any nestlings. Once work commences, all active nests shall be continuously monitored for a minimum of three consecutive workdays by the biologist to detect any signs of disturbance and behavioral changes as a result of project activities. Thereafter, monitoring may transition to once-daily checks if no signs of disturbance are detected. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed at any time, the biologist shall direct the construction contractor to immediately cease work causing that behavioral change within the established buffer (noted below) and notify the City. The qualified biologist and shall contact the CDFW for additional guidance. Work may only resume once the qualified biologist determines that the disturbance has ceased or the buffer has been expanded to eliminate the disturbance. Active nest sites and protective buffer zones shall be designated as "Environmentally Sensitive Areas" with orange ESA fencing at least 4 feet high around the buffer boundary, with signage every 50 feet indicating restricted access where no project-related activities or personnel may enter until the biologist determines that the young have fully fledged and will no longer be adversely affected by the project. These designated areas shall be protected during project activities by surrounding the nest site with a wildlife- safe fence or flagging barrier. The Qualified Biologist and/or Biological	

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Monitor shall determine the necessary buffer distance to protect nesting birds based on existing site conditions (such as construction activity and line of sight). Buffer distance shall be increased to provide sufficient protection of nesting birds and their natural behaviors, as needed.	
Impact BIO-2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and **Wildlife or US Fish and Wildlife Service?**	NI	None Required	NI
Impact BIO-3: Would the project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	NI	None Required	NI
Impact Bio-4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	NI	None Required	NI
Impact BIO-5: The proposed project would have a potential conflict with a local policy or ordinance protecting a biological resource.	S	**Mitigation Measure BIO-2:** Final landscape plans shall be submitted for approval and review by the City of Livermore Planning Division prior to issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape plans shall clearly identify all "protected trees," as defined in the Tree Protection Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specify the species of all replacement trees and the required replacement ratio pursuant to the Tree Protection Ordinance. The final landscape plans shall also map all Tree Protection Zones and protective fencing.	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		Mitigation Measure BIO-3: The project applicant shall implement all tree protection measures ~~recommended~~ listed in the Arborist Report (Appendix E) prepared for the project which are designed to help mitigate or avoid impacts to trees being retained. Tree protection measures shall be incorporated into project grading and construction plans prior to issuance of any permit. ~~A qualified arborist shall be consulted in the event that any recommendations cannot be feasibly implemented.~~ If the construction contractor believes a required tree protection measure cannot be implemented due to site constraints, the construction contractor shall submit a written request to the City explaining the constraint, including input from a Qualified Arborist. Any alternative tree protection measure must be reviewed and approved in writing by the City prior to implementation.	
Impact BIO-6: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	NI	None Required	NI
4.3: CULTURAL RESOURCES			
Impact CUL-1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.	NI	None Required	NI
Impact CUL-2: The project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	S	**Mitigation Measure CUL-1: Unknown Archaeological Resources.** In the event that archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code (PRC). The Applicant and its construction contractor shall not collect or move any archaeological materials and associated materials. Construction activity may	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		continue unimpeded on other portions of the project site. Any found deposits shall be treated in accordance with federal, State and local guidelines, including those set forth in PRC Section 21083.2, and shall be assessed, handled, and treated consistent with accepted standards, such as the Secretary of the Interior's standards and guidelines for archaeology and historic preservation. Prior to commencement of grading activities, the Director of the City of Livermore (City) Community Development Department, or designee, shall verify that all project grading and construction plans include specific requirements regarding California PRC (Section 21083.2[g]) and the treatment of archaeological resources as specified above. Prior to initiation of ground-disturbing activities, the applicant shall retain a Secretary of the Interior qualified archaeologist to prepare an Archaeological Alert Sheet summarizing the known or potential presence of archaeological resources in the project area. The Alert Sheet shall include an overview of the site, description and photographs of potential archaeological materials, instructions detailing the protocols to be followed upon discovery, and contact info for the qualified archaeologist and City staff. The Alert Sheet shall be distributed to all construction personnel prior to ground disturbance activities as part of the Worker Environmental Awareness Program (WEAP) training. A copy of the Alert Sheet shall remain on site for the duration of ground-disturbing work. Prior to commencing ground-disturbing activities, all construction personnel shall attend mandatory WEAP training to be conducted by the qualified archaeologist and, if required, a representative designated by the Tribe. WEAP training shall include review of the Alert Sheet, a discussion of resources that may be discovered, a discussion of procedures for unanticipated discovery of cultural resources, and an overview of the legal requirements.	

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact CUL-3: The project could disturb human remains, including those interred outside of formal cemeteries.	S	**Mitigation Measure CUL-2: ~~Cultural Resources Monitoring and~~ Accidental Discovery, Human Remains.** In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. If human remains are determined to be Native American, the MLD, in coordination with consulting Tribal representative(s) identified by the NAHC, shall have lead authority to recommend treatment. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Livermore shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains. There shall be no scientific removal, pictures taken or invasive testing done on the Native American human remains or associated funerary objects without the express written consent of the MLD and the consulting Tribe(s). All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives and the MLD, in consultation with the City and qualified archaeologist as necessary, shall determine reburial procedures for the Native American human remains and associated funerary objects with the appropriate dignity	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		either. Reburial shall occur at a location agreed upon by the consulting Tribe(s) and the property owner that preserves access for descendant communities in perpetuity and avoids future disturbance. Records identifying TCR locations shall be kept confidential consistent with PRC § 5097.9 and other applicable law. Prior to the issuance of grading permits, the Director of the City of Livermore Community Development Department, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above. In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Livermore shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains.	

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		There shall be no photographs taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance. Prior to the issuance of grading permits, the Director of the City of Livermore Community Development Department, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.	
4.4: Energy			
Impact EN-1: Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	LTS	None Required	LTS
Impact EN-2: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	LTS	None Required	LTS
4.5: Greenhouse Gas Emissions			
Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	LTS	None Required	LTS
Impact GHG-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases.	LTS	None Required	LTS

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.6: HAZARDS AND HAZARDOUS MATERIALS			
Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS	None Required	LTS
Impact HAZ-2a: Demolition or renovation activities may result in the release of PCBs into the environment.	S	**Mitigation Measure HAZ-1: Hazardous Building Materials Survey.** Prior to issuance of demolition or renovation permits for existing structures, the project sponsor shall retain an Qualified Environmental Professional (QEP) meeting the minimum qualifications in 40 CFR 312.1 to prepare and sign perform a comprehensive Hazardous Building Materials Survey (HBMS) for the structures to be affected. The HBMS which shall be prepared and signed by a qualified environmental professional, documenting include: (1) identification and mapping of all suspected the presence or lack thereof of polychlorinated biphenyls (PCBs) containing equipment and materials (including but not limited to caulks, sealants, paints, mastics, and ballasts); (2) sampling and analysis following EPA Method 8082A or other applicable methods; (3) identification of any all other hazardous building materials (e.g. ACM, LBP, mercury, universal wastes); and (4) regulatory triggers for local, State, and federal notification. The HBMS shall include detailed abatement specifications for the stabilization and/or removal of the identified hazardous building materials in accordance with all applicable laws and regulations, including: (1) required worker protection and containment measures, (2) abatement contractor certifications, (3) disposal requirements for PCB bulk product and remediation waste pursuant to CFR Part 761, and (4) transportation and disposal facility documentation. The abatement specifications shall be incorporated into the project's demolition plans. Prior to the start of demolition or renovation, the project sponsor shall implement the approved abatement specifications. Upon completion, the QEP shall prepare a **Final Abatement Completion Report** including: (1)	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		waste disposal manifests, (2) air or wipe sampling results if required by Toxic Substances Control Act (TSCA), (3) photographs of completed abatement, and (4) certification that all identified hazardous materials were removed or managed according to applicable law. The City shall receive and approve this report prior to issuing any demolition or renovation permit.	
Impact HAZ-2b: Subsurface hazardous materials may be released into the environment during construction and operation of the project.	S	**Mitigation Measure HAZ-2: Soil and Groundwater Management Plan.** The project sponsor shall engage with the appropriate regulatory agency (e.g., the San Francisco Bay Regional Water Quality Control Board [RWQCB] or Department of Toxic Substances Control [DTSC]) to provide oversight of: additional subsurface investigation at the project site, preparation and implementation of a Soil and Groundwater Management Plan (SGMP), and the implementation of remedial actions, as necessary, at the project site. Copies of such correspondence shall be provided to the City. The additional subsurface investigation activities shall be conducted by a Qualified Environmental Professional (QEP) and shall include additional investigation of potential contamination source areas to define the extent of subsurface contamination at the project site. The SGMP shall be prepared by a QEP and shall be submitted to the oversight agency for approval. The SGMP shall outline soil and groundwater management protocols that would be implemented during redevelopment of the project site. The SGMP shall be incorporated into the project's construction documents and shall include mandatory procedures to prevent exposure of to ensure that construction workers, the public, future occupants, and the environment would not be exposed to hazardous materials that may be present in the to subsurface of the project site contamination.	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		The SGMP shall include, at a minimum, the following procedures to be implemented during construction: ● Health and safety requirements for construction workers that may handle contaminated soil or groundwater ● Guidelines for controlling airborne dust, vapors, and odors ● Air monitoring requirements for volatile organic compounds (VOCs) during construction ● Regulatory notification requirements if undocumented contamination or features of environmental concern (e.g., underground storage tanks [USTs] or clarifiers/sumps/vaults and associated piping) are encountered ● Inspection and sampling protocols for contaminated soil or groundwater by a qualified environmental professional λ Guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements ● Guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for off-site disposal or on-site reuse, and importing of clean fill material ● Contractor training and documentation requirements The report(s) documenting additional investigation activities and the SGMP shall be submitted to the regulatory oversight agency for review and approval. The applicant shall provide the City with written confirmation of agency approval prior to the City issuing demolition or grading permits for the project. If required by the oversight agency, the project applicant shall prepare a Remedial Action Plan (RAP) identifying specific remedial measures, performance standards, cleanup levels, and verification sampling requirements. This may that may be required for the project could include, but would not necessarily be limited to, removal of hazardous materials containers/features (e.g., USTs, piping,	

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		clarifiers/sumps/vaults), removal and off-site disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or engineering/institutional controls (e.g., installation of vapor intrusion mitigation systems and establishing deed restrictions). The RAP must be approved in writing by the oversight agency, and a copy of the formal approval letters shall be provided to the City. If remedial actions are required for the project, the project sponsor shall submit to the City evidence of approval from the regulatory oversight agency for any proposed remedial action plans prior to the City issuing demolition, grading, or building permits that would be required for the remedial action. The project sponsor shall document the implementation of the SGMP during construction and the completion of remedial actions in an SGMP Implementation Log, including air monitoring records, soil/waste characterization data, stockpile logs, dewatering discharge documentation, and corrective actions taken. The project sponsor shall submit to the City a Final SGMP Implementation Report and Remedial Action Completion Report (if applicable) as evidence of approval from the regulatory oversight agency for the implementation of the SGMP and completion of any remedial actions prior to the City issuing a certificate of occupancy for the project site.	
Impact HAZ-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	LTS	None Required	LTS
Impact HAZ-4: The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would	S	**Mitigation Measure HAZ-2.** (See Above)	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
create a significant hazard to the public or the environment.			
Impact HAZ-5: For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	LTS	None Required	LTS
Impact HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	LTS	None Required	LTS
Impact HAZ-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	LTS	None Required	LTS
4.7: Land Use and Planning			
Impact LU-1: Eliminate or reduce existing levels of connectivity within Livermore or other community.	LTS	None Required	LTS
Impact LU-2: Result in a conflict between the proposed project and the provisions of the following planning and policy documents, due to any of the significant impacts identified in this EIR: Livermore General Plan, Livermore Zoning Ordinance, Plan Bay Area 2050	LTS	None Required	LTS
4.8: NOISE			
Impact NOI-1: The proposed project would result in potentially significant impacts related to construction noise levels in excess of existing ambient noise levels in the project vicinity.	S	**Mitigation Measure NOI-1: Construction Noise and Vibration.** Prior to issuance of grading permits, the City of Livermore (City) Director of Community Development Department, or designee, shall verify that grading and construction plans include the following requirements: • Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers ~~consistent with manufacturers' standards~~. The construction contractor shall maintain all such equipment	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		in good working order and shall keep a maintenance and inspection log available for City review during construction. ● Construction staging areas shall be located away from off-site sensitive uses, including residential uses located directly north of the project site, during the later phases of project development. ● The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise-sensitive receptors nearest the project site. Equipment shall be located as far as feasible from noise-sensitive receptors, but no closer than 100 feet to off-site residences. ● The construction contractor shall use on-site electrical power sources to power equipment rather than diesel generators ~~where feasible~~ whenever electrical power is available within 100 feet of the equipment location. Diesel generators may only be used if the construction contractor demonstrates in writing to the City that electrical power is not available. ● A sign, legible at a distance of 50 feet, shall also be posted at the construction site. All notices and the signs shall indicate the dates, and duration of construction activities, as well as provide a telephone number for the "noise disturbance coordinator." ● A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise within 24 hours, (2) documenting complaint details and corrective actions, and (3) providing a written summary. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall be required to implement reasonable measures to reduce noise levels. The City may halt work if repeated violations occur.	

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
Impact NOI-2: Generation of excessive groundborne vibration or groundborne noise levels?	LTS	None Required	LTS
Impact NOI-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	LTS	None Required	LTS
4.9: TRANSPORTATION			
Impact TRA-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	LTS	None Required	LTS
Impact TRA-2: Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	LTS	None Required	LTS
Impact TRA-3: The proposed project could potentially increase hazards related to inadequate site access and circulation.	S	**Mitigation Measure TRA-1:** The proposed project would be required to adopt the recommendations outlined in the Transportation Analysis prepared for the proposed project including: • Include 25 feet of red curb to the west and 50 feet of red curb to the east of the driveway on Pacific Avenue and 20 feet of red curb to the south of the driveway on Dolores Street. • Include a turnaround space for residential guests at the end of the parking aisle in the southeast corner of the project site, adjacent to the EVA access on Dolores Street. • Provide a minimum of ~~eight~~ 29 short-term bicycle parking spaces for guest in well-lit, highly visible locations on site.	LTSM
Impact TRA-4: Result in inadequate emergency access**?**	LTS	None Required	LTS

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.10: TRIBAL CULTURAL RESOURCES			
Impact TCR-1: The proposed project could potentially impact tribal cultural resources through unknown discovery of tribal cultural resources.	S	~~**Mitigation Measure CUL-1 Unknown Archaeological Resources.** In the event that archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code (PRC). The Applicant and its construction contractor shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the project site. Any found deposits shall be treated in accordance with federal, State and local guidelines, including those set forth in PRC Section 21083.2, and shall be assessed, handled, and treated consistent with accepted standards, such as the Secretary of the Interior's standards and guidelines for archaeology and historic preservation. Prior to commencement of grading activities, the Director of the City of Livermore (City) Community Development Department, or designee, shall verify that all project grading and construction plans include specific requirements regarding California PRC (Section 21083.2[g]) and the treatment of archaeological resources as specified above.~~ **Mitigation Measure TCR-1 Unknown Tribal Cultural Resources.** In the event that unknown tribal cultural resources are discovered during ground-disturbing activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a cultural resource of potential Native American origin. The contractor shall immediately notify the City, who shall then contact the Native American Heritage Commission	LTSM

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		(NAHC) and a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards). In coordination with NAHC and the archaeologist, the City shall determine the appropriate Tribe(s) with cultural affiliation to the project area at the time of the find. If the City and consulting Tribe(s) determine that the discovery is a Tribal Cultural Resource, the applicant shall retain a Tribal representative, at the applicant's expense, to work with the qualified archaeologist to prepare a Discovery Treatment Plan. The Plan shall be developed in consultation with the consulting Tribe(s) and shall identify avoidance as the preferred mitigation strategy. If the Discovery Treatment Plan requires monitoring, avoidance, recovery, or other on-site treatment, the applicant shall fund a qualified Tribal monitor and any Tribal experts requested by the consulting Tribe(s). The plan shall specify the monitor's duties, working hours, and protocols, including stoppage authority for the monitor if sensitive material is encountered. If avoidance is not feasible, the Plan shall include culturally appropriate treatment measures, which may include, but are not limited to: • Establishing construction monitoring activities for the duration of ground disturbing activities; • Establishing protective buffers (consistent with the 50-foot halt distance) and any additional buffers recommended by the consulting Tribe(s) and archaeologist; • Stabilization or in-situ preservation; • Culturally appropriate documentation or heritage recovery; • Confidentiality protection of Tribal Cultural Resource locations (sensitive location information shall be restricted to the City, the consulting Tribe(s), and qualified professionals with a demonstrated need to know); • Access for Tribal practitioners and/or traditional use. • Prohibition on photography, public dissemination, or testing of Native American human remains or associated	

Table 2.A: Summary of Impacts and Mitigation Measures from the EIR

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance after Mitigation
		funerary objects unless expressly authorized by the consulting Tribe(s) and consistent with applicable law. Work may resume in the halted area only after the City, in coordination with the consulting Tribe(s) and the qualified archaeologist, has reviewed and approved the Discovery Treatment Plan. The City shall complete its review within 7 calendar days of receipt of the Plan unless the City documents good cause for additional time and provides written notice to the consulting Tribe(s) and applicant. If the consulting Tribe(s) request additional measures, the City shall incorporate them unless the City documents why a requested measure is infeasible under applicable law. Additional procedural clarifications: If human remains are discovered and are determined to be Native American, all handling and disposition shall follow CCR Section 15064.5, PRC Section 5097.98, Health and Safety Code Section 7050.5, and the protocols set forth in the Discovery Treatment Plan developed in consultation with the consulting Tribe(s) and, where applicable, the Most Likely Descendant (MLD). If reburial is part of the agreed treatment, reburial shall be conducted with appropriate dignity in a location agreed upon by the consulting Tribe(s) and the City, and the location of such reburial shall be kept confidential and protected from further disturbance to the extent permitted by law. The applicant shall maintain a record of all notifications, consultations, monitoring reports, Discovery Treatment Plans, and treatment actions and shall provide copies to the City and the consulting Tribe(s) upon request. A final monitoring/treatment report shall be prepared by the qualified archaeologist and Tribal monitor and submitted to the City and NAHC within 30 days of completion of mitigation activities. **Mitigation Measure CUL-2** (see above).	

4.2 REVISIONS TO SECTION 4.1, AIR QUALITY

The following text changes to the Draft EIR constitute changes which serve to clarify the existing Mitigation Measures. These changes do not change the intent of the Mitigation Measures and would not result in any additional environmental impacts. Therefore, recirculation of the Draft EIR is not necessary.

Section 4.1.3.2, Project Impacts, Page 4.1-20

Mitigation Measure AIR-1

Basic Best Management Practices. In order to meet the Bay Area Air District (Air District) fugitive dust threshold, the following Basic Best Management Practices shall be implemented by the project applicant during all phases of the project construction period, including site preparation, demolition, grading, and vertical construction of residences:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day with additional watering as needed to prevent visible dust emissions from leaving the site.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading, unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when sustained wind speeds exceed 20 mph averaged over a 1-minute period using an on-site anemometer located in an open area of the project site.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site at an established and maintained stabilized, designated wheel-wash station near a site exit

- Unpaved roads providing access to sites located 100 feet or farther from a paved road shall be treated with a 6- to 12- inch layer of compacted layer of wood chips, mulch, or gravel.

- Publicly visible signs with the telephone number and name of the person to contact at the City of Livermore regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

4.3 REVISIONS TO SECTION 4.2, BIOLOGICAL RESOURCES

The following text changes to the Draft EIR constitute changes which serve to clarify the existing Mitigation Measures. These changes do not change the intent of the Mitigation Measures and would not result in any additional environmental impacts. Therefore, recirculation of the Draft EIR is not necessary.

Section 4.2.3.2, Project Impacts, Page 4.2-18

Mitigation Measure BIO-1

If project activities including tree removal, demolition, or construction take place during nesting bird season (February 1 to September 15), a qualified biologist shall conduct focused surveys for active nests within 5 days prior to the initiation of project-related activities. Surveys shall be conducted in all potentially suitable habitat on site and within 300 feet of ~~adjacent to~~ the project site. If a lapse in project-related activities of 7 days or longer occurs, another focused survey will be required before project activities can resume. If an active nest is found, the biologist shall consult with the California Department of Fish and Wildlife (CDFW) regarding appropriate action to comply with the Fish and Game Code of California.

The qualified biologist shall observe any identified active nests for at least 30 minutes prior to the start of any construction-related activities to establish a behavioral baseline of adults and any nestlings. Once work commences, all active nests shall be continuously monitored for a minimum of three consecutive workdays by the biologist to detect any signs of disturbance and behavioral changes as a result of project activities. Thereafter, monitoring may transition to once-daily checks if no signs of disturbance are detected. In addition to direct impacts, such

as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed at any time, the biologist shall direct the construction contractor to immediately cease work causing that behavioral change within the established buffer (noted below) and notify the City. The qualified biologist ~~and~~ shall contact the CDFW for additional guidance. Work may only resume once the qualified biologist determines that the disturbance has ceased or the buffer has been expanded to eliminate the disturbance.

Active nest sites and protective buffer zones shall be designated as "Environmentally Sensitive Areas" with orange ESA fencing at least 4 feet high around the buffer boundary, with signage every 50 feet indicating restricted access where no project-related activities or personnel may enter until the biologist determines that the young have fully fledged and will no longer be adversely affected by the project. These designated areas shall be protected during project activities by surrounding the nest site with a wildlife-safe fence or flagging barrier. The Qualified Biologist and/or Biological Monitor shall determine the necessary buffer distance to protect nesting birds based on existing site conditions (such as construction activity and line of sight). Buffer distance shall be increased to provide sufficient protection of nesting birds and their natural behaviors, as needed.

Section 4.2.3.2, Project Impacts, Page 4.2-20

Mitigation Measure BIO-2

Final landscape plans shall be submitted for approval and review by the City of Livermore Planning Division prior to issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape plans shall clearly identify all "protected trees," as defined in the Tree Protection Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specify the species of all replacement trees and the required replacement ratio pursuant to the Tree Protection Ordinance. The final landscape plans shall also map all Tree Protection Zones and protective fencing.

Mitigation Measure BIO-3

The project applicant shall implement all tree protection measures ~~recommended~~ listed in the Arborist Report (Appendix E) prepared for the project which are designed to

help mitigate or avoid impacts to trees being retained. Tree protection measures shall be incorporated into project grading and construction plans prior to issuance of any permit. ~~A qualified arborist shall be consulted in the event that any recommendations cannot be feasibly implemented.~~ If the construction contractor believes a required tree protection measure cannot be implemented due to site constraints, the construction contractor shall submit a written request to the City explaining the constraint, including input from a Qualified Arborist. Any alternative tree protection measure must be reviewed and approved in writing by the City prior to implementation.

4.4 REVISIONS TO SECTION 4.3, CULTURAL RESOURCES

The following text changes to the Draft EIR constitute changes which serve to clarify the existing Mitigation Measures. These changes do not change the intent of the Mitigation Measures and would not result in any additional environmental impacts. Therefore, recirculation of the Draft EIR is not necessary.

Section 4.3.3.2, Project Impacts, Page 4.3-10

Mitigation Measure CUL-1

Unknown Archaeological Resources. In the event that archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code (PRC). The Applicant and its construction contractor shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the project site. Any found deposits shall be treated in accordance with federal, State and local guidelines, including those set forth in PRC Section 21083.2, and shall be assessed, handled, and treated consistent with accepted standards, such as the Secretary of the Interior's standards and guidelines for archaeology and historic preservation. Prior to commencement of grading activities, the Director of the City of Livermore (City) Community Development Department, or designee, shall verify that all project grading and construction plans include specific requirements regarding California PRC (Section 21083.2[g]) and the treatment of archaeological resources as specified above.

Prior to initiation of ground-disturbing activities, the applicant shall retain a Secretary of the Interior qualified archaeologist to prepare an Archaeological Alert Sheet summarizing the known or potential presence of archaeological resources in the project area. The Alert Sheet shall include an overview of the site, description and photographs of potential archaeological materials, instructions detailing the protocols to be followed upon discovery, and contact info for the qualified archaeologist and City staff. The Alert Sheet shall be distributed to all construction personnel prior to ground disturbance activities as part of the Worker Environmental Awareness Program (WEAP) training. A copy of the Alert Sheet shall remain on site for the duration of ground-disturbing work.

Prior to commencing ground-disturbing activities, all construction personnel shall attend mandatory WEAP training to be conducted by the qualified archaeologist and, if required, a representative designated by the Tribe. WEAP training shall include review of the Alert Sheet, a discussion of resources that may be discovered, a discussion of procedures for unanticipated discovery of cultural resources, and an overview of the legal requirements.

Mitigation Measure CUL-2

~~**Cultural Resources Monitoring and**~~ **Accidental Discovery, Human Remains.** In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. If human remains are determined to be Native American, the MLD, in coordination with consulting Tribal representative(s) identified by the NAHC, shall have lead authority to recommend treatment. Consistent with CCR Section 15064.5(d), if the remains are

determined to be Native American and an MLD is notified, the City of Livermore shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains.

There shall be no scientific removal, pictures taken or invasive testing done on the Native American human remains or associated funerary objects without the express written consent of the MLD and the consulting Tribe(s). All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives and the MLD, in consultation with the City and qualified archaeologist as necessary, shall determine reburial procedures for the Native American human remains and associated funerary objects with the appropriate dignity either. Reburial shall occur at a location agreed upon by the consulting Tribe(s) and the property owner that preserves access for descendant communities in perpetuity and avoids future disturbance. Records identifying TCR locations shall be kept confidential consistent with PRC § 5097.9 and other applicable law.

Prior to the issuance of grading permits, the Director of the City of Livermore Community Development Department, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

4.5 REVISIONS TO SECTION 4.6, HAZARDS AND HAZARDOUS MATERIALS

The following text changes to the Draft EIR constitute changes which serve to clarify the existing Mitigation Measures. These changes do not change the intent of the Mitigation Measures and would not result in any additional environmental impacts. Therefore, recirculation of the Draft EIR is not necessary.

Section 4.6.3.2, Project Impacts, Page 4.6-12

Mitigation Measure HAZ-1

Hazardous Building Materials Survey. Prior to issuance of demolition or renovation permits for existing structures, the project sponsor shall retain an Qualified Environmental Professional (QEP) meeting the minimum qualifications in 40 CFR 312.1 to prepare and sign ~~perform~~ a comprehensive Hazardous Building Materials Survey (HBMS) for the structures to be affected. The HBMS ~~which~~ shall ~~be~~

~~prepared and signed by a qualified environmental professional, documenting~~ include: (1) identification and mapping of all suspected ~~the presence or lack thereof of~~ polychlorinated biphenyls (PCBs) containing equipment and materials (including but not limited to caulks, sealants, paints, mastics, and ballasts); (2) sampling and analysis following EPA Method 8082A or other applicable methods; (3) identification of ~~any~~ all other hazardous building materials (e.g. ACM, LBP, mercury, universal wastes); and (4) regulatory triggers for local, State, and federal notification. The HBMS shall include detailed abatement specifications for the stabilization and/or removal of the identified hazardous building materials in accordance with all applicable laws and regulations, including: (1) required worker protection and containment measures, (2) abatement contractor certifications, (3) disposal requirements for PCB bulk product and remediation waste pursuant to CFR Part 761, and (4) transportation and disposal facility documentation. The abatement specifications shall be incorporated into the project's demolition plans. Prior to the start of demolition or renovation, the project sponsor shall implement the approved abatement specifications. Upon completion, the QEP shall prepare a Final Abatement Completion Report including: (1) waste disposal manifests, (2) air or wipe sampling results if required by Toxic Substances Control Act (TSCA), (3) photographs of completed abatement, and (4) certification that all identified hazardous materials were removed or managed according to applicable law. The City shall receive and approve this report prior to issuing any demolition or renovation permit.

Section 4.6.3.2, Project Impacts, Page 4.6-14

Mitigation Measure HAZ-2

Soil and Groundwater Management Plan. The project sponsor shall engage with the appropriate regulatory agency (e.g., the San Francisco Bay Regional Water Quality Control Board [RWQCB] or Department of Toxic Substances Control [DTSC]) to provide oversight of: additional subsurface investigation at the project site, preparation and implementation of a Soil and Groundwater Management Plan (SGMP), and the implementation of remedial actions, as necessary, at the project site. Copies of such correspondence shall be provided to the City.

The additional subsurface investigation activities shall be conducted by a Qualified Environmental Professional (QEP) and shall include additional investigation of potential contamination source areas to define the extent of subsurface contamination at the project site.

The SGMP shall be prepared by a QEP and shall be submitted to the oversight agency for approval. The SGMP shall outline soil and groundwater management protocols that would be implemented during redevelopment of the project site. The SGMP shall be incorporated into the project's construction documents and shall include mandatory procedures to prevent exposure of ~~to ensure that~~ construction workers, the public, future occupants, and the environment ~~would not be exposed to hazardous materials that may be present in the~~ to subsurface ~~of the project site~~ contamination.

The SGMP shall include, at a minimum, the following procedures to be implemented during construction:

- Health and safety requirements for construction workers that may handle contaminated soil or groundwater
- Guidelines for controlling airborne dust, vapors, and odors
- Air monitoring requirements for volatile organic compounds (VOCs) during construction
- Regulatory notification requirements if undocumented contamination or features of environmental concern (e.g., underground storage tanks [USTs] or clarifiers/sumps/vaults and associated piping) are encountered
- Inspection and sampling protocols for contaminated soil or groundwater by a qualified environmental professional λ Guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements
- Guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for off-

site disposal or on-site reuse, and importing of clean fill material

- Contractor training and documentation requirements

The report(s) documenting additional investigation activities and the SGMP shall be submitted to the regulatory oversight agency for review and approval. The applicant shall provide the City with written confirmation of agency approval prior to the City issuing demolition or grading permits for the project.

If required by the oversight agency, the project applicant shall prepare a Remedial Action Plan (RAP) identifying specific remedial measures, performance standards, cleanup levels, and verification sampling requirements. This may ~~that may be required for the project could~~ include, but would not necessarily be limited to, removal of hazardous materials containers/features (e.g., USTs, piping, clarifiers/sumps/vaults), removal and off-site disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or engineering/institutional controls (e.g., installation of vapor intrusion mitigation systems and establishing deed restrictions). The RAP must be approved in writing by the oversight agency, and a copy of the formal approval letters shall be provided to the City.

If remedial actions are required for the project, the project sponsor shall submit to the City evidence of approval from the regulatory oversight agency for any proposed remedial action plans prior to the City issuing demolition, grading, or building permits that would be required for the remedial action. The project sponsor shall document the implementation of the SGMP during construction and the completion of remedial actions in an SGMP Implementation Log, including air monitoring records, soil/waste characterization data, stockpile logs, dewatering discharge documentation, and corrective actions taken.

The project sponsor shall submit to the City a Final SGMP Implementation Report and Remedial Action Completion Report (if applicable) as evidence of approval from the regulatory oversight agency for the implementation of the SGMP and completion of any remedial actions prior to the City issuing a certificate of occupancy for the project site.

4.6 REVISIONS TO SECTION 4.7, LAND USE AND PLANNING

The following revisions to the Draft EIR provide additional detail regarding the proposed project's consistency with the site's existing General Plan land use designation and zoning. Because the project would be processed under "Builder's Remedy" provisions of the Housing Accountability Act, which allow the project to proceed despite inconsistencies with the current General Plan land use designation and zoning, the proposed setbacks identified below, although also inconsistent with existing designations, do not alter the Draft EIR's conclusions. Therefore, these text changes would not result in any additional environmental impacts, and recirculation of the Draft EIR is not necessary.

Section 4.7.3.2, Project Impacts, Page 4.7-9

The Project Applicant submitted a preliminary application pursuant to Senate Bill (SB) 330 to the City to redevelop the project site with residential townhomes exclusively. This application established the Project Applicant's "Builder's Remedy" rights pursuant to the Housing Accountability Act (Government Code Section 65589.5). If a local jurisdiction has not adopted a housing element in substantial compliance with State law, project applicants may propose eligible housing development projects that do not comply with either the zoning or general plan. Pursuant to the Housing Accountability Act, a local jurisdiction may be required to approve an eligible housing development project because it cannot make any of the five required findings contained in Government Code Section 65589.5. In July 2023, prior to the City having a certified Housing Element, the Project Applicant submitted a full application to develop the project site with 115 residential townhomes; as such, although the height of some of the buildings, the proposed side street setback, and the absence of commercial use is inconsistent with the project site's existing General Plan land use designation and zoning, the proposed project is allowed under the Housing Accountability Act.

4.7 REVISIONS TO SECTION 4.8, NOISE

The following text changes to the Draft EIR constitute changes which serve to clarify the existing Mitigation Measures. These changes do not change the intent of the Mitigation Measures and would not result in any additional environmental impacts. Therefore, recirculation of the Draft EIR is not necessary.

Section 4.8.3.2, Project Impacts, Page 4.8-16

Mitigation Measure NOI-1

Construction Noise and Vibration. Prior to issuance of grading permits, the City of Livermore (City) Director of Community Development Department, or designee, shall verify that grading and construction plans include the following requirements:

- Construction equipment, fixed or mobile, shall be equipped with properly operating and maintained noise mufflers ~~consistent with manufacturers' standards~~. The construction contractor shall maintain all such equipment in good working order and shall keep a

maintenance and inspection log available for City review during construction.

- Construction staging areas shall be located away from off-site sensitive uses, including residential uses located directly north of the project site, during the later phases of project development.

- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from noise-sensitive receptors nearest the project site. Equipment shall be located as far as feasible from noise-sensitive receptors, but no closer than 100 feet to off-site residences.

- The construction contractor shall use on-site electrical power sources to power equipment rather than diesel generators ~~where feasible~~ whenever electrical power is available within 100 feet of the equipment location. Diesel generators may only be used if the construction contractor demonstrates in writing to the City that electrical power is not available.

- A sign, legible at a distance of 50 feet, shall also be posted at the construction site. All notices and the signs shall indicate the dates, and duration of construction activities, as well as provide a telephone number for the "noise disturbance coordinator."

- A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise within 24 hours, (2) documenting complaint details and corrective actions, and (3) providing a written summary. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and shall be required to implement reasonable measures to reduce noise levels. The City may halt work if repeated violations occur.

4.8 REVISIONS TO SECTION 4.9, TRANSPORTATION

The following text changes to the Draft EIR constitute changes which serve to clarify the accurate number of daily trips which would be generated from the proposed project. These changes do not change the findings of the Draft EIR as the actual number of daily trips is below what is stated in the

Draft EIR. Therefore, these text changes would not result in any additional environmental impacts, and recirculation of the Draft EIR is not necessary.

Section 4.9.4.2, Project Impacts, Page 4.9-13

The ACTC, as part of the Alameda County CMP, requires the assessment of development-driven impacts on Metropolitan Transportation System Roadways. The proposed project would generate approximately 138 daily trips, net new daily trips, including ~~1~~11 net ~~new~~ trips during the a.m. peak hour and ~~8~~28 fewer trips during the p.m. peak hour, compared to existing uses on the project site. As the proposed project would result in fewer than 100 peak -hour trips, an Alameda County CMP analysis was not required.

Section 4.9.4.2, Project Impacts, Page 4.9-14

Mitigation Measure TRA-1

The proposed project would be required to adopt the recommendations outlined in the Transportation Analysis prepared for the proposed project including:

- Include 25 feet of red curb to the west and 50 feet of red curb to the east of the driveway on Pacific Avenue and 20 feet of red curb to the south of the driveway on Dolores Street.
- Include a turnaround space for residential guests at the end of the parking aisle in the southeast corner of the project site, adjacent to the EVA access on Dolores Street.
- Provide a minimum of ~~eight~~ 29 short-term bicycle parking spaces for guest in well-lit, highly visible locations on site.

4.9 REVISIONS TO SECTION 4.10, TRIBAL CULTURAL RESOURCES

The addition of this mitigation measure does not meet the thresholds outlined in State CEQA Guidelines Section 15088.5, which sets forth the rules for recirculating a Draft EIR when "significant new information" is added after the draft has been released for public review but before the final EIR is certified. If changes—such as the presentation of a markedly different alternative or mitigation measure—alter the environmental analysis in a way that could affect public understanding and comment, the lead agency must recirculate the revised portions of the EIR. However, if the changes only clarify or make minor adjustments to the existing analysis, recirculation is not required. Mitigation Measure TCR-1 outlines the same stop work and notification requirements as Mitigation Measure CUL-1 that were presented in the Draft EIR while clarifying additional steps to be implemented should finds be considered tribal cultural resources. As such, there is no change in the information provided in the Draft EIR and this is not a substantially different mitigation measure then the one presented in the Draft EIR.

Section 4.10.3.2, Project Impacts, Page 4.10-7

The proposed project would be required to comply with **Mitigation Measure ~~CUL-1~~ TCR-1** and **Mitigation Measure CUL-2**, which would ensure that impacts to any archaeological resources or human remains discovered during project-related ground disturbing activities would be reduced to **a less than significant** level.

~~Mitigation Measure CUL-1~~ ~~Unknown Archaeological Resources. In the event that archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a "unique archaeological resource," as defined in Section 21083.2(g) of the California Public Resources Code (PRC). The Applicant and its construction contractor shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the project site. Any found deposits shall be treated in accordance with federal, State and local guidelines, including those set forth in PRC Section 21083.2, and shall be assessed, handled, and treated consistent with accepted standards, such as the Secretary of the Interior's standards and guidelines for archaeology and historic preservation. Prior to commencement of grading activities, the Director of the City of Livermore (City) Community Development Department, or designee, shall verify that all project grading and construction plans include specific requirements regarding California PRC (Section 21083.2[g]) and the treatment of archaeological resources as specified above.~~

Mitigation Measure TCR-1 **Unknown Tribal Cultural Resources.** In the event that unknown tribal cultural resources are discovered during ground-disturbing activities, work shall cease within 50 feet of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines to determine whether the find constitutes a cultural resource of potential Native American origin.

The contractor shall immediately notify the City, who shall then contact the Native American Heritage Commission (NAHC) and a qualified archaeologist (meeting the Secretary of the Interior's Professional Qualifications Standards). In coordination with NAHC and the archaeologist, the City shall determine the appropriate Tribe(s) with cultural affiliation to

the project area at the time of the find. If the City and consulting Tribe(s) determine that the discovery is a Tribal Cultural Resource, the applicant shall retain a Tribal representative, at the applicant's expense, to work with the qualified archaeologist to prepare a Discovery Treatment Plan. The Plan shall be developed in consultation with the consulting Tribe(s) and shall identify avoidance as the preferred mitigation strategy. If the Discovery Treatment Plan requires monitoring, avoidance, recovery, or other on-site treatment, the applicant shall fund a qualified Tribal monitor and any Tribal experts requested by the consulting Tribe(s). The plan shall specify the monitor's duties, working hours, and protocols, including stoppage authority for the monitor if sensitive material is encountered.

If avoidance is not feasible, the Plan shall include culturally appropriate treatment measures, which may include, but are not limited to:

- Establishing construction monitoring activities for the duration of ground disturbing activities;
- Establishing protective buffers (consistent with the 50-foot halt distance) and any additional buffers recommended by the consulting Tribe(s) and archaeologist;
- Stabilization or in-situ preservation;
- Culturally appropriate documentation or heritage recovery;
- Confidentiality protection of Tribal Cultural Resource locations (sensitive location information shall be restricted to the City, the consulting Tribe(s), and qualified professionals with a demonstrated need to know);
- Access for Tribal practitioners and/or traditional use.
- Prohibition on photography, public dissemination, or testing of Native American human remains or associated funerary objects unless expressly authorized by the consulting Tribe(s) and consistent with applicable law.

Work may resume in the halted area only after the City, in coordination with the consulting Tribe(s) and the qualified archaeologist, has reviewed and approved the Discovery Treatment Plan. The City shall complete its review within 7

calendar days of receipt of the Plan unless the City documents good cause for additional time and provides written notice to the consulting Tribe(s) and applicant. If the consulting Tribe(s) request additional measures, the City shall incorporate them unless the City documents why a requested measure is infeasible under applicable law.

Additional procedural clarifications:

If human remains are discovered and are determined to be Native American, all handling and disposition shall follow CCR Section 15064.5, PRC Section 5097.98, Health and Safety Code Section 7050.5, and the protocols set forth in the Discovery Treatment Plan developed in consultation with the consulting Tribe(s) and, where applicable, the Most Likely Descendant (MLD). If reburial is part of the agreed treatment, reburial shall be conducted with appropriate dignity in a location agreed upon by the consulting Tribe(s) and the City, and the location of such reburial shall be kept confidential and protected from further disturbance to the extent permitted by law.

The applicant shall maintain a record of all notifications, consultations, monitoring reports, Discovery Treatment Plans, and treatment actions and shall provide copies to the City and the consulting Tribe(s) upon request. A final monitoring/treatment report shall be prepared by the qualified archaeologist and Tribal monitor and submitted to the City and NAHC within 30 days of completion of mitigation activities.

Mitigation Measure CUL-2

~~**Cultural Resources Monitoring and**~~ **Accidental Discovery, Human Remains.** In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property

owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. If human remains are determined to be Native American, the MLD, in coordination with consulting Tribal representative(s) identified by the NAHC, shall have lead authority to recommend treatment. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Livermore shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains.

There shall be no scientific removal, pictures taken or invasive testing done on the Native American human remains or associated funerary objects without the express written consent of the MLD and the consulting Tribe(s). All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives and the MLD, in consultation with the City and qualified archaeologist as necessary, shall determine reburial procedures for the Native American human remains and associated funerary objects with the appropriate dignity either. Reburial shall occur at a location agreed upon by the consulting Tribe(s) and the property owner that preserves access for descendant communities in perpetuity and avoids future disturbance. Records identifying TCR locations shall be kept confidential consistent with PRC § 5097.9 and other applicable law.

Prior to the issuance of grading permits, the Director of the City of Livermore Community Development Department, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public

Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Livermore shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains.

There shall be no photographs taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.

Prior to the issuance of grading permits, the Director of the City of Livermore Community Development Department, or designee, shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.

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APPENDIX K

PUBLIC COMMENT LETTERS ON THE DRAFT EIR

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Comment Letter O-1

From: East Bay for Everyone
To: Jennifer Ackerman
Subject: Livermore Pacific Ave townhomes CEQA notice
Date: Tuesday, September 16, 2025 11:32:32 AM

O-1-1

Hi,
We just got a notice of availability for CEQA review for this project. We thought that this type of project would be exempt from CEQA now because of state law. Can you describe why CEQA is still a requirement here?

Thanks very much,
Kevin Burke

From: Lisjan Nation
To: Michele Donley; Jennifer Ackerman
Subject: Re: Notice of Availability of a Draft Environmental Impact Report
Date: Friday, October 3, 2025 12:34:52 PM
Attachments: image001.png
image002.png

Hi Michele and Jennifer,

Here are the Tribe's comments on the Draft EIR for the Pacific and Livermore Avenue Townhomes Project. Thank you for the opportunity to comment.

The Tribe is concerned that the Tribe's proposed mitigation measures, shared on September 5 were not taken into account for this project.

As currently written, Mitigation Measure CUL-1 mitigates impacts to cultural resources, but not Tribal Cultural Resources. Archaeologists are qualified to evaluate cultural resources, but they are not qualified to evaluate potential Tribal Cultural Resources. As previously shared in the Tribe's proposed mitigation measures, the Tribe respectfully requests that another mitigation measure (Mitigation Measure TCR-1) be added to address the inadvertent discovery of Tribal Cultural Resources, which would involve contacting consulting Tribes.

O-2-1

Inadvertent discovery of Tribal Cultural Resources (TCR-1): If cultural resources of potential Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the entity shall retain a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for Tribal Cultural Resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.

The Tribe is also concerned with the language in Mitigation Measure CUL-2, which directly contradicts the language previously shared with the City during consultation. Specifically, we respectfully request removal of the sentence: "The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." From the Tribe's perspective, this is an inappropriate way to treat ancestral remains and should not be proposed in advance, before an MLD is designated.

The Tribe also requests addition of the following language: "There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the

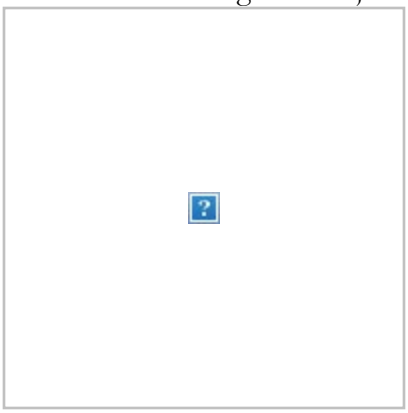
O-2-1 cont.

MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance."

We look forward to your response, and once again, we appreciate the opportunity to consult on this project in order to protect Tribal Cultural Resources.

'Uni (Respectfully),

Lucy Beyhan, Cultural Resource Manager II
Confederated Villages of Lisjan Nation



On Tue, Sep 16, 2025 at 10:59 AM Michele Donley <madonley@livermoreca.gov> wrote:

> Good Morning,
>
> Please see the attached Notice of Availability for the Pacific and Livermore Avenue Townhomes Project.
>
> Thanks,
>
> Michele Donley
>
> Division Clerk
>
> Planning Division
>
> City of Livermore
>
> (925) 960-4478

www.LivermoreCA.gov

Comment Letter I-1

From: Travis Pullen
To: Jennifer Ackerman
Subject: Draft EIR Pacific and Livermore Avenue townhomes project
Date: Wednesday, September 17, 2025 10:26:27 AM

Dear Commissioners,

I-1-1 I am writing to express my strong opposition to the proposed Pacific and Livermore Avenue Townhomes Project. After reviewing the Draft Environmental Impact Report (EIR), I believe the project poses significant and unmitigated impacts that threaten the character, livability, and sustainability of our community. I respectfully urge the Planning Commission to reject the project in its current form.

1. Traffic and Safety Concerns

I-1-2 The project will add 115 new residential units and 268 parking spaces in an already congested area. The Draft EIR acknowledges the need for additional traffic controls, including a Rectangular Rapid Flashing Beacon (RRFB), yet this measure is insufficient given the increased pedestrian, bicycle, and vehicle traffic at the intersection of Pacific Avenue and South Livermore Avenue. Congestion will worsen, and pedestrian safety—particularly for children, seniors, and people with disabilities—will be compromised.

2. Inadequate Transit and Infrastructure Planning

I-1-3 While the Draft EIR notes that new bus stops and a shelter may be added, the proposed density is far greater than what the current public transit and roadway infrastructure can support. No clear plan has been presented for how additional transit service will be funded or implemented. Without substantial improvements, residents will remain car-dependent, further worsening traffic and greenhouse gas emissions.

3. Environmental Impacts and Loss of Open Space

I-1-4 The project will replace more than 55,000 square feet of landscaped open space with hardscape and dense residential development. This not only eliminates valuable urban greenery that mitigates heat island effects but also reduces local biodiversity and stormwater absorption. The cumulative environmental impacts—particularly air quality, noise, and greenhouse gas emissions—are inadequately addressed in the Draft EIR.

4. Parking and Neighborhood Spillover

I-1-5 Although the Draft EIR proposes 268 parking spaces, history shows that high-density projects often underestimate real parking demand. Overflow parking will inevitably spill into adjacent residential streets, creating friction with existing residents and undermining neighborhood livability.

5. Community Character and Scale

I-1-6 The scale of this project is not consistent with the surrounding neighborhood. Central Livermore is characterized by a balance of small-scale residential, commercial, and institutional uses. Inserting a 115-unit townhome development with a large pool and clubhouse will significantly alter the neighborhood's character and strain community resources.

Conclusion

I-1-7 In light of these unresolved concerns—traffic congestion, insufficient infrastructure, loss of open space, parking impacts, and incompatibility with neighborhood character—I strongly urge the Planning Commission not to certify the Draft EIR or approve the Pacific and Livermore Avenue Townhomes Project as currently proposed.

Travis Pullen
[redacted]

Comment Letter I-2

From: Linda Marie
To: Jennifer Ackerman
Subject: Pacific and Livermore Avenue Townhomes Project (Proposed project)
Date: Thursday, September 18, 2025 10:57:23 AM

Dear Ms. Ackerman,

Good Morning Ms. Ackerman, I am a resident at [redacted]

Across the street is the old Nob Hill Shopping Center.

We do not need anymore housing in this area. What the people need is a shopping center that is useable. The Nob Hill closed approximately February 2016.

I-2-1

This commercial building usage is needed in this community. We definitely do not need anymore townhouses. We need more local businesses to be in an updated shopping center.

Livermore High School is just around the corner and does not need the traffic these 115 townhouses will cause to this community.

We need a shopping center that is allowed to be remodeled and filled with new and existing businesses.

Leave this property as a commercial building site.

My vote is a resounding NO to the proposed 2930 Pacific Avenue, 6.54 acre project.

Linda Eschen

[redacted]

Comment Letter I-3

From: Jean Pullen
To: Jennifer Ackerman
Subject: Proposed Development
Date: Wednesday, October 1, 2025 10:26:19 AM

Dear Commissioners,

I am deeply opposed to the proposed Pacific and Livermore Avenue Townhomes Project. Upon reviewing the Draft Environmental Impact Report (EIR), I conclude that this project, in its current form, negatively impacts the surrounding neighborhoods.

I-3-1 This project, adding 115 residential units and 268 parking spaces, will have adverse effects on key traffic and safety in the area, worsening the already existing vehicle, pedestrian and bicycle traffic issues. With the added congestion, current traffic and safety problems will multiply, posing significant risks to children, seniors and those with disabilities.

The proposed density of the project, despite some mitigation efforts to provide more bus stops, does not address the problem of providing additional transit service for the multitude of residents who will be residing in the complex. Without concrete commitments — and funding — to address public transit and road infrastructure needs, the residents may be forced to rely on private vehicles, further exacerbating traffic problems as well as air quality. Furthermore, spillover parking may become a problem for the surrounding neighborhoods if there is not enough parking available onsite.

I-3-2 The environmental impacts of the project are also of concern. Replacing 55,000 square feet of open space with dense residential development and hardscape creates substantial issues such as the creation of heat islands, the depletion of local biodiversity and potential lack of adequate stormwater absorption.

I-3-3 The shear scale of this development will impact the nearby neighborhoods, which are characterized by a combination of small scale homes, interspersed with some commercial and institutional uses. This project will definitely change the character of the surrounding areas and doesn't seem a good fit for this part of Livermore.

I-3-4 In summary, there are too many unknowns with issues regarding traffic and safety impacts, infrastructure requirements, the loss of open space, parking challenges, and the appropriateness of this site for the neighborhood. In light of these concerns, I implore the Planning Commission not to certify this Draft EIR or approve the townhome development as it currently stands. Thank you for your consideration.

Sincerely,
Jean Pullen

[redacted]

Comment Letter I-6

From: Janet Brandi
To: Jennifer Ackerman
Subject: Pacific townhomes
Date: Wednesday, October 8, 2025 11:41:10 AM

I-6-1 I'd like to voice my position as against this project. The city does not need more high density housing. Just drive around. There are already numerous multi family dwellings under construction and/or recently finished. Does your report go over impact to schools, roads, water use, etc. the city would be better served remodeling or rebuilding the shopping center to house a Sprouts and leaving the current small business to operate. Does your impact study include what demolishing the property will do to those shop owners livelihood? I think not. Again, I oppose this development

Janet Brandi

From: ALICE T NOYES
To: Jennifer Ackerman
Subject: Pacific Livermore Townhouse Project
Date: Friday, October 31, 2025 2:03:26 PM

Hi Jennifer,

I-9-1 This is a followup to my previous email 3/4/25 concerning the Pacific and Livermore Townhouse Project. I am the owner of [redacted]. As mentioned, my backyard backs up to the project. For the record, my concerns still are:

I-9-2 1) The new fence between the properties would limit sound transmission best if it were precast concrete and higher than 6 feet. There will be a considerable amount of traffic noise in the alleyway and garages.

I-9-3 2) How will the soil contamination be monitored during construction and after? Who will see oversee the retention of the test wells in the alleyway?

I-9-4 3) Location of the air conditioning units to minimize noise to the existing neighbors on Cabrillo. On a hot day and evening there could be multiple units going all at once.

I-9-5 4) Exterior lighting for the units and alleyway should be of the type and locations as not to shine onto the Cabrillo neighbors homes and backyards.

Thank you, Bill Noyes