

NOTICE OF EXEMPTION

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

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

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

PROJECT:

Title: Development Agreement 24-004 for the Las Colinas Road Property

Location: 3658 Las Colinas Road (Assessor Parcel Number 902-8-1)

Description: The Project is an ordinance authorizing Development Agreement 24-004. The Development Agreement establishes a framework and secures vested rights for a future residential project on approximately 50 developable acres within a 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1). The Development Agreement does not propose or authorize a specific development project or physical development, and future implementation actions would be subject to subsequent approvals.

Applicant: Adventus

City's Contact: Shannon Pagan, Senior Planner

Telephone: 925-960-4482

Public Agency Approving Project: City of Livermore

EXEMPT STATUS:

- ☐ Categorical Exemption (Sec. 15301)
- ☐ Declared Emergency (Sec. 15269(a); 21080(b)(3))
- ☐ Emergency Project (Sec. 15269(b)(c); 21080(b)(4))
- ☐ Ministerial (Sec. 15268; 21080(b)(1))
- ☒ Statutory Exemption (Sec. 15183, Projects consistent with a Community Plan, General Plan, or Zoning)
- ☒ "Common Sense" Exemption (Sec. 15061(b)(3)) The possible environmental impacts of the project have been considered in making this determination, as explained below.

Reasons why project is exempt: The Project is exempt from CEQA as it is within the scope of the General Plan 2045 Environmental Impact Report (General Plan EIR) (State Clearinghouse No. 2023030225) pursuant to CEQA Guidelines Section 15183. The Project is also exempt under the common sense exemption in CEQA Guidelines Section 15061(b)(3), as there is no possibility that the Project may have a significant effect on the environment. The findings supporting each exemption are summarized in the following paragraphs.

1. Section 15183(b): In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
 - (1) Are peculiar to the project or the parcel on which the project would be located,
 - (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,

- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Response: The Agreement does not involve environmental effects that are peculiar to the Agreement or to the Property. The Agreement establishes vested rights for a future residential development project and implements General Plan 2045 land use designations but does not authorize a specific development project, establish new development rights, increase development intensity, nor authorize physical development beyond what was contemplated and evaluated in the General Plan 2045 EIR.

All environmental effects associated with the land use designations and development intensity applicable to the Property were analyzed in the General Plan 2045 EIR. No new significant effects have been identified.

The Agreement does not introduce new off-site or cumulative impacts beyond those disclosed in the General Plan 2045 EIR. The Agreement does not alter the scale, intensity, or location of development assumed in the EIR.

No substantial new information, as defined in CEQA Guidelines Section 15162, indicates that any previously identified significant impact would be more severe than described in the General Plan 2045 EIR.

All applicable mitigation measures identified in the General Plan 2045 EIR continue to apply to future implementing actions on the Property and will be imposed through subsequent discretionary approvals.

Accordingly, none of the conditions in Section 15183(b)(1 through 4) requiring additional environmental review are present and the Agreement remains fully in the scope of the General Plan 2045 EIR.

2. Section 15183(d): This section shall apply only to projects which meet the following conditions:

- (1) The project is consistent with:
 - a. A community plan adopted as part of a general plan,
 - b. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
 - c. A general plan of a local agency, and
- (2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Response: The Agreement is consistent with the General Plan 2045 land use designations applicable to the Property and the City's zoning and long-range planning framework that anticipates residential development on the site. The Agreement itself does not authorize physical development but instead requires preparation and approval of a Neighborhood Plan, Planned Development zoning, and subsequent implementing entitlements prior to any future development on the Property. Consistent with General Plan policy, these subsequent approvals will establish detailed land use regulations, development standards, and site-specific design parameters consistent with General Plan 2045 and will be subject to their own discretionary review and CEQA evaluation, as appropriate. Accordingly, the Agreement is consistent with and functions as an

implementing mechanism of the General Plan 2045 rather than a grant of new or expanded development rights.

The General Plan 2045 EIR was prepared as a Program EIR for the General Plan update and has been recommended for certification by the Planning Commission as a separate item earlier on this agenda. Development Agreement 24-004 is consistent with the General Plan 2045 land use designation applicable to the Property because it establishes vested rights and procedures for future residential development at the density and intensity evaluated in the General Plan 2045 EIR and does not authorize development beyond what the EIR analyzed. Accordingly, the General Plan 2045 EIR serves as the applicable environmental document for purposes of CEQA Guidelines Section 15183.

Therefore, the Agreement satisfies the applicability requirements of CEQA Guidelines Section 15183(d) as it is consistent with the General Plan 2045 and is fully within the scope of impacts analyzed in the General Plan 2045 EIR.

3. Section 15061(b)(3): The Agreement qualifies for the common-sense exemption under CEQA Guidelines Section 15061(b)(3), which applies where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

Response: The Agreement does not authorize any physical development, construction activity, or site disturbance on the Property; rather, it establishes vested rights and procedural requirements for future discretionary approvals, including preparation of a Neighborhood Plan, Planned Development zoning, and subsequent implementing entitlements, all of which will undergo their own CEQA review at the appropriate time. The Agreement does not grant new development rights, increase development intensity, or modify the land use assumptions evaluated in the General Plan 2045 EIR, and therefore cannot result in any environmental impacts beyond those already analyzed in that Program EIR. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Agreement ensures that no physical change to the environment will occur as a result of its approval.

Accordingly, the Agreement qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3) because there is no possibility that its approval will cause a significant effect on the environment.

Signature:



Name & Title: Shannon Pagan, Senior Planner
Project Approval Date: July 27, 2026