DR202118

# *ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

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

**FOR COUNTY CLERK USE ONLY**

FILE NO: _____

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

**(PLEASE MARK ONLY ONE CLASSIFICATION)**

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[ ] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 3,043.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[X] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 4,227.50 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

Reliance on Prior NOD. State fees paid – see attached.

### 3. OTHER: _____

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

**BY MAIL FILINGS:**

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

**IN PERSON FILINGS:**

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

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

FEES ARE EFFECTIVE JANUARY 1, 2026

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

# Notice of Determination

**Appendix D**

**To:**

☒ Office of Planning and Research

*U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044

*Street Address:* 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Alameda
Address: 1106 Madison Street
Oakland, CA 94607

**From:**
Public Agency: City of Livermore
Address: 1052 S. Livermore Avenue
Livermore, CA 94550
Contact: Rick Teczon, Assistant City Engineer
Phone: 925-960-4500

Lead Agency (if different from above):
Address:
Contact:
Phone:

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): 2008092085

Project Title: Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent Environmental Impact Report – Approval of Construction Contract for Soil Excavation necessary to implement the Downtown Workforce Housing Project.

Project Applicant: City of Livermore
Project Location (include county): Southeast corner of Railroad Avenue and South L Street (APN 98-289-22)

Project Description: The project consists of approval of a construction contract with Bay Cities for soil excavation and related activities necessary to implement the previously approved Downtown Workforce Housing Project (Resolution No. 2021-072), for which the City Council approved the related CEQA determination by Resolution No. 2021-071. The excavation activities necessary to implement the Downtown Workforce Housing Project were identified and evaluated in the 2009 Downtown Specific Plan Subsequent EIR and are being undertaken in accordance with the adopted Mitigation, Monitoring and Reporting Program (MMRP) and the Site Management Plan (SMP) approved by the San Francisco Bay Area Regional Water Quality Control Board. The proposed contract will authorize the excavation work identified and evaluated in those prior environmental and site management documents.

Accordingly, the proposed work is entirely within the scope of the Downtown Specific Plan EIR, dated February 9, 2004 (SCH No. 2003032038), the Downtown Specific Plan Subsequent EIR, dated March 30, 2009 (SCH No. 2008092085), and the Subsequent EIR Addenda adopted by the City Council on September 10, 2018, by Resolution No. 2018-153; May 13, 2019, by Resolution No. 2019-064; and October 26, 2020, by Resolution No. 2020-178. The environmental effects of the proposed work were previously evaluated in the certified 2009 Subsequent Downtown Specific Plan EIR and Addenda and will be addressed through implementation of the adopted MMRP and the SMP.

The approval of the construction contract does not involve any substantial change to the work previously evaluated, and the excavation activities will be conducted consistent with the adopted MMRP and SMP.

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Since adoption of the Subsequent EIR and Addenda, there have been no substantial changes in the project or in the circumstances under which the project is being undertaken that would require major revisions to the Subsequent EIR or Addenda to address new significant environmental effects or a substantial increase in the severity of previously identified effects. Further, no significant new information has become available that would result in new or substantially more severe environmental effects or require new or substantially different mitigation measures. Accordingly, none of the circumstances identified in CEQA Guidelines Section 15162 have occurred. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, no further environmental review is required.

This is to advise that the City of Livermore has approved the above (☒ Lead Agency or ☐ Responsible Agency)

described project on 8/20/2026 (date) and has made the following determinations regarding the above described project.

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

**NOTE:** Separately and independently from the above Notice of Determination, a Notice of Exemption will be filed as the Project is also exempt from CEQA pursuant to CEQA Guidelines Section 15182(c) and Government Code Section 65457.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
1052 South Livermore Avenue, Livermore CA 94550

Signature (Public Agency): Stephen Riley Title: Planning Manager

Date: 8/21/2026 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code. Revised 2011

Previous Environmental Documents

**ENVIRONMENTAL DECLARATION**
(CALIF. FISH AND GAME CODE SEC. 711.4)

FILED
ALAMEDA COUNTY
FOR COURT USE ONLY
FEB 13 2004
PATRICK O'CONNELL, County Clerk
By Deputy
FILING NO. 04-061

**NAME OF APPLICANT OR LEAD AGENCY:**
City of Livermore Planning Division
1052 South Livermore Avenue
Livermore, Alameda County
California, 94550

Project Identification Number: General Plan Amendment 02-005 (2003 General Plan) and Specific Plan 02-001 (Downtown Specific Plan)

| CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: | CLERKS USE ONLY |
|---|---|
| 1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION<br>☐ A - STATUTORILY OR CATEGORICALLY EXEMPT<br>$25.00 (Twenty-Five Dollars) - CLERK'S FEE | PLU 117 |
| ☐ B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED<br>$25.00 (Twenty-Five Dollars) - CLERK'S FEE | PLU 117 |
| 2. NOTICE OF DETERMINATION - FEE REQUIRED<br>☐ A - NEGATIVE DECLARATION<br>$1,250.00 (Twelve Hundred Fifty Dollars) - STATE FILING FEE<br>$25.00 (Twenty-Five Dollars) - CLERK'S FEE | PLU 116 |
| ☒ B - ENVIRONMENTAL IMPACT REPORT<br>$850.00 (Eight Hundred Fifty Dollars) - STATE FILING FEE<br>$25.00 (Twenty-Five Dollars) - CLERK'S FEE | PLU 115 |
| 3. ☐ OTHER (Specify) _____<br>$25.00 (Twenty-Five Dollars) - CLERK'S FEE | PLU 117 |

THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FOUR COPIES OF ALL NECESSARY DOCUMENTS ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AND ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

FILED
ALAMEDA COUNTY

FEB 13 2004

PATRICK O'CONNELL, County Clerk
By Aplee Witt Deputy

# NOTICE OF DETERMINATION

**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 DETERMINATION in compliance with Section 21108 or 21152 of the Public Resources Code.

**PROJECT**

**Title:** 2003 General Plan (General Plan Amendment 02-005) and Downtown Specific Plan (Specific Plan 02-001)
**Location:** City of Livermore
**Description:** The *2003 General Plan* includes nine separate "elements" (or chapters) that set goals, objectives, policies, and actions for a given subject. Five of these elements – Land Use, Circulation, Open Space and Conservation, Noise, and Public Safety – cover six of the seven topics required by Government Code Section 65302. Three chapters – Infrastructure and Public Services, Economic Development and Fiscal and Community Character – have been prepared by the City to meet local needs and concerns. The final chapter, the Housing Element, was prepared in a separate process with separate environmental review. The *Downtown Specific Plan* covers approximately 272 acres located near the geographic center of the City. The primary goal of the Downtown Specific Plan is to revitalize the Downtown as the "most public district in the City – the indisputable functional, symbolic, and activity 'heart' of the community." The Plan outlines the steps or objectives necessary to meet the primary goal including: provide a cohesive, comprehensive strategy that addresses each of the Downtown's roles as the center of the City; bring to the surface the distinctive visual character of Livermore; reflect the unique qualities of the community; and make Downtown a part of the regional economy and an economic success.
Update of the 1976 Livermore Community General Plan and Downtown Specific Plan
**Applicant:** City of Livermore
**City's Contact:** Susan Frost, Senior Planner
**Telephone:** (925) 960-4450

This is to advise that the City of Livermore as Lead Agency has approved and has made the following determinations regarding the above described project:

1. The Project will have significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was adopted.
5. Findings were made pursuant to the provisions of CEQA.

All environmental documents and project records may be examined at the Community Development Department, 1052 S. Livermore Avenue, Livermore, CA 94550.

**Signature:** Jeanne Chaffin
**Name & Title:** Jeanne Chaffin, Administrative Technician
**Project Approval Date:** February 9, 2004

**Date received for filing at OPR:**

CLERK'S CERTIFICATE OF POSTING. Pub. Res. 2[illegible] [illegible] that a copy of this document was posted at the Recorder's Office, Oakland, CA, for the period prescribed by the [illegible]

Executed at
Oakland, CA

COUNTY CLERK

Date 2-13-2004 By A. DeWitt
Deputy

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
**ENVIRONMENTAL FILING FEE CASH RECEIPT**
DFG 753.5a (8/00)

218022

Lead Agency: City of Livermore Planning Division Date: 2-13-2004

County / State Agency of Filing: ALAMEDA - Clerk Recorder Document No.: 04-061

Project Title: 2003 General Plan Amendment 02-005 & Downtown Specific Plan 02-001

Project Applicant Name: City of Livermore - Susan Frost, Senior Planner Phone Number: 925 960-4450

Project Applicant Address: 1052 South Livermore Ave, Livermore, CA 94550

Project Applicant *(check appropriate box)*: Local Public Agency ☑ School District ☐ Other Special District ☐
State Agency ☐ Private Entity ☐

**CHECK APPLICABLE FEES:**

| | | | |
|---|---|---|---|
| ( ) | Environmental Impact Report | $850.00 | $ 850.00 |
| ( ) | Negative Declaration | $1,250.00 | $ |
| ( ) | Application Fee Water Diversion *(State Water Resources Control Board Only)* | $850.00 | $ |
| ( ) | Projects Subject to Certified Regulatory Programs | $850.00 | $ |
| (✓) | County Administrative Fee | $25.00 | $ 25.00 |
| ( ) | Project that is exempt from fees | | |
| | | TOTAL RECEIVED | $ 875.00 |

Signature and title of person receiving payment: Orlinda Decruz Deputy Clerk

WHITE-PROJECT APPLICANT YELLOW-DFG/FASB PINK-LEAD AGENCY GOLDENROD-STATE AGENCY OF FILING

Previous Environmental Documents

**ENVIRONMENTAL DECLARATION**
(CALIF. FISH AND GAME CODE SEC. 711.4)

FILED
FOR COURT USE ONLY
ALAMEDA COUNTY
APR 0 3 2009
PATRICK O'CONNELL, County Clerk
By _____ Deputy
FILING NO. 09-6178

**NAME OF APPLICANT OR LEAD AGENCY:**
City of Livermore Planning Division
1052 South Livermore Avenue
Livermore, Alameda County
California, 94550

Project Identification Number: General Plan Amendment 08-002 (amending General Plan Amendment 02-005), Specific Plan Amendment 08-001 (amending Specific Plan Amendment 02-001), and Design Review 09-006

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: — CLERKS USE ONLY

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION — PLU 117
   ☐ A - STATUTORILY OR CATEGORICALLY EXEMPT
   $50.00 (Fifty Dollars) - CLERK'S FEE

   ☐ B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED — PLU 117
   $50.00 (Fifty Dollars) - CLERK'S FEE

2. NOTICE OF DETERMINATION - FEE REQUIRED — PLU 116
   ☐ A - NEGATIVE DECLARATION
   $1,876.75 (One Thousand Eight Hundred Dollars) - STATE FILING FEE
   $50.00 (Fifty Dollars) - CLERK'S FEE

   ☐ B - ENVIRONMENTAL IMPACT REPORT — PLU 115
   $2,606.75 (Two Thousand Five Hundred Dollars) - STATE FILING FEE
   $50.00 (Fifty Dollars) - CLERK'S FEE

3. ☒ OTHER (Specify) Previous Environmental Determination — PLU 117
   $50.00 (Fifty Dollars) - CLERK'S FEE

THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FOUR COPIES OF ALL NECESSARY DOCUMENTS ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AND ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

FILED
ALAMEDA COUNTY
APR 0 9 2009
PATRICK O'CONNELL, County Clerk
By _____ Deputy

# NOTICE OF DETERMINATION

**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 DETERMINATION in compliance with Section 21108 or 21152 of the Public Resources Code.

**PROJECT**

**Title:** General Plan Amendment 08-002 (amending General Plan Amendment 02-005), Specific Plan Amendment 08-001 (amending Specific Plan Amendment 02-001), and Design Review 09-006

**Location:** City of Livermore

**Description:** Amendments to the Downtown Specific Plan and General Plan to: increase the size of a proposed regional performing arts theater from 1,500 seats to 2,000 seats; increase the number of movie screens from 12 screens to 15 screens; increase the number of hotel and bed and breakfast rooms in the Downtown area to 300 rooms; increase the amount of commercial development from 855,000 square feet to 1,000,000 square feet; increase the amount of office development from 217,000 square feet to 356,000 square feet; include a new second parking structure within the Downtown Core Area; construct a 2,000-seat Regional Performing Arts Theater on one of three sites within the downtown (First Street/South Livermore Avenue site; Railroad Avenue/South Livermore Avenue (Livermore Village) site; First Street/Maple Street site); and allow for the realignment of Railroad Avenue.

**.Applicant:** City of Livermore

**City's Contact:** Debbie Bell, Assistant Planner

**Telephone:** (925) 960-4450

This is to advise that the City of Livermore as Lead Agency has approved and has made the following determinations regarding the above described project:

1. The Project will have significant effect on the environment.
2. A Subsequent Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was adopted.
5. Findings were made pursuant to the provisions of CEQA.

All environmental documents and project records may be examined at the Community Development Department, 1052 S. Livermore Avenue, Livermore, CA 94550.

**Signature:** Jeanne D. Chaffin

**Name & Title:** Jeanne Chaffin, Administrative Technician

**Project Approval Date:** March 30, 2009

**Date received for filing at OPR:**

CLERK'S CERTIFICATE OF POSTING. Pub. Res. 21152: I certify that a copy of this document was posted at the Recorder's Office, Oakland, CA, for the period prescribed by law.

Executed at Oakland, CA

COUNTY CLERK

Date 5-5-09 By _____ Deputy

State of California—The Resources Agency
DEPARTMENT OF FISH AND GAME

# 2009 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 386028

STATE CLEARING HOUSE # *(If applicable)*

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY**

| | | | |
|---|---|---|---|
| LEAD AGENCY: City Of Livermore, Planning Division | | | DATE: 04-03-09 |
| COUNTY/STATE AGENCY OF FILING: Alameda County Clerk' Recorder | | | DOCUMENT NUMBER: 09-648 |
| PROJECT TITLE: General Plan Amendment 08-002 (Amendment 02-015) 11 17 08-001 (Amendment 02-015) | | | |
| PROJECT APPLICANT NAME: Debbie Bell | | | PHONE NUMBER: 925 960 4450 |
| PROJECT APPLICANT ADDRESS: 1052 S. Livermore | CITY: Livermore | STATE: CA | ZIP CODE: 94550 |

**PROJECT APPLICANT** *(Check appropriate box):*

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

**CHECK APPLICABLE FEES:**

| | | |
|---|---|---|
| ☐ Environmental Impact Report | $2,768.25 | $ |
| ☐ Negative Declaration | $1,993.00 | $ |
| ☐ Application Fee Water Diversion *(State Water Resources Control Board Only)* | $850.00 | $ |
| ☐ Projects Subject to Certified Regulatory Programs | $941.25 | $ |
| ☒ County Administrative Fee | $50.00 | $ 50.- |
| ☐ Project that is exempt from fees | | |
| ☐ Notice of Exemption | | |
| ☐ DFG No. Effect Determination (Form Attached) | | |
| ☐ Other _____ | | $ |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☒ Check ☐ Other _____ TOTAL RECEIVED $ 50.-

SIGNATURE: X [signature] TITLE: Deputy Clerk

WHITE - PROJECT APPLICANT YELLOW - DFG/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK FG 753.5a (Rev. 7/08)

Previous Environmental Documents

# *ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

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

**FOR COUNTY CLERK USE ONLY**

FILED
ALAMEDA COUNTY
SEP 12 2018
STEVE MANNING, County Clerk
By _____ Deputy

FILE NO: 18-332

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

**(PLEASE MARK ONLY ONE CLASSIFICATION)**

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[ ] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,280.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[X] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 3,168.00 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

Reliance on prior EIR. State fees paid – see attached receipt

### 3. OTHER: _____

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

**BY MAIL FILINGS:**

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

**IN PERSON FILINGS:**

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

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

FEES ARE EFFECTIVE JANUARY 1, 2018

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

# Notice of Determination

| To: | | From: |
|---|---|---|
| | Office of Planning and Research<br>*U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044<br>*Street Address:* 1400 Tenth St., Rm 113, Sacramento, CA 95814 | Public Agency: City of Livermore<br>Address: 1052 S. Livermore Avenue, Livermore, CA 94550<br>Contact: Tricia Pontau<br>Phone: (925) 960-4450 |
| X | County Clerk<br>County of: Alameda<br>Address: 1106 Madison Street, Oakland, CA 94607 | |

FILED
ALAMEDA COUNTY
SEP 12 2018
STEVE MANNING, County Clerk
By _____ Deputy

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number: 2008092085

Date Certified: March 30, 2009

Project Title: General Plan Amendment 02-005 (2003 General Plan) and Specific Plan 02-001 (Downtown Specific Plan)
General Plan Amendment 08-002 (amending General Plan Amendment 02-005), Specific Plan Amendment 08-001 (amending Specific Plan 02-001), and Specific Plan Amendment 18-001 (amending Specific Plan 08-001)

Project Applicant: City of Livermore

Project Location: The proposed project area is approximately 9.3 acres in size and is primarily located in the northern portion of the block bound by Railroad Avenue, South Livermore Avenue, First Street, and South L Street. The project area also includes other non-contiguous sites to the east, across South Livermore Avenue (the location of the hotel) and to the north on I Street and Railroad Avenue (to be used for parking), Livermore, Alameda County, California

Project Description: Specific Plan Amendment (SPPA) 18-001

The proposed project would result in the demolition of existing buildings, landscaping and associated parking on the project site, and the construction of 130 residential units, approximately 8,500 square feet of retail/restaurant uses, a 135-room, four-story boutique hotel with underground parking, an approximately 20,000 square-foot Science and Society Center, an approximately 12,000-square-foot black box theater, public and private parking spaces, and associated public and private open space. The project would require a Certificate of Appropriateness for demolition, Demolition Permits, Downtown Design Review, Parcel Maps and Building Permits.

The environmental effects of the project were previously evaluated in the certified Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR (SCH # 2008092085), dated March 30, 2009. Since adoption of the Previous EIR, there have been no substantial changes in the project or in the circumstances under which the project is being undertaken which would require changes in the Previous EIR, nor has any significant new information become available which would require changes in the Previous EIR, as stated in the "Addendum for the Specific Plan Amendment Project" document prepared by the City, dated August 2, 2018, and adopted on September 10, 2018.

This is to advise that the City of Livermore (Lead Agency) has approved the above-described project on September 10, 2018, and has made the following determinations regarding the above-described project:

1. No further environmental review is required for the minor modifications.

CLERK'S CERTIFICATE OF POSTING. Pub. Res. 21152: I certify that a copy of this document was posted at the Recorder's Office, Oakland, CA, for the period prescribed by law.

Executed at Oakland, CA — COUNTY CLERK

Date 10/23/2018 By _____ Deput

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

2. The minor modifications to the approved project, which are described in the August 2018 Addendum to the certified Final EIR, will result in no new significant adverse effects or substantially increase the severity of significant effects previously identified.
3. There have been no substantial changes with respect to the circumstances under which the minor modifications would be undertaken that would require major revisions of the Final EIR due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the Final EIR due to new or substantially increased significant environmental effects.
4. The mitigation measures that were made a condition of approval of the project analyzed in the Final EIR will remain in effect, with some modifications as shown in the August 2018 Addendum to reflect current conditions of the project site and its surroundings. No new mitigation measures were made a condition of the approval of the modifications to the project.
5. A Statement of Findings and a Statement of Overriding Considerations were made at the time of the approval of the project analyzed in the Final EIR. No changes to these Statements are required as a result of the minor project modifications evaluated in the August 2018 Addendum to the Final EIR.
6. The minor modifications meet all the conditions for an Addendum.

This is to certify that the Downtown Specific Plan Amendments, September 10, 2018, Addendum for the Specific Plan Amendment Project and Regional Performing Arts Theater Subsequent Environmental Impact Report and record of project approval, are available to the General Public at: City of Livermore, 1052 South Livermore Avenue, Livermore, CA 94550

Signature (Public Agency): Tri Pretam Title: Assistant Planner

Date: September 11, 2018 Date Received for filing at OPR: N/A

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

State of California - Department of Fish and Wildlife

# 2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/03/18) Previously DFG 753.5a

Print | Start Over | Finalize&Email

AC RECEIPT #: 2459683

RECEIPT NUMBER:
01 —09/12/2018—332

STATE CLEARINGHOUSE NUMBER *(If applicable)*
2008092085

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

| LEAD AGENCY | LEAD AGENCY EMAIL | DATE |
|---|---|---|
| CITY OF LIVERMORE PLANNING DIVISION | | 09/12/2018 |

| COUNTY/STATE AGENCY OF FILING | DOCUMENT NUMBER |
|---|---|
| Alameda | 18-332 |

PROJECT TITLE
GENERAL PLAN AMENDMENT 02-005 (2003 GENERAL PLAN) AND SPECIFIC PLAN 02-001 (DOWNTOWN SPECIFIC PLAN)...

| PROJECT APPLICANT NAME | PROJECT APPLICANT EMAIL | PHONE NUMBER |
|---|---|---|
| TRICIA PONTAU | | (925) 960-4450 |

| PROJECT APPLICANT ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|
| 1052 SOUTH LIVERMORE AVENUE | LIVERMORE | CA | 94550 |

**PROJECT APPLICANT** *(Check appropriate box)*

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

**CHECK APPLICABLE FEES:**

| | | |
|---|---|---|
| ☐ Environmental Impact Report (EIR) | $3,168.00 | $ 0.00 |
| ☐ Mitigated/Negative Declaration (MND)(ND) | $2,280.75 | $ 0.00 |
| ☐ Certified Regulatory Program document (CRP) | $1,077.00 | $ 0.00 |

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☑ Fee previously paid (attach previously issued cash receipt copy)

| | | |
|---|---|---|
| ☐ Water Right Application or Petition Fee (State Water Resources Control Board only) | $850.00 | $ 0.00 |
| ☑ County documentary handling fee | | $ 50.00 |
| ☐ Other | | $ |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☑ Check ☐ Other **TOTAL RECEIVED** $ 50.00

| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE |
|---|---|
| X | S. HUANG , DEPUTY CLERK |

PREVIOUS ENVIRONMENTAL DOCUMENTS

# *ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

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

**FOR COUNTY CLERK USE ONLY**

FILED
ALAMEDA COUNTY

MAY 16 2019

MELISSA WILK, County Clerk
By _____ Deputy

FILE NO: 19-297

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

**(PLEASE MARK ONLY ONE CLASSIFICATION)**

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[ ] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,280.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[X] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 3,168.00 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

Reliance on prior EIR. State fees paid – see attached.

### 3. OTHER: _____

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

**BY MAIL FILINGS:**

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

**IN PERSON FILINGS:**

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

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

FEES ARE EFFECTIVE JANUARY 1, 2018

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

# Notice of Determination

| To: | From: |
|---|---|
| ☐ Office of Planning and Research<br>*U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044<br>*Street Address:* 1400 Tenth St., Rm 113, Sacramento, CA 95814<br><br>☒ County Clerk<br>County of: Alameda<br>Address: 1106 Madison Street, Oakland, CA 94607 | Public Agency: City of Livermore<br>Address: 1052 S. Livermore Avenue, Livermore, CA 94550<br>Contact: Tricia Pontau<br>Phone: (925) 960-4450<br><br>FILED<br>ALAMEDA COUNTY<br><br>MAY 16 2019<br><br>MELISSA WILK, County Clerk<br>By _____ Deputy |

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number: 2008092085

Date Certified: March 30, 2009

Project Title: General Plan Amendment 02-005 (2003 General Plan) and Specific Plan 02-001 (Downtown Specific Plan)
General Plan Amendment 08-002 (amending General Plan Amendment 02-005), Specific Plan Amendment 08-001 (amending Specific Plan 02-001), and Specific Plan Amendment 18-001 (amending Specific Plan 08-001)
Specific Plan Amendment 18-003 (amending Specific Plan 08-001)

Project Applicant: City of Livermore

Project Location: The proposed project area is approximately 9.3 acres in size and is primarily located in the northern portion of the block bound by Railroad Avenue, South Livermore Avenue, First Street, and South L Street. The project area also includes other non-contiguous sites to the east, across South Livermore Avenue (the location of the hotel) and to the north on I Street and Railroad Avenue (to be used for parking). The project site is located in Livermore, Alameda County, California.

Project Description: Specific Plan Amendment (SPPA) 18-003

The proposed project would result in the demolition of existing buildings, landscaping and associated parking on the project site, and the construction of 130 residential units, approximately 20,000 square feet of retail/restaurant uses, a 125 to 135-room, three-story boutique hotel, an approximately 20,000-square-foot Science and Society Center, an approximately 15,000-square-foot black box theater, public and private parking spaces, and associated public and private open space. The project would require a Certificate of Appropriateness for demolition, Demolition Permits, Downtown Design Reviews, Parcel Maps and Building Permits.

The environmental effects of the project were previously evaluated in the certified Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR (SCH # 2008092085), dated March 30, 2009. Since adoption of the Previous EIR, there have been no substantial changes in the project or in the circumstances under which the project is being undertaken which would require changes in the Previous EIR, nor has any significant new information become available which would require changes in the Previous EIR, as stated in the "Addendum for the Specific Plan Amendment Project" document prepared by the City, dated March 29, 2019, and adopted on May 13, 2019.

CLERK'S CERTIFICATE OF POSTING. Pub. Res. 21152: I certify that a copy of this document was posted at the Recorder's Office, Oakland, CA, for the period prescribed by law.

Executed at _____ COUNTY CLERK

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

This is to advise that the City of Livermore (Lead Agency) has approved the above-described project on May 13, 2019, and has made the following determinations regarding the above described project:

1. No further environmental review is required for the minor modifications.
2. The minor modifications to the approved project, which are described in the August 2018 Addendum to the certified Final EIR, will result in no new significant adverse effects or substantially increase the severity of significant effects previously identified.
3. There have been no substantial changes with respect to the circumstances under which the minor modifications would be undertaken that would require major revisions of the Final EIR due to new or substantially increased significant environmental effects, and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the Final EIR due to new or substantially increased significant environmental effects.
4. The mitigation measures that were made a condition of approval of the project analyzed in the Final EIR will remain in effect, with some modifications as shown in the August 2018 Addendum to reflect current conditions of the project site and its surroundings. No new mitigation measures were made a condition of the approval of the modifications to the project.
5. A Statement of Findings and a Statement of Overriding Considerations were made at the time of the approval of the project analyzed in the Final EIR. No changes to these Statements are required as a result of the minor project modifications evaluated in the August 2018 Addendum to the Final EIR.
6. The minor modifications meet all the conditions for an Addendum.

This is to certify that the Downtown Specific Plan Amendments, May 13, 2019, Addendum for the Specific Plan Amendment Project and Regional Performing Arts Theater Subsequent Environmental Impact Report and record of project approval, are available to the General Public at: City of Livermore, 1052 South Livermore Avenue, Livermore, CA 94550

Signature (Public Agency): Tri Pretlow Title: Assistant Planner

Date: 5/14/19 Date Received for filing at OPR: N/A

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

UPDATED 06/21/2019

State of California - Department of Fish and Wildlife
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**
DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Print | Start Over | Finalize&Email

# AC RECEIPT # 2544893

RECEIPT NUMBER:
01 — 05/16/2019 — 297

STATE CLEARINGHOUSE NUMBER *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| LEAD AGENCY | LEADAGENCY EMAIL | DATE |
|---|---|---|
| CITY OF LIVERMORE PLANNING DIVISION | | 05/16/2019 |

| COUNTY/STATE AGENCY OF FILING | DOCUMENT NUMBER |
|---|---|
| Alameda | 19-297 |

PROJECT TITLE

GENERAL PLAN AMENDMENT 02-005 (2003 GENERAL PLAN) AND SPECIFIC PLAN 02-001 (DOWNTOWN SPECIFIC PLAN) GENERAL AMENDMENT 08-002 (AMENDING SPECIFIC PLAN 02-001) AND SPECIFIC PLAN AMENDMENT 18-001...

| PROJECT APPLICANT NAME | PROJECT APPLICANT EMAIL | PHONE NUMBER |
|---|---|---|
| TRICIA PONTAU | | (925) 960-4450 |

| PROJECT APPLICANT ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|
| 1052 SOUTH LIVERMORE AVENUE | LIVERMORE | CA | 94550 |

**PROJECT APPLICANT** *(Check appropriate box)*

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

**CHECK APPLICABLE FEES:**

| | | | |
|---|---|---|---|
| ☐ Environmental Impact Report (EIR) | $3,271.00 | $ | 0.00 |
| ☐ Mitigated/Negative Declaration (MND)(ND) | $2,354.75 | $ | 0.00 |
| ☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW | $1,112.00 | $ | 0.00 |

☑ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☒ Fee previously paid (attach previously issued cash receipt copy)

| | | | |
|---|---|---|---|
| ☐ Water Right Application or Petition Fee (State Water Resources Control Board only) | $850.00 | $ | 0.00 |
| ☑ County documentary handling fee | | $ | 50.00 |
| ☐ Other | | $ | |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☑ Check ☐ Other **TOTAL RECEIVED** $ 50.00

| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE |
|---|---|
| X | T.CLAFTON , DEPUTY CLERK |

Previous Environmental Documents

# *ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

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

**FOR COUNTY CLERK USE ONLY**

FILED
ALAMEDA COUNTY

NOV 0 3 2020

MELISSA WILK, County Clerk
By _____ Deputy

FILE NO: 20-381

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

**(PLEASE MARK ONLY ONE CLASSIFICATION)**

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[ ] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,406.75 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[X] B - ENVIRONMENTAL IMPACT REPORT (EIR) – ADDENDUM TO

$ 3,343.25.00 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

Reliance on prior NOD. State fees paid – see attached.

### 3. OTHER: _____

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

**BY MAIL FILINGS:**

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

FEES ARE EFFECTIVE JANUARY 1, 2020

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

# Notice of Determination

| To: | | From: | |
|---|---|---|---|
| | Office of Planning and Research<br>*U.S. Mail:* P.O. Box 3044, Sacramento, CA 95812-3044<br>*Street Address:* 1400 Tenth St., Rm 113, Sacramento, CA 95814 | Public Agency:<br>Address:<br><br>Contact:<br>Phone: | City of Livermore<br>1052 S. Livermore Avenue<br>Livermore, CA 94550<br>Tricia Pontau, Associate Planner<br>(925) 960-4450 |
| X | County Clerk<br>County of: Alameda<br>Address: 1106 Madison Street<br>Oakland, CA 94607 | Lead Agency (if different from above): N/A | |

FILED
ALAMEDA COUNTY
NOV 03 2020
MELISSA WILK, County Clerk
By _____ Deputy

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): 2008092085

Project Title: General Plan Amendment 02-005 (2003 General Plan) and Specific Plan 02-001 (Downtown Specific Plan)
General Plan Amendment 08-002 (amending General Plan Amendment 02-005), Specific Plan Amendment 08-001 (amending Specific Plan 02-001), and Design Review 09-006
Specific Plan Amendment 18-003 (amending Specific Plan 08-001)
Specific Plan Amendment 18-003; 2019 Addendum to the Downtown Specific Plan 2009 Subsequent Environmental Impact Report
Specific Plan Amendment (SPPA) 20-001; 2020 Addendum to the Downtown Specific Plan 2009 Subsequent Environmental Impact Report (dated August 25, 2020)

Project Applicant: City of Livermore

Project Location: 2205 Railroad Avenue, Livermore, Alameda County, California

Project Description: SPPA 20-001 (Hotel DSP Amendment)

Downtown Specific Plan Amendments to allow a four-story hotel at the South Livermore Avenue/Railroad Avenue intersection, which will signal arrival into Downtown Livermore.

The environmental effects of the project were previously evaluated in the certified Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR (SCH # 2008092085), dated March 30, 2009. Since adoption of the Previous EIR, there have been no substantial changes in the project or in the circumstances under which the project is being undertaken which would require changes in the Previous EIR, nor has any significant new information become available which would require changes in the Previous EIR, as stated in the "Addendum for the Specific Plan Amendment Project" document prepared by the City, dated August 25, 2020, and adopted on October 26, 2020.

This is to advise that the City of Livermore Planning Division (Lead Agency) has approved the above-described project on October 26, 2020, and has made the following determinations regarding the above described project:

1. The project [XX will ___ will not] have a significant and unavoidable effect on the environment.
2. XX An Environmental Impact Report was previously prepared for this project pursuant to the provisions of CEQA.
   ___ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [XX were ___ were not] made a condition of the approval of the project.

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

4. A mitigation reporting or monitoring plan [ XX was ___ was not] previously adopted for this project.
5. A statement of Overriding Considerations [ XX was ____ was not] previously adopted for this project.
6. Findings [ XX were ___ were not] made pursuant to the provisions of CEQA.

This is to certify that the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent Environmental Impact Report and record of project approval, including the Previous Environmental Document Determination, are available to the General Public at: City of Livermore, 1052 South Livermore Avenue, Livermore, CA 94550

Signature (Public Agency): Tricia Pontau Title: Associate Planner

Date: October 26, 2020 Date Received for filing at OPR: N/A

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

State of California - Department of Fish and Wildlife
**2020 ENVIRONMENTAL FILING FEE CASH RECEIPT**
DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

Print | StartOver | Finalize&Email

# AC RECEIPT # 2784046

RECEIPT NUMBER:
01—11/03/2020 — 380

STATE CLEARINGHOUSE NUMBER *(If applicable)*
2008092085

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| LEAD AGENCY | LEAD AGENCY EMAIL | DATE |
|---|---|---|
| CITY OF LIVERMORE PLANNING DIVISION | | 11/03/2020 |

| COUNTY/STATE AGENCY OF FILING | DOCUMENT NUMBER |
|---|---|
| Alameda | 20-380 |

PROJECT TITLE

GENERAL PLAN AMENDMENT 02-005 (2003 GENERAL PLAN) AND SPECIFIC PLAN 02-001 (DOWNTOWN SPECIFIC PLAN) GENERAL PLAN AMENDMENT 08-002 ( AMENDING GENERAL PLAN AMENDMENT 02-005)...

| PROJECT APPLICANT NAME | PROJECT APPLICANT EMAIL | PHONE NUMBER |
|---|---|---|
| ANDY ROSS | | (925) 960-4450 |

| PROJECT APPLICANT ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|
| 1052 SOUTH LIVERMORE AVENUE | LIVERMORE | CA | 94550 |

**PROJECT APPLICANT** *(Check appropriate box)*

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

**CHECK APPLICABLE FEES:**

| | | |
|---|---|---|
| ☐ Environmental Impact Report (EIR) | $3,343.25 | $ 0.00 |
| ☐ Mitigated/Negative Declaration (MND)(ND) | $2,406.75 | $ 0.00 |
| ☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW | $1,136.50 | $ 0.00 |

☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☑ Fee previously paid (attach previously issued cash receipt copy)

| | | |
|---|---|---|
| ☐ Water Right Application or Petition Fee (State Water Resources Control Board only) | $850.00 | $ 0.00 |
| ☑ County documentary handling fee | | $ 50.00 |
| ☐ Other | | $ |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☑ Check ☐ Other **TOTAL RECEIVED** $ 50.00

| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE |
|---|---|
| X JP | JPENA, DEPUTY CLERK |

# *ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

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

**FOR COUNTY CLERK USE ONLY**

ENDORSED
FILED
ALAMEDA COUNTY

JUN 02 2021

MELISSA WILK, County Clerk
By _____ Deputy

FILE NO: 21-207

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

**(PLEASE MARK ONLY ONE CLASSIFICATION)**

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

[X] A - STATUTORILY OR CATEGORICALLY EXEMPT

$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

[ ] A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

$ 2,480.25 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

[ ] B - ENVIRONMENTAL IMPACT REPORT (EIR)

$ 3,445.25 - STATE FILING FEE

$ 50.00 - COUNTY CLERK HANDLING FEE

### 3. OTHER: _____

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

FEES ARE EFFECTIVE JANUARY 1, 2021

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

ENDORSED
FILED
ALAMEDA COUNTY

JUN 02 2021

MELISSA WILK, County Clerk
By _____ Deputy

# 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.

**PROJECT**

**Title:** Downtown Design Review (DDR) 20-019, Vesting Tentative Parcel Map (VTPM) 11186 – Subdivision (SUB) 21-003, and the First Amendment to Disposition Development and Loan Agreement with Eden Housing, Inc. for the Downtown Housing Project.
**Location:** Southeast corner of Railroad Avenue and South L Street (APN: 98-289-21-1)
**Description:** Hearing to consider a request for Downtown Design Review and Vesting Tentative Parcel Map to develop the western portion of the Downtown Core site (formerly Livermore Village) with the affordable housing component of the Downtown Plan approved by the City Council on January 29, 2018, and a First Amendment to Disposition, Development and Loan Agreement (DDLA) with Eden Housing, Inc.
**Applicant:** City of Livermore
**City's Contact:** Jake Potter, Associate Planner
**Telephone:** (925) 960-4450
**Public Agency Approving Project:** City of Livermore

**EXEMPT STATUS:**

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

**Reasons why project is exempt:**

Section 15182 (c) and Government Code Sec. 65457

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

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

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

Section 15332

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

2. The site is located within the Downtown Core, the most densely urbanized location in Livermore. The site has generally been developed since Livermore's founding in 1869 with rail, commercial and other uses. The site is entirely within the City limits, is 2.5 gross acres in size, and is surrounded on all sides by street rights of way and urbanized residential and commercial uses.

3. The site is completely urbanized, graded, and topped with aggregate base material. It is currently used as a temporary surface parking lot and devoid of all trees and vegetation. Therefore, it has no value as habitat for endangered, rare or threatened species.

4. According to OPR screening criteria for SB 743, one-hundred-percent affordable projects in infill locations are presumed to have a less than significant traffic impact for CEQA purposes. The project is one hundred percent affordable to families of 20 to 60 percent AMI and is located on an infill site. Therefore, the project will not result in any significant traffic impacts.

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

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

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

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

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

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

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

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

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

Section 15304 (a) and (b)

1. The project proposes minor grading on a parcel with a slope less than 10 percent. In addition, the property is not a waterway and has not been designated as a scenic area. It is not located along any of the scenic routes identified in Livermore's General Plan nor identified as a Scenic Highway by the CA Department of Transportation. The site has not been designated a wetland by the CA Natural Resources Agency. Although the property is located within a liquefaction zone according to the CA Department of Conservation, it is not located on any faults or within any Alquist-Priolo earthquake fault zones.

2. The project proposes new landscaping activities associated with the residential project, including street trees, onsite trees, shrubs, and groundcovers. The landscaping would conform to the State Water Efficient Landscape Ordinance (WELO). The project also dedicates area for park space.

Section 15308

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

Exceptions – Section 15300.2

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

1. Location. The project site is not located within a sensitive area. The site has not been designated a wetland by the CA Natural Resources Agency and, although the property is located within a liquefaction zone according to the CA Department of Conservation, it is not located on any faults or within any Alquist-Priolo earthquake fault zones. It is not located in a California Department of Forestry and Fire Protection 'Very High Fire Hazard Severity Zone' for a local responsibility area nor in a 'Fire Hazard Severity Zone' in a state responsibility area. The site is not located within a Flood Hazard Area identified by the Federal Emergency Management Agency.

2. Cumulative Impact. The project is fully consistent with the level of development that the City previously approved for the project site under the Downtown Specific Plan. Moreover, the Project would not result in any significant impacts, and its contribution to regional growth is not cumulatively considerable. Therefore, the project will not result in any cumulative impacts and is fully consistent with the Downtown Specific Plan and 2009 Subsequent EIR (SCH: 2008092085).

3. Significant Effects Resulting from Unusual Circumstances. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There is no evidence that any unusual circumstances exist. The project is consistent with the level of development contemplated in the Downtown Specific Plan, and the project's density bonus application to modify certain development standards does not create development conditions that are unusual for Downtown. Even if the use of a density bonus were unusual, there is no evidence that its use would result in significant environmental effects, because the modified setback and parking reductions applicable to the project under the density bonus law are unrelated to environmental protection. Moreover, the project is conditioned to comply with all mitigation measures established in the Downtown Specific Plan's 2009 Subsequent EIR (SCH: 2008092085). The actions taken by the Water Board do not constitute new or changed circumstances under 15162. The contamination was a known condition and addressed in the 2009 EIR and subsequent mitigation measures. This type of cleanup is routine for the downtown area and is similar to the remediation performed at sites such as Stockmen's Park and Legacy Apartments.

4. Scenic Highways. The project site is not located along any of the scenic routes identified in Livermore's General Plan nor identified as a Scenic Highway by the CA Department of Transportation. No damage to scenic resources will occur.

5. Hazardous Waste Sites. The project site is not included on the list of hazardous waste facilities compiled pursuant to California Government Code Section 65962.5 (i.e., the "Cortese List"), which comprises the following five parts: the list of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database; the list of Leaking Underground Storage Tank (LUST) sites from the State Water Resource Control Board (SWRCB) Geotracker database; the list of solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management unit; the list of active Cease and Desist Orders or Cleanup and Abatement Orders that concern the discharge of wastes that are hazardous materials; or the list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

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

Signature: 
Name & Title: Jake Potter, Associate Planner
Project Approval Date: May 25, 2021

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

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

Print | Submit | Save

AC RECEIPT # 2987855

RECEIPT NUMBER:
01 –06/02/2021– 207

STATE CLEARINGHOUSE NUMBER *(If applicable)*
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**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

| LEAD AGENCY | LEAD AGENCY EMAIL | DATE |
|---|---|---|
| CITY OF LIVERMORE PLANNING DIVISION | | 06/02/2021 |

| COUNTY/STATE AGENCY OF FILING | DOCUMENT NUMBER |
|---|---|
| ALAMEDA | 21 - 207 |

PROJECT TITLE

DOWNTOWN DESIGN REVIEW (DDR) 20-019, VESTING TENTATIVE PARCEL MAP (VTPM) 11186 - SUBDIVISION (SUB) 21-003, AND THE FIRST AMENDMENT TO DISPOSITION DEVELOPMENT AND LOAN AGREEMENT WITH EDEN HOUSING, INC. FOR THE DOWNTOWN HOUSING PROJECT.

| PROJECT APPLICANT NAME | PROJECT APPLICANT EMAIL | PHONE NUMBER |
|---|---|---|
| JAKE POTTER | | (925) 960-4450 |

| PROJECT APPLICANT ADDRESS | CITY | STATE | ZIP CODE |
|---|---|---|---|
| 1052 SOUTH LIVERMORE AVE. | LIVERMORE | CA | 94550 |

**PROJECT APPLICANT** *(Check appropriate box)*

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

**CHECK APPLICABLE FEES:**

| | | | |
|---|---|---|---|
| ☐ Environmental Impact Report (EIR) | $3,445.25 | $ | 0.00 |
| ☐ Mitigated/Negative Declaration (MND)(ND) | $2,480.25 | $ | 0.00 |
| ☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW | $1,171.25 | $ | 0.00 |

☑ Exempt from fee
- ☑ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

| | | | |
|---|---|---|---|
| ☐ Water Right Application or Petition Fee (State Water Resources Control Board only) | $850.00 | $ | 0.00 |
| ☑ County documentary handling fee | | $ | 50.00 |
| ☐ Other | | $ | |

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☑ Check ☐ Other **TOTAL RECEIVED** $ 50.00

| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE |
|---|---|
| X R. Chang | R. CHANG, DEPUTY CLERK |

ALAMEDA COUNTY CLERK-RECORDER
1106 MADISON STREET
OAKLAND, CA 94607
(510)272-6362

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ISSUED TO:
CITY OF LIVERMORE PLANNING DIVISION

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

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| SERVICE | PGS | QTY | FEE |
|---|---|---|---|
| CASHIERING HANDLING FEE | 1 | 1 | 50.00 |
| Total Amount Due | | | $50.00 |
| CHECK 202718 | | | 50.00 |
| Total Amount Paid | | | $50.00 |

MELISSA WILK
County Clerk-Recorder
Deputy: Rowena C