



**NOTICE OF PREPARATION OF A SUBSEQUENT DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN SPECIFIC PLAN AMENDMENTS AND REGIONAL PERFORMING ARTS THEATER PROJECT IN THE CITY OF LIVERMORE**

**TO: INTERESTED PERSONS AND AGENCIES**

**SUBJECT:** Notice of Preparation (NOP) of a Subsequent Draft Environmental Impact Report (Subsequent EIR) for the Livermore Downtown Specific Plan Amendments and Regional Performing Arts Theater Project

**Lead Agency:**

Susan Frost, Principal Planner  
Community Development Department  
1052 S. Livermore Ave.  
Livermore, CA 94550  
Phone: (925) 960-4462  
Fax: (925) 960-4459

**Consultant:**

Judith Malamut, Principal  
LSA Associates, Inc.  
2215 Fifth Street  
Berkeley, CA 94710  
Phone: (510) 540-7331  
Fax: (510) 540-7344

Notice is hereby given that the City of Livermore will be the Lead Agency and will prepare a Subsequent EIR for the Livermore Downtown Specific Plan Amendments and Regional Performing Arts Theater Project, as described below. In 2004, the Livermore City Council certified the *Livermore General Plan and Downtown Specific Plan Environmental Impact Report*, which can be reviewed at the City of Livermore Community Development Department. This Subsequent EIR will evaluate potentially significant impacts related to the Specific Plan Amendments and Regional Performing Arts Theater. We are interested in your views regarding the scope and content of the Subsequent EIR. If you represent a public agency, we would like the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Comments should be forwarded to the Lead Agency by October 21, 2008 at 5:00 p.m.

**Project Title:** Livermore Downtown Specific Plan Amendments and Regional Performing Arts Theater

**Project Location:** The Downtown Specific Plan Amendments and the Regional Performing Arts Theater project involve sites that are located in the Downtown Livermore Specific Plan area. The Downtown Specific Plan area consists of approximately 272 acres located near the geographic center of the City of Livermore. A location map of the Downtown Specific Plan area and the potential locations of the Regional Performing Arts Theater is attached (Figure 1).

**Project Description:** The project analyzed within this Subsequent EIR is comprised of the two components described below.

**1. Downtown Specific Plan Amendments (Amendments).** In 2004, the City of Livermore adopted a Downtown Specific Plan (Specific Plan) for the Downtown area. The Specific Plan details land uses and their distribution, proposed infrastructure improvements, development standards, and design guidelines and proposed standards. The proposed Amendments to the Specific Plan evaluated in the Subsequent EIR are:

- 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 parking structure within the Downtown Core Area;
- Add a new chapter (Chapter 12, Financing) to the Downtown Specific Plan; and
- Revisions to the General Plan and Downtown Specific Plan to reflect the above changes.


The City will evaluate the site currently designated in the Downtown Specific Plan for the Regional Theater as well as six alternatives for the proposed project. Some of these alternatives will include the realignment of Railroad Avenue as well as alternative locations for the Theater. Figure 2 shows the parcel created by the roadway realignment. These alternatives are:

- Alternative 1: Regional Theater at the southeast corner of First Street/South Livermore Avenue and Realignment of Railroad Avenue and First Street
- Alternative 2: Regional Theater at the southeast corner of First Street/Maple Street and Realignment of Railroad Avenue and First Street
- Alternative 3: Regional Theater at the Livermore Village site just south of Railroad Avenue/South Livermore Avenue
- Alternative 4: Regional Theater at the Livermore Village site just south of Railroad Avenue/South Livermore Avenue and Realignment of Railroad Avenue and First Street
- Alternative 5: Realignment of Railroad Avenue and First Street
- Alternative 6: Buildout of Existing Downtown Specific Plan and construction of a 1,500 seat Regional Theater at First Street/Livermore Avenue (No Project Alternative)

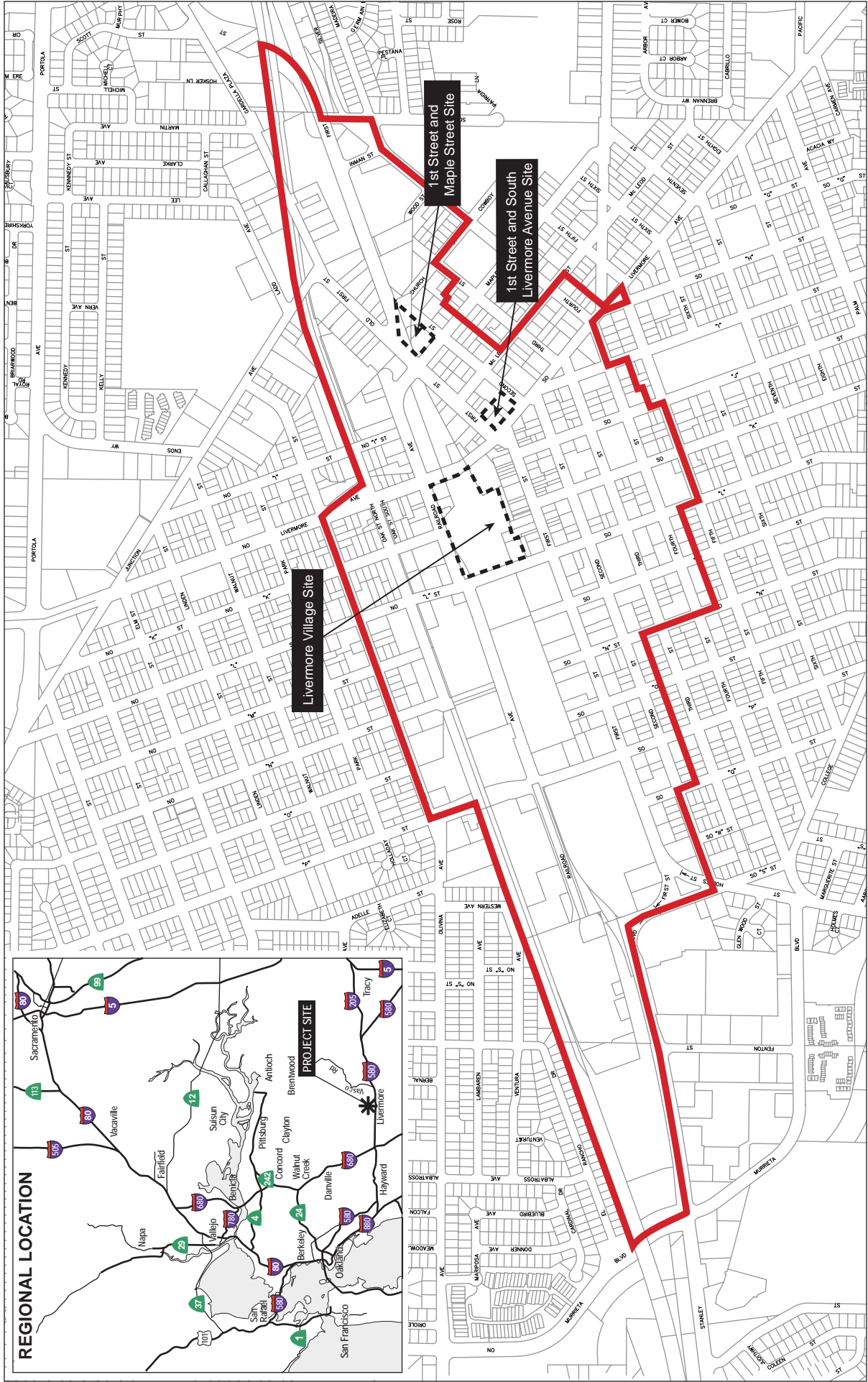
**2. Regional Performing Arts Theater.** The Downtown Specific Plan currently designates the block east of the First Street/South Livermore Avenue intersection as the location of the Regional Performing Arts Theater. This block currently contains three buildings, including the historic Pacific Telephone & Telegraph building, and Mill Square Park. Two other alternative locations are also under consideration.

**Scope of the Subsequent EIR:** The Subsequent EIR will evaluate each of the following environmental topics: Land Use and Planning Policy; Population, Employment and Housing; Transportation, Circulation, and Parking; Air Quality; Noise; Cultural Resources; Hazards and Hazardous Materials; Utilities; and Aesthetics. An Initial Study has been prepared to address all other environmental topics and is available for review at the Community Development Department or on the City of Livermore website at: <http://www.ci.livermore.ca.us>.

**Comment Deadline:** The City of Livermore invites you to comment on the proposed scope of the Subsequent EIR. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but *no later than October 21, 2008 at 5:00 p.m.* Written comments on the proposed scope of the Subsequent EIR may be sent by mail or fax to the Lead Agency (see address above).

  
Paul Spence, Principal Planner

9/19/08  
Date



**FIGURE 1**  
 Livermore Downtown Specific Plan Amendments  
 and Regional Performing Arts Theater Project EIR  
 Downtown Specific Plan Boundary and Potential  
 Regional Performing Arts Theater Locations

— DOWNTOWN SPECIFIC PLAN BOUNDARY (DA)  
 POTENTIAL REGIONAL PERFORMING  
 ARTS THEATER LOCATIONS

**LSA**

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SOURCE: CITY OF LIVERMORE, 2003.

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FIGURE 2

LSA



NOT TO SCALE



NEW PARCEL

*Livermore Downtown Specific Plan Amendments  
and Regional Performing Arts Theater Project EIR*  
New Parcel Created by  
Railroad Avenue Realignment

SOURCE: CITY OF LIVERMORE, 2008

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# LIVERMORE DOWNTOWN SPECIFIC PLAN AMENDMENTS AND REGIONAL PERFORMING ARTS THEATER INITIAL STUDY

The following is an Initial Study checklist for the Livermore Downtown Specific Plan Amendments and Regional Performing Arts Theater Project. This checklist will be used to identify areas to be further discussed and evaluated in the Livermore Downtown Specific Plan and Regional Performing Arts Theater Subsequent Environmental Impact Report (Subsequent EIR).

In 2004, the Livermore City Council certified the *Livermore General Plan and Downtown Specific Plan Environmental Impact Report*, which can be reviewed at the City of Livermore Community Development Department. The Subsequent EIR will analyze the potential environmental impacts of the proposed Specific Plan Amendments as well as the development of the Regional Performing Arts Theater.

- 1. Project Title:** Livermore Downtown Specific Plan Amendments and Regional Performing Arts Theater
- 2. Lead Agency Name and Address:**  
City of Livermore  
Community Development Department, Planning Division  
1052 S. Livermore Avenue  
Livermore, CA 94550
- 3. Contact Person and Phone Number:**  
Susan Frost, Principal Planner  
Phone number: (925) 960-4462  
Email: [smfrost@cityoflivermore.net](mailto:smfrost@cityoflivermore.net)
- 4. Project Location:**

The Downtown Specific Plan area consists of approximately 272 acres located near the geographic center of the City of Livermore. The plan area is Livermore's historic Downtown area, located approximately 1.5 miles south of I-580. As shown on Figure 1, the Downtown area is bounded on the north by the Union Pacific railroad tracks from Murrieta Boulevard to P Street, continues along Chestnut Street from P Street to North Livermore Avenue, and the railroad tracks from North Livermore Avenue to First Street. The northward curve of First Street forms the eastern boundary of the plan area. The southern boundary is more irregular, shifting as it moves from east to west from Fourth Street to mid-block between Second and Third Streets, to mid-block between Fourth and Fifth Streets, back to mid-block between Second and Third Streets, then north to Railroad Avenue at S Street and continuing west along Stanley Boulevard to Murrieta Boulevard. The proposed Downtown Specific Plan Amendments identify development modifications to existing structures and land uses within the Downtown area.





FIGURE 1

*Livermore Downtown Specific Plan Amendments  
and Regional Performing Arts Theater Project Initial Study  
Downtown Specific Plan Boundary and Potential  
Regional Performing Arts Theater Locations*

- DOWNTOWN SPECIFIC PLAN BOUNDARY (DA)
- POTENTIAL REGIONAL PERFORMING ARTS THEATER LOCATIONS

LSA



SOURCE: CITY OF LIVERMORE, 2003.

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**5. Project Sponsor's Name and Address:**

City of Livermore  
Community Development Department, Planning Division  
1052 S. Livermore Avenue  
Livermore, CA 94550

**6. General Plan Designation:**

Downtown Area (DA)

**7. Zoning:**

Downtown Specific Plan (DSP)

**8. Surrounding Land Uses and Setting:**

The Downtown Specific Plan Amendments would increase certain types of development within the Downtown area. Currently, the Downtown area is comprised of a mix of restaurant, retail, office, and residential uses. Surrounding the Downtown area are primarily medium density residential uses to the north; open space and medium density residential to the west; residential, open space, and civic uses to the south; and residential and civic land uses to the east. The Regional Performing Arts Theater project site is surrounded primarily by a mix of restaurant, retail, open space, and civic land uses.

**9. Other permitting and service agencies:**

Zone 7 Water Agency  
California Regional Water Quality Control Board  
AT&T  
Pacific Gas & Electric

**A. PROJECT DESCRIPTION**

The project analyzed in this Initial Study is comprised of two components: (1) the Downtown Specific Plan Amendments (Amendments), and (2) the Regional Performing Arts Theater (Theater) project. These components are described in detail below.

**1. Downtown Specific Plan Amendments**

In 2004, the City prepared a Downtown Specific Plan (Specific Plan) for approximately 272 acres of the Downtown area. The Specific Plan is both a policy document and an implementation tool for the General Plan; it contains strategies for change and regulatory policies to guide and govern future development within the Downtown. The Specific Plan details proposed land uses and their distribution, proposed infrastructure improvements, development standards, and design guidelines and standards.

The City proposes Amendments to the Specific Plan to allow for an increase in specific types of development at buildout. The proposed amendments include the following:

- 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 parking structure within the Downtown Core Area; and
- Add a new chapter (Chapter 12, Financing) to the Downtown Specific Plan.
- Revisions to the General Plan and Downtown Specific Plan to reflect the above changes.

## 2. Regional Performing Arts Theater

The Downtown Specific Plan currently designates the block east of the First Street/South Livermore Avenue intersection as the location of a Regional Performing Arts Theater. Two alternative sites for the Regional Performing Arts Theater will also be evaluated in the Draft EIR. The locations of these sites are shown in Figure 1. The conceptual design of the theater is the same at each of the three alternative sites and is described below.

**a. Ground Level.** The main entrance and the Theater box office would be located on the ground level. The main entrance would provide access to the main lobby, through which visitors would pass to enter the auditorium (main Theater hall), concession area, café, and ground floor bathrooms, as well as to use stairs/elevators to access the other levels of the Theater.

The ground floor of the auditorium would be elevated, and would be accessed either by the staircases or elevators adjacent to the main lobby. There would be three groupings of seats on the ground floor of the auditorium which are accessed by one central aisle or aisles located at the ends of the rows.

The stage would be approximately 46 feet by 92 feet. The area behind the stage includes a staging/loading area, dressing rooms, bathrooms, and greenroom. A loading driveway is located behind the Theater.

**b. Second Level.** The second level of the Theater would contain limited patron seating within the auditorium, as well as restrooms, and Theater management offices.

**c. Balcony Level.** The balcony level of the Theater contains approximately 26 rows of seating. Patrons can access the balcony level by five staircases and two elevators.

## 3. Project Alternatives

The City will evaluate the site currently designated in the Downtown Specific Plan for the Regional Theater as well as six alternatives for the proposed project. Some of these alternatives will include the realignment of Railroad Avenue as well as alternative locations for the Theater. Figure 2 shows the parcel created by the roadway realignment. These alternatives are:





FIGURE 2

*Livermore Downtown Specific Plan Amendments  
and Regional Performing Arts Theater Project Initial Study  
New Parcel Created by  
Railroad Avenue Realignment*

LSA



NOT TO SCALE



NEW PARCEL

SOURCE: CITY OF LIVERMORE, 2008

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- Alternative 1: Regional Theater at the southeast corner of First Street/South Livermore Avenue and Realignment of Railroad Avenue and First Street
- Alternative 2: Regional Theater at the southeast corner of First Street/Maple Street and Realignment of Railroad Avenue and First Street
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- Alternative 5: Realignment of Railroad Avenue and First Street
- Alternative 6: Buildout of Existing Downtown Specific Plan and construction of a 1,500 seat Regional Theater at First Street/Livermore Avenue (No Project Alternative)



**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources                        | <input checked="" type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources                     | <input checked="" type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                     |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality                       | <input checked="" type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services                          | <input type="checkbox"/> Recreation                                    | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems     | <input checked="" type="checkbox"/> Mandatory Findings of Significance |  |

**Determination.** (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

9/19/08  
Date

Paul Spence, Principal Planner  
Printed Name

\_\_\_\_\_  
For

**CHECKLIST**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) *Have a substantial adverse effect on a scenic vista? (Less-than-Significant Impact)*

The scenic quality of Livermore is characterized by extensive views to the hills and ridgelines surrounding the City. The City of Livermore General Plan identifies scenic routes within the City. These routes are located outside of the Downtown area.

No specific scenic vistas are located within the Downtown area or are identified in the City of Livermore General Plan. Implementation of the Downtown Amendments and Theater project would not result in a significant adverse effect on a scenic vista.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? (No Impact)*

The Specific Plan area is not located in the vicinity of a State scenic highway. The closest designated scenic highway is Interstate 680, located approximately 7.5 miles west of the Specific Plan area. Interstate 580 located approximately 1.5 miles north of the Specific Plan area is eligible, but has not been officially designated as a State scenic highway. Implementation of the Amendments and the Theater project would not damage scenic resources within a State scenic highway.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings? (Potentially Significant Impact)*

The proposed Amendments and Theater project could alter the visual character of the Downtown area. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.



- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Potentially Significant Impact)*

The proposed Amendments and Theater project could result in new light and glare in the Downtown area. The potential impacts, as well as potential for mitigation of these impacts, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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**II. AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? (No Impact)*

There are no agricultural resources located in or near the Specific Plan area, which has not been subject to agricultural use since the 1860s, when Livermore’s original commercial center was built. The Specific Plan area, including the Theater project site, is classified as “Urban and Built-Up Land” by the State Department of Conservation.<sup>1</sup> Implementation of the proposed project would not convert agricultural land to non-agricultural uses.

<sup>1</sup> California Department of Conservation, 2007. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Website: [www.consrv.ca.gov/dlrp/fmmp/index.htm](http://www.consrv.ca.gov/dlrp/fmmp/index.htm). July.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract? (No Impact)*

The Specific Plan area is not zoned for agricultural use and is not under a Williamson Act contract.

c) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? (No Impact)*

Implementation of the Amendments and the Theater project would not result in the extension of infrastructure into an undeveloped area, the development of urban uses on a greenfield site, or other physical changes that would result in the conversion of farmland to non-agricultural uses.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) *Conflict with or obstruct implementation of the applicable air quality plan? (Potentially Significant Impact)*

The proposed Amendments and Theater project could conflict or obstruct the implementation of an applicable air quality plan. The potential air quality impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Potentially Significant Impact)*

The proposed Amendments and Theater project could violate air quality standards. These potential impacts, as well as potential global climate change impacts, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR. Mitigation measures will be identified if required.

- c) *Result in 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Potentially Significant Impact)*

The proposed Amendments and Theater project could result in a net increase of criteria pollutants. The potential impacts, as well as potential for mitigation of these impacts, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- d) *Expose sensitive receptors to substantial pollutant concentrations? (Potentially Significant Impact)*

The proposed Amendments and Theater project could expose sensitive receptors to substantial pollutant concentrations. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- e) *Create objectionable odors affecting a substantial number of people? (Potentially Significant Impact)*

The proposed Amendments and Theater project could expose people to objectionable odors. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES.** Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i> <b>(Less-than-Significant Impact)</b>				

The Specific Plan area has been developed with urban uses since the 1860s. The Livermore General Plan Biological Resources Figure (Figure 8-1 of the General Plan) identifies the Downtown Specific Area as developed. The Specific Plan Area is an urban area that would not generally provide habitat for native plants and is likely to have low wildlife habitat value. While some native wildlife species do utilize urban areas for foraging, roosting, and/or nesting, these species are expected to be common species that adapt to urban conditions and would not be adversely affected by implementation of the Amendments or the development of the Theater. Implementation of the Amendments and the Theater project would not have a significant impact on protected species.

b) *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 Game or U.S. Fish and Wildlife Service?* **(No Impact)**



No riparian habitat or wetlands are located within or in the immediate vicinity of the Specific Plan area. Implementation of the proposed Amendments and the Theater project would not adversely affect any riparian habitats or other sensitive natural communities.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? (No Impact)*

Federally-protected wetlands, as defined by Section 404 of the Clean Water Act, are not located in the Specific Plan area.

- d) *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?(Less-than-Significant Impact)*

The Specific Plan area is a dense urban environment with little area providing wildlife habitat. The Specific Plan area does not have any streams, rivers, or other means for providing movement of fish. While there are several parks in the area (e.g., Carnegie Park) they do not serve as wildlife corridors or nursery sites. Wildlife associated with this area are adapted to disturbed urban sites and would not be substantially affected by the implementation of the Amendments or by the Theater project.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (No Impact)*

Implementation of the Amendments and the Theater project would not conflict with any local policies or ordinances protecting biological resources.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? (No Impact)*

The Specific Plan area is not subject to the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	■	□	□	□
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	■	□	□	□
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	■	□	□	□
d) Disturb any human remains, including those interred outside of formal cemeteries?	■	□	□	□

a) *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Potentially Significant Impact)*

The proposed Amendments and Theater project could cause an adverse change to the significance of a historical resource. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Potentially Significant Impact)*

The proposed Amendments and Theater project could cause an adverse change to the significance of an archaeological resource. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Potentially Significant Impact)*

The proposed Amendments and Theater project could directly or indirectly destroy a paleontological resource. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

d) *Disturb any human remains, including those interred outside of formal cemeteries? (Potentially Significant Impact)*

The proposed Amendments and Theater project could disturb human remains. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Information for this section was obtained from a site reconnaissance and reports, maps, and publications published from the United States Geological Survey (USGS), the California Geological Survey (CGS), the Association of Bay Area Governments (ABAG), the United States Department of Agriculture Natural Resource Conservation Service (NRCS), the City of Livermore General Plan, and the City of Livermore Downtown Specific Plan.

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42<sup>2</sup>); ii) Strong seismic ground shaking; iii) Seismic-related ground failure, including liquefaction; iv) Landslides? (Potentially Significant Unless Mitigation Incorporated)*

The Specific Plan area is located in the northern end of the Diablo Range, which is part of the Coast Ranges Geomorphic Province. The regional structure of the Coast Ranges consists of northwest-trending folds and faults associated with the San Andreas Fault Zone (“SAFZ”). As a result, northwest-southeast trending ranges of low mountains and intervening valleys dominate this region. In general, the Coast Ranges are composed predominately of sedimentary bedrock.<sup>3</sup> The Specific Plan area is located in the central portion of the Livermore Valley with soils ranging in depth from tens of feet to approximately 400 feet below ground surface.<sup>4</sup> Surface soils in the vicinity of the Specific Plan area consist predominantly of very gravelly coarse sandy loam formed in alluvial fans and fluvial terraces.<sup>5</sup>

**Fault Rupture.** The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near active faults due to hazards associated with surface fault ruptures.<sup>6</sup> The CGS delineates the boundary of the Earthquake Fault Zones to encompass all active traces of faults. The Earthquake Fault Zones indicate areas where potential fault-rupture hazards exist and additional geotechnical investigations are required for development. The Earthquake Fault Zones near the City of Livermore average one-quarter mile from active faults in the surrounding area.<sup>7</sup>

The Specific Plan area, Theater project site, and potential Theater alternative sites are not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone.<sup>8</sup> The nearest Alquist-Priolo Earthquake Fault Zone is located along the Las Positas Fault approximately 2.5 miles southeast of the Specific Plan area. Therefore, the potential for impacts associated with fault rupture is less than significant.

**Strong Seismic Ground Shaking.** Ground shaking is a general term referring to all aspects of motion of the earth’s surface resulting from an earthquake, and is normally the major cause of damage in

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<sup>2</sup> California Department of Conservation – CGS, 2007 (Interim Revision). *Fault-Rupture Hazard Zones in California, Alquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zones Maps, Special Publication 42.*

<sup>3</sup> CGS, 2002. *California Geomorphic Provinces, Note 36.* December.

<sup>4</sup> California Department of Water Resources (DWR), 2004. *California’s Groundwater Bulletin 118, Livermore Valley Groundwater Basin.* February 27.

<sup>5</sup> United States Department of Agriculture, NRCS, 2007. *Soil Map—Alameda Area, California.* Website: [www.websoilsurvey.nrcs.usda.gov](http://www.websoilsurvey.nrcs.usda.gov). December 14.

<sup>6</sup> California Department of Conservation – CGS, 2007. *op. cit.*

<sup>7</sup> City of Livermore, 2003. *General Plan.*

<sup>8</sup> *Ibid.*



seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter, and local geologic conditions.

The magnitude of a seismic event is a measure of the energy released by an earthquake; it is assessed by seismographs that measure the amplitude of seismic waves.<sup>9</sup> The intensity of an earthquake is a subjective measure of the perceptible effects of a seismic event at a given point and varies with distance from the epicenter and local geologic conditions. The Modified Mercalli Intensity Scale (“MMI”) (Table 1) is the most commonly used scale to measure the subjective effects of earthquake intensity. Intensity can also be quantitatively measured using accelerometers (strong motion seismographs) that record ground acceleration at a specific location, a measure of force applied to a structure under seismic shaking.

Historically, numerous moderate to strong earthquakes have been generated in northern California by several major faults and fault zones in the SAFZ system. In addition to the known active faults, which are recognized under the Alquist-Priolo Earthquake Fault Zoning Act, there are other potential sources of large magnitude earthquakes in the region. A structural trend of folds and thrust faults has been mapped in the hills north of the Livermore Valley.<sup>10</sup> The largest of these features is the Mount Diablo anticline, which has been interpreted as a large fold developed above a buried (“blind”) thrust fault.<sup>11</sup> The accumulation of strain on the “blind” Mount Diablo Thrust Fault presents the potential for an earthquake along this structure. The USGS considers the fault capable of generating a moment magnitude 6.7 or greater earthquake with a 3 percent probability of it occurring during the period 2002 to 2031.<sup>12</sup> An earthquake of moment magnitude 6.7 along the Mount Diablo Thrust Fault is capable of generating strong ground shaking (MMI-VII) in the vicinity of Specific Plan area. An earthquake on the fault would not be expected to cause fault rupture at the surface and is not, therefore, identified by the Alquist-Priolo Earthquake Fault Zones.

The Livermore Fault, which is also not identified by the Alquist-Priolo Earthquake Fault Zoning Act, is located within the City’s urbanized planning area and is considered potentially active and capable of generating an earthquake with a moment magnitude of 6.2.<sup>13</sup> The Las Positas Fault located 2.5 miles southeast of the downtown Livermore could potentially generate an earthquake of Richter magnitude

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<sup>9</sup> In the past, the common standard for measurement of magnitude (M) by geologists and earthquake seismologists was the Richter Scale. However, due to limitations of the instrumentation used to measure Richter magnitude, moment magnitude ( $M_w$ ) is now commonly used to characterize seismic events. Moment magnitude is determined from the physical size (area) of the rupture of the fault plane, the amount of horizontal and/or vertical displacement along the fault plane, and the resistance of the rock type along the fault to rupture. The moment magnitude can be calculated following an earthquake or estimated for an expected earthquake if the fault rupture area and displacement and rock properties can be estimated accurately. Therefore, the magnitudes of expected earthquakes in the San Francisco Bay Area are more recently reported as moment magnitudes.

<sup>10</sup> Crane, R.C., 1995. *Geology of the Mount Diablo Region and East Bay Hills*: in *Recent Geologic Studies in the San Francisco Bay Area*, Society of Economic Paleontologists and Mineralogists, edited by Sangines, E.M., D.W. Anderson, and A.V. Buising; Pacific Section, 76:87-114.

<sup>11</sup> Unruh, J.R., 2000. *Characterization of Blind Seismic Sources in the Mt. Diablo-Livermore Region, San Francisco Bay Area, California, Final Technical Report*; USGS National Earthquake Hazards Reduction Program Aware Number 99-HQ-GR-0069.

<sup>12</sup> Working Group on California Earthquake Probabilities, 2003. *Earthquake Probabilities in the San Francisco Bay Region: 2002 to 2031*; USGS Open-File Report 03-214.

<sup>13</sup> City of Livermore, 2003. op. cit.

6.3.<sup>14</sup> The greatest potential for ground shaking is from the Greenville Fault, located approximately 4.4 miles east of downtown Livermore. The Greenville Fault has an estimated three percent probability of a moment magnitude 6.7 or greater earthquake during the period 2002 to 2031.<sup>15</sup> An earthquake of moment magnitude 6.7 along the Greenville Fault is capable of generating very strong ground shaking (MMI-VIII) in the vicinity of the Specific Plan area.<sup>16</sup> Ground shaking from earthquakes along the known active faults is more likely to cause damage to property and injury to people when structures are not seismically reinforced according to the 2007 California Building Code (“CBC”).

**Table 1: Modified Mercalli Intensity (MMI) Scale**

I	Not felt except by a very few under especially favorable circumstances.
II	Felt only by a few persons at rest, especially on upper floors of buildings. Delicately suspended objects may swing.
III	Felt quite noticeably indoors, especially on upper floors of buildings, but many people do not recognize it as an earthquake. Standing motor cars may rock slightly. Vibration like passing of truck. Duration estimated.
IV	During the day felt indoors by many, outdoors by few. At night some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.
V	Felt by nearly everyone, many awakened. Some dishes, windows, etc., broken; a few instances of cracked plaster; unstable objects overturned. Disturbances of trees, poles, and other tall objects sometimes noticed. Pendulum clocks may stop.
VI	Felt by all, many frightened and run outdoors. Some heavy furniture moved; a few instances of fallen plaster or damaged chimneys. Damage slight.
VII	Everybody runs outdoors. Damage negligible in building of good design and construction; slight to moderate in well-built ordinary structures; considerable in poorly built or badly designed structures; some chimneys broken. Noticed by persons driving motor cars.
VIII	Damage slight in specially designed structures; considerable in ordinary substantial buildings, with partial collapse; great in poorly built structures. Panel walls thrown out of frame structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned. Sand and mud ejected in small amounts. Changes in well water. Persons driving motor cars disturbed.
IX	Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb; great in substantial buildings, with partial collapse. Buildings shifted off foundations. Ground cracked conspicuously. Underground pipes broken.
X	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations; ground badly cracked. Rails bent. Landslides considerable from river banks and steep slopes. Shifted sand and mud. Water splashed (slopped) over banks.
XI	Few, if any, (masonry) structures remain standing. Bridges destroyed. Broad fissures in ground. Underground pipelines completely out of service. Earth slumps and land slips in soft ground. Rails bent greatly.
XII	Damage total. Practically all works of construction are damaged greatly or destroyed. Waves seen on ground surface. Lines of sight and level are distorted.

Source: California Geological Survey, 2002, How Earthquakes and Their Effects are Measured, Note 32.

<sup>14</sup> Ibid.

<sup>15</sup> Working Group on California Earthquake Probabilities, op. cit.

<sup>16</sup> Association of Bay Area Governments (ABAG), 2004. *Interactive Maps for Future Earthquake Scenario*; based on work by the ABAG Earthquake Program. Website: [www.abag.ca.gov](http://www.abag.ca.gov). June.

For the Theater project, a site-specific geotechnical investigation report prepared by a Certified Engineering Geologist or Geotechnical Engineer will be required by the City of Livermore prior to issuance of a grading permit.<sup>17</sup> The geotechnical investigation is required to evaluate geologic hazards such as ground shaking potential during an earthquake and provide recommendations, as necessary, to reduce the hazards.<sup>18</sup> Ground shaking hazard is a potentially significant impact.

Mitigation Measure GEO-1: A site-specific design-level geotechnical investigation for the Theater project shall be prepared by a licensed professional and shall provide design criteria for construction in response to the moderately high ground shaking potential. In addition, the design criteria for construction of a development project shall comply with the current 2007 CBC standards and local regulations. All final design and engineering plans for either the project or project alternatives shall be reviewed and approved by the City of Livermore prior to issuance of a grading permit.

The potential impacts associated with implementation of the Downtown Specific Plan were evaluated in the *Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report* in 2003.<sup>19</sup> Policies and actions were identified in this EIR that would reduce the potential seismic hazard impacts associated with development proposed under the Specific Plan. Current General Plan policies and actions that would be applicable to development proposed under the Specific Plan Amendments, and would reduce seismic related impacts, are listed below:

**Public Safety Element**

- PS-1.1-P1. Urban development within earthquake fault zones and areas of high landslide susceptibility, shown in Figure 10-3 (of the General Plan), shall be conditioned upon the preparation of site-specific geotechnical investigations.
- PS-1.1-P2. The City shall rely on the most current and comprehensive geologic hazard mapping available to assist in the evaluation of potential seismic hazards associated with proposed new development. Projects proposed in areas identified as being subject to moderate or high geologic hazard shall be required to conduct site-specific geotechnical investigation.
- PS-1.1-P3. No structure proposed for human occupancy shall be placed across the trace of any active or potentially active fault within the Planning Area. The Greenville fault and Las Positas fault shall be assumed active, and the Livermore fault shall be assumed potentially active, unless and until proven otherwise.
- PS-1.1-P4. Geologic and engineering studies shall be required for all proposed building projects, per State law, and all critical facilities (schools, hospitals, fire and police stations) within the City so that these facilities can be constructed in a manner that mitigates site-specific geotechnical challenges and will minimize the risk to the public from seismic hazards.
- PS-1.1-P5. Construction shall be prohibited in areas with severe erosion (slopes over 10 percent), as mapped by the USDA's Natural Resources Conservation Service, unless it can be clearly demonstrated through geotechnical engineering analysis that the project will not contribute to increased erosion, sedimentation or runoff.

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<sup>17</sup> City of Livermore, City Hall Permit Center, 2008. *Submittal Requirements – Commercial/Industrial Projects*; Information Bulletin IB-19. Website: [www.ci.livermore.ca.us](http://www.ci.livermore.ca.us). May 7.

<sup>18</sup> City of Livermore, City Hall Permit Center, 2006. *Geotechnical Investigations, Minimum Investigation Report Standards*; Information Bulletin IB-45. Website: [www.ci.livermore.ca.us](http://www.ci.livermore.ca.us). January 19.

<sup>19</sup> LSA Associates, Inc., 2003. *Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report*. June.

- PS-1.1-P6. Development shall be prohibited in areas susceptible to slope failure (defined as landslide susceptibility areas 3 and 4 on Figure 10-3 or current hazard mapping), per State law, unless site-specific geotechnical investigation indicates that landslide hazards can be effectively mitigated.
- PS-1.1-P7. Prohibit development on expansive soils which are subject to a high probability of sliding; developments proposed below areas of expansive soils in foothill areas shall be conditioned to avoid damage from potential slide areas.
- PS-1.1-P8. No building site or greenhouse, in whole or in part, may be located on a predevelopment slope of more than 20 percent. No building may be located on a site that requires an access road over a natural slope of more than 25 percent. Cultivated agriculture may not be conducted on a slope, prior to topographical alteration, of more than 20 percent. (NLUGBI)
- PS-1.1-A1. Retain a geologist registered in the State of California to evaluate the geologic reports required under Policies P2 and P3 (above) and advise the City regarding them.
- PS-1.1-A2. Adopt appropriate setbacks for development or perform detailed fault shear zone studies to define building setback requirements within earthquake fault zones. The ultimate setback required will be determined as geologic studies are made as a condition of processing development proposals.
- PS-1.2-P1. Major utility lines shall be carefully planned where they cross a fault. They shall cross at right angles, or nearly so, be accessible for rapid repair, and be provided with safety features such as automatic shutoff valves, switches and expansion joints. Other equipment shall be provided to ensure minimal adverse impact on adjacent and surrounding areas and to facilitate restoration of service in the event of fault displacement.
- PS-1.2-P2. Areas of high shrink-swell potential soils shall incorporate suitable mitigation measures. If development is allowed in areas of high shrink-swell potential, special measures must be undertaken in site grading, foundation design and construction to alleviate potential movements.
- PS-1.2-P3. The City shall control site preparation procedures and construction phasing to reduce erosion and exposure of soils to the maximum extent possible.
- PS-1.2-A1. Promote programs that identify unreinforced masonry buildings and other buildings that would be at risk during seismic events and continue to promote strengthening of these buildings.
- PS-1.2-A2. Promote programs that encourage residents to make their homes more seismically resistant and resilient.

**Liquefaction.** Liquefaction is the temporary transformation of loose, saturated, granular sediments to a fluid-like state as a result of seismic ground shaking. In the process, the soil undergoes transient loss of strength, which commonly causes ground displacement such as lateral spreading. Based on factors such as proximity to faults, groundwater level, and soil characteristics, ABAG has rated the Specific Plan area, the Theater project site, and the Theater project alternative sites as having a moderate level of hazard for liquefaction.<sup>20</sup> The moderate potential for ground displacement due to liquefaction could result in damage to structures and associated injuries to building occupants. The following mitigation measure is required for the Theater project.

Mitigation Measure GEO-2: A site-specific design-level geotechnical investigation report prepared by a licensed professional is required for the project by the City of Livermore prior to issuance of a grading permit. The report shall identify potential liquefiable sediments and include recommendations to minimize the potential for damage from liquefiable sediments. The applicant shall implement design elements as recommended in the investigation report to reduce the potential impact from liquefaction.

<sup>20</sup> Association of Bay Area Governments (ABAG), 2004. *Interactive Susceptibility Map, Liquefaction Susceptibility Map*; based on work by William Lettis & Associates, Inc. and USGS Open-File Report 00-444, Knudsen & others, 2000. Website: www.abag.ca.gov. April

As noted previously, the potential impacts associated with implementation of the Downtown Specific Plan was evaluated in the *Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report* in 2003. Policies and actions were identified in that EIR that would reduce the potential liquefaction impacts associated with development proposed under the Specific Plan. Current General Plan polices and actions that are applicable to development proposed under the Specific Plan Amendments, and would reduce seismic related impacts, are listed above.

**Landslides.** Slope failure can occur as either rapid movement of large masses of soil or imperceptibly slow movement of soils on slopes. The topography of the Specific Plan area and the three potential sites for the Theater are all relatively flat.<sup>21</sup> Based on the absence of sloped terrain in the vicinity, the risk of landslides is considered to be unlikely and would have no related impact.

*b) Result in substantial soil erosion or the loss of topsoil? (Less-than-Significant Impact)*

Exposed soils in the vicinity of the project and project alternative sites are classified as having low susceptibility to water-induced erosion and moderate susceptibility to wind-induced erosion.<sup>22</sup> The potential for water-induced erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm water runoff. Compliance with erosion control measures, as required by the National Pollutant Discharge Elimination System (“NPDES”) program (please refer to Section VIII for additional information about erosion control requirements) would reduce the impacts related to soil erosion to a less-than-significant level.

*c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Potentially Significant Unless Mitigation Incorporated)*

As discussed above, the soils in the Specific Plan area have a moderate potential for liquefaction. The potentially significant impacts associated with the possible presence of liquefiable soils at the Theater site would be reduced to a less-than-significant level by implementing Mitigation Measure GEO-2 for the Theater project.

Policies and actions were identified in the *Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report* in 2003 that would reduce the potential liquefaction impacts associated with development proposed under the Specific Plan. Current General Plan polices and actions that are applicable to development proposed under the Specific Plan Amendments, and would reduce seismic related impacts, are listed above.

Subsidence is often caused by human activities, such as over-pumping groundwater from an aquifer for irrigation. Future use of the project site and activities proposed under the Specific Plan Amendments would not include groundwater extraction and would therefore not cause subsidence.

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<sup>21</sup> United State Geologic Survey (USGS), 1961 (photo revised 1980), Livermore Quadrangle California 7.5 Minute Series (Topographic).

<sup>22</sup> United States Department of Agriculture, National Resource Conservation Service, 2007. *K Factor, Whole Soil–Alameda Area, California, and Wind Erodibility Group–Alameda Area, California*. Website: [www.websoilsurvey.nrcs.usda.gov](http://www.websoilsurvey.nrcs.usda.gov). December 14.

Soils identified in the Specific Plan area have a high potential for caving during shallow excavations.<sup>23</sup> The California Division of Occupational Safety and Health (“DOSH”) requires adequate protection from potential caving during all excavations, such as the installation of protective barricades along the walls of the excavation.<sup>24</sup> Compliance with DOSH requirements would reduce this potentially significant impact to a less-than-significant level.

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (No Impact)*

Soils in the Downtown Specific Plan area have a low shrink-swell potential which indicates that damage to buildings, roads, and other structures from shrinking and swelling of the soils is unlikely.<sup>25</sup>

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (No Impact)*

On-site treatment and disposal of wastewater is not proposed for the Theater project or the Specific Plan amendments.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>23</sup> United States Department of Agriculture, NRCS, 2007. *Shallow Excavations, Contra Costa, California*. Website: [www.websoilsurvey.nrcs.usda.gov](http://www.websoilsurvey.nrcs.usda.gov). December 14.

<sup>24</sup> Title 8, California Code of Regulations. *Sections 1539-1543*. Website: [www.dir.ca.gov/Title8/sub4.html](http://www.dir.ca.gov/Title8/sub4.html).

<sup>25</sup> United States Department of Agriculture, Soil Conservation Service, 1966. *Soil Survey Alameda Area, California*. March.



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) 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 it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Potentially Significant Impact)</i>				

The proposed Amendments and Theater project could create a significant hazard through the routine transport, use, or disposal of hazardous materials. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Potentially Significant Impact)*

The proposed Amendments and Theater project could create a hazard to the public through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Additionally, the proposed project would result in the demolition of older buildings that could contain asbestos and lead-based paint. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (**Potentially Significant Impact**)*

There are schools located in or within one-quarter mile of the Specific Plan area. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- d) *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 it create a significant hazard to the public or the environment? (**Potentially Significant Impact**)*

The proposed Amendments and Theater project could be located on a site that is included on a list of hazardous materials sites. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- e) *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 for people residing or working in the project area? (**Potentially Significant Impact**)*

Portions of the Specific Plan area are within two miles of the Livermore airport. The proposed Amendments and Theater project could result in safety hazards for people in the project area. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- f) *For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (**No Impact**)*

The proposed Amendments and Theater project is not in the vicinity of a private airstrip. Implementation of the Amendments and Theater project would not result in a safety hazard for people residing or working in the project area.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (**Potentially Significant Impact**)*

The proposed Amendments and Theater project could interfere with an adopted emergency response or evacuation plan. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (**No Impact**)*

The City of Livermore, including the Specific Plan area, is categorized by the California Department of Forestry as having a moderate wildfire hazard level. Since the Specific Plan area is not located adjacent to any wildland areas or slopes, the Amendments and Theater project is not expected to expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Overview:** Information for this section was obtained from a site reconnaissance, and reports, maps, and publications from the United States Geological Survey (USGS), the California Geological Survey (CGS), the Association of Bay Area Governments (ABAG), the State Water Resources Control Board (State Board), the San Francisco Bay Regional Water Quality Control Board (Water Board), as well as the City of Livermore General Plan, the City of Livermore Downtown Specific Plan, and other sources.

The climate of the Bay Area is characterized as dry-summer subtropical (often referred to as Mediterranean), with cool wet winters and relatively warm dry summers. From 1903 to 2008, the mean annual precipitation in Livermore was approximately 14.3 inches. During this period of record, annual rainfall has varied from 6.4 inches (1976) to 32.37 inches (1983), with a one-day high of 4.0 inches of precipitation on September 12, 1918. Typically, the vast majority of the precipitation occurs during the months of November to April.<sup>26</sup> Analysis of long-term precipitation records indicates that wetter and drier cycles lasting several years are common in the region.<sup>27</sup>

a) *Violate any water quality standards or waste discharge requirements? (Less-than-Significant Impact)*

Water quality is regulated by the State Board as part of the California Environmental Protection Agency. The State Board provides policy guidelines and budgetary authority to nine Regional Water Quality Control Boards. The State and Regional Boards share authority for implementing the federal Clean Water Act and the State’s primary water-pollution control legislation, the Porter-Cologne Act.

The Water Board regulates water quality in streams and aquifers of the San Francisco Bay through the creation and triennial update of the Water Quality Control Plan also referred to as the Basin Plan, the administration of the National Pollutant Discharge Elimination System(NPDES) permit program for municipal storm water systems and construction site stormwater runoff, Section 401 water-quality

<sup>26</sup> Western Regional Climate Center, 2008. *Period of Record Climate Summary, Livermore, California.* (Station 044997) 14 July. Website: www.wrcc.dri.edu.

<sup>27</sup> Brown, William M. III, 1988. *Historical Setting of the Storm: Perspectives on Population, Development, and Damaging Rainstorms in the San Francisco Bay Region, in Landslides, Floods, and Marine Effects of the Storm of January 3-5, 1982, in the San Francisco Bay Region, California, Stephen D. Ellen and Gerald F. Wieczorek, Eds., U.S. Geological Survey Professional Paper 1434.*

certifications, through policy preparation and revisions and coordination with other public agencies, the State Board and the public.

The Basin Plan describes the legal, technical and programmatic basis for water quality regulations in the San Francisco Bay region. The Alameda County Clean Water program (ACCWP), who holds NPDES Permit No. CAS0029831 from the Regional Board, worked to develop the 2001 to 2008 Stormwater Quality Management Plan (2003) that provides a framework for management of stormwater discharges consistent with the ACCWP NPDES Permit conditions. Within the ACCWP NPDES permit No. CAS0029831, issued February 19, 2003 and amended March 14, 2007, provision C.3 specifically addresses stormwater impacts associated with new development and significant redevelopment projects. The provision requires a level of implementation of Best Management Practices (BMPs) and treatment control measures to reduce pollutants to the Maximum Extent Practicable.

**Construction General Permit.** The State Board is responsible for implementation of the Construction General Permit (CGP).<sup>28</sup> The CGP applies to individual construction sites and development projects with multiple construction sites in common that disturb a total of one or more acres of soil. A Notice of Intent (NOI) must be filed with the State Board to be covered under the CGP. The CGP requires projects to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), which identifies all potential pollutant sources that could impact storm water quality and specifies BMPs to be used to prevent construction-related pollutants and products of erosion from impacting storm water leaving the site.

The use of BMPs includes minimizing contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water and installing and maintaining erosion and sediment controls. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of fiber rolls (wattles), and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm water runoff. If grading must be conducted during the rainy season, the primary BMPs selected should focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) are used only as secondary measures. Entry and egress from the construction site could be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities could be designed to be accessible and functional during both dry and wet conditions. The SWPPP must be maintained on-site and made available to City of Livermore personnel and/or Water Board staff upon request.

A revision to the CGP is currently undergoing review, and may be adopted by the State Board during 2008. Some of the changes proposed in the revised CGP include: required numeric action levels for pH, turbidity, and total petroleum hydrocarbons; additional BMPs; effluent monitoring and reporting; active treatment systems; performance standards for hydromodification impacts; technical training for staff; and annual report requirements.<sup>29</sup>

<sup>28</sup> State Water Resources Control Board, 2004. *National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity (CGP)*, Water Quality Order 99-08-DWQ, 27 August.

<sup>29</sup> State Water Resources Control Board, 2008. *National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Draft)*. March 18.

**Alameda Countywide Clean Water Program NPDES Permit.** The Regional Board issued NPDES Permit No. CAS0029831 to the Alameda Countywide Clean Water Program (ACCWP). The ACCWP has prepared a Stormwater Quality Management Plan<sup>30</sup> and a guidance manual<sup>31</sup> to enable all of the co-permittees (including the City of Livermore) to comply with the NPDES Permit requirements. Member agencies of the ACCWP must comply with the provisions of the ACCWP NPDES Permit by ensuring that new development and redevelopment projects mitigate water quality impacts from storm water runoff both during construction and post-construction.

Development permits require that all new construction and redevelopment projects in the City of Livermore use appropriate site design, source control, and treatment measures to the maximum extent possible to protect post-construction stormwater runoff quality.<sup>32</sup> Site design measures are implemented to reduce impervious surfaces, promote infiltration, and reduce water quality impacts from storm water runoff. Source control measures are used to keep pollutants out of storm water. Storm water treatment measures remove pollutants from the storm water and typically include bio-retention areas, vegetated swales, and infiltration trenches. Low Impact Development (LID) techniques are advanced site design measures intended to minimize the impact of the project. The Water Board strongly encourages the use of LID techniques.<sup>33</sup>

The post-construction storm water treatment measures required by the NPDES Permit must be designed in accordance with the numeric sizing criteria for pollutant removal systems defined in Provision C.3. of the permit. Methods for designing volume and flow-based treatment system are identified in the NPDES Permit.

**Hydromodification Limitations.** The NPDES Permit was amended on March 14, 2007 to modify provision C.3.f. to include all new development and redevelopment projects with greater than one acre of impervious surface and to define exceptions to the hydromodification requirements. The ACCWP has created a hydromodification susceptibility map that identifies areas that drain to natural creeks and earthen channels that are not resistant to erosion in Alameda County. This map shows that all of the City of Livermore drains to creeks susceptible to erosion and that the use of HM measures are required. The ACCWP has completed a Hydrograph Modification Management Plan<sup>34</sup> to assist new development and redevelopment projects assess, implement, and evaluate hydromodification management measures in compliance with the Water Board's most recent 2007 amendment to Provision C.3.f of the Countywide NPDES Permit. Project proponents are responsible for verifying and describing actual conditions of site location and drainage.

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<sup>30</sup>Alameda Countywide Clean Water Program (ACCWP), 2001. *Stormwater Quality Management Plan*, July 2001-June 2008.

<sup>31</sup>Alameda Countywide Clean Water Program (ACCWP), 2006. *C.3 Stormwater Technical Guidance, A Handbook for Developers, Builders and Project Applicants*, August 31 (Version 1.0).

<sup>32</sup> Ibid.

<sup>33</sup> State Water Resources Control Board, 2005. *Low Impact Development-Sustainable Storm Water Management*. Website: [www.waterboards.ca.gov/water\\_issues/programs/low\\_impact\\_development/](http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/)

<sup>34</sup> Alameda Countywide Clean Water Program (ACCWP), 2005. *Hydrograph Modification Management Plan*, May 15.



The Theater is located within the City of Livermore in an area served by hardened storm drains; however, downstream from the site the city storm drains enter the unlined Arroyo Mocho<sup>35</sup> that eventually leads to Alameda Creek and to San Francisco Bay. The City of Livermore General Plan calls for these arroyos to be kept and protected in their natural state.<sup>36</sup> Changes in the hydrographic peaks and/or duration (increases) of runoff resulting from the proposed project that would contribute to deterioration of the natural state of the arroyos or downstream conveyances will require the implementation of hydromodification management measures at the site. Compliance with the hydromodification management terms of the permit amendment is required of the proposed project.<sup>37</sup>

Implementation of the Specific Plan Amendments may result in increased runoff. As noted previously, potential impacts associated with implementation of the Downtown Specific Plan was evaluated in the *Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report* in 2003. Policies were identified in the 2003 EIR that would reduce the potential hydrology impacts associated with development proposed under the Specific Plan. Current General Plan policies and actions that would be applicable to development proposed under the Specific Plan Amendments, and adequately mitigate potential impacts to creeks and arroyos from new development by restricting encroachments into riparian corridors. These policies are listed below:

- OSC-1.2-P3: Require appropriate setbacks, to be determined in coordination with resource agencies, LARPD, EBRPD, and other responsible agencies, adjacent to natural streams to provide adequate buffer areas that ensure the protection of plant and animal communities.
- OSC-1.2-P4: Riparian woodlands and freshwater marshes shall be preserved. Developers shall be required to mitigate possible adverse impacts upon these resource areas. *Consistent with the North Livermore Urban Growth Boundary Initiative, no development shall be allowed that would have a substantial adverse impact or significant effect on such areas (NLUGBI).*
- OSC-1.2-P10: No building may be located in a riparian corridor. No development, conversion to cultivated agriculture, or keeping of animals may be permitted that materially reduces the *quantity or quality of water in a corridor. Dams to store water for agriculture may be permitted, however, provided water is released in quantities and at times so as not to impair aquatic life or riparian vegetation. "Riparian corridors" are areas within 200 feet from the center of a permanent or intermittent stream. (NLUGBI)*
- OSC-2.1-P1: Require the implementation of Best Management Practices (BMPs) to minimize erosion, sedimentation, and water quality degradation resulting from the construction of new impervious surfaces.
- OSC-2.1-P2: The City shall take all necessary measures to regulate runoff from urban uses to protect the quality of surface and ground water.

**Operations and Maintenance Program.** Storm water treatment and hydromodification management measures often do not work unless adequately maintained. The Countywide NPDES Permit requires preparation and implementation of an operations and maintenance (O&M) program in accordance with Provision C.3.e of the permit. The requirements of Provision C.3 are incorporated into the planning and building permit process with the City of Livermore.

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<sup>35</sup> City of Livermore, 2004. *Downtown Specific Plan*.

<sup>36</sup> City of Livermore, 2003. *2003-2025 Livermore General Plan: Infrastructure and Public Services Element, Figure 7-2*.

<sup>37</sup> Water Board, 2007. *op cit*.

The Theater project would include building construction and the potential realignment of a roadway within a footprint greater than one acre; therefore, the storm water quality discharge requirements of the CGP and Countywide NPDES Permit apply to both the project and the project alternative sites. Permits may also be required for the development associated with implementation of the Specific Plan Amendments. Potential impacts to surface water quality during the construction phase and the post-construction phase would be less-than-significant by completing each phase of the project in compliance with the corresponding permits.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Less-than Significant-Impact)*

The Theater project and the Specific Plan Amendments do not propose any use of local groundwater supplies (e.g., by installation and pumping of water supply wells), and therefore would not lower the groundwater table as a result of groundwater extraction. Construction of the Theater project or development associated with the Specific Plan Amendments may result in an increase of impervious surfaces, which can decrease the recharge of the local groundwater supplies. In accordance with the requirements of Provision C.3 of the Countywide NPDES Permit, site design and treatment measures must be implemented at the project sites to encourage infiltration of storm water runoff. Site design and treatment measures may include detention and retention basins, stormwater harvesting, vegetated swales and planters, and pervious pavements. A Storm Water Control Plan that specifies the types of infiltration-based site design and treatment measures to be used at the completed project is required by the City of Livermore prior to construction. Implementation of infiltration-based site design and treatment measures, as required by the Countywide NPDES Permit and the City of Livermore (refer to storm water management requirements above) would reduce potential impacts to groundwater supplies to a less-than-significant level.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Less-than Significant-Impact)*

The Alameda County Flood Control and Water Conservation District (Zone 7) owns and maintains flood control channels in the Livermore area. The City of Livermore Water Resource Division provides maintenance service to the storm water collection systems throughout the City of Livermore that discharge into portions of the Zone 7 flood control system.<sup>38</sup>

For the potential First Street and South Livermore Avenue site, there are existing 18-inch storm drains along the east side of South Livermore Avenue and across the intersection of Maple Street and First Street that connect on the east side of the Livermore Village Site and direct storm water through a larger storm drain under the Livermore Village Site to Arroyo Mocho<sup>39</sup> located approximately 1.2

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<sup>38</sup> City of Livermore Public Works Department, 2008. *Stormwater Pollution Prevention Frequently Asked Questions*. Website: [www.wrcc.dri.edu](http://www.wrcc.dri.edu).

<sup>39</sup> City of Livermore, 2004. *Downtown Specific Plan*.

miles southwest of the project and project alternative sites. No creeks or arroyos cross or are located within the Specific Plan area.

As discussed previously, implementation of the Specific Plan Amendments may result in increased runoff that could impact creeks and arroyos. Current General Plan polices applicable to development proposed under the Specific Plan Amendments would adequately mitigate potential impacts to creeks and arroyos from new development by restricting encroachments into riparian corridors. These policies are listed above.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Less-than Significant-Impact)*

Please see Section VIII.c, above.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Less-than Significant-Impact)*

Please see Section VIII.c, above.

- f) *Otherwise substantially degrade water quality? (Less-than Significant-Impact)*

Development of the proposed project or the Specific Plan Amendments would not be expected to include unusual or unique industrial, commercial, or agricultural activities likely to generate materials that would significantly degrade water quality. Implementation of BMPs during construction and site design, source control, treatment, and potential HM measures during post-construction as required by the Water Board, ACCWP, and the City of Livermore (refer to storm water management requirements above), would minimize hydrologic and water quality impacts, and reduce residual impacts associated with runoff to a less-than-significant level.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (No Impact)*

The Specific Plan area is not located within or near a FEMA mapped 100- or 500-year flood hazard zone.<sup>40,41</sup> Housing would not be placed in a FEMA mapped flood hazard area.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (No Impact)*

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<sup>40</sup> Federal Emergency Management Agency (FEMA), 1987. Flood Insurance Rate Map 0600250 335 B, Contra Costa County July 16. Website: [www.fema.gov](http://www.fema.gov).

<sup>41</sup> ABAG, 2008. FEMA Flood Hazard Zones based on FEMA Q3 Flood Data and ABAG mapping. Detailed mapping is available at <http://quake.abag.ca.gov>

Please refer to Section VIII.g, above. The Specific Plan area is not located in a FEMA flood hazard zone. Structures associated with the Amendments would therefore not be located in such a way as to impede or redirect flood waters.

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam? (No Impact)*

The Specific Plan area is not located within a dam failure inundation hazard area.<sup>42</sup> Therefore, impacts associated with inundation from dam failure are not expected to occur at the project or project alternative sites.

- j) *Inundation by seiche, tsunami, or mudflow? (No Impact)*

The Specific Plan area is not located near any enclosed or partially enclosed bodies of water; therefore impacts associated with seiches would not occur. Based on the distance of the Specific Plan area to the San Francisco Bay (approximately 22 miles), coastal hazards, such as tsunamis, extreme high tides, and sea level rise would not affect the project. Mudflow occurs where saturated soils and colluvium, usually gathered in a hillside channel or on a significant slope, move rapidly downhill. The topography of the Specific Plan area is relatively flat and located at an elevation ranging from approximately 454 to 510 feet NGVD.<sup>43,44</sup> Based on the absence of sloped terrain in the vicinity of the Specific Plan area, the risk of mudflows is very low and would have no related impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>42</sup> Association of Bay Area Governments (ABAG), 2007. Interactive ABAG (GIS) Maps Showing Dam Failure Inundation. Website: [www.abag.ca.gov](http://www.abag.ca.gov).

<sup>43</sup> National Geodetic Vertical Datum of 1929, which is approximately mean sea level.

<sup>44</sup> United State Geologic Survey (USGS), 1961 (photo revised 1980), Livermore Quadrangle California 7.5 Minute Series (Topographic).

a) *Physically divide an established community? (No Impact)*

The physical division of an established community would typically involve the construction of large features (such as freeways) that provide a physical or psychological barriers between communities, or the removal of roads (e.g., through the assembly of numerous parcels and the creation of “superblocks”) such that access from one neighborhood to another is diminished.

The Amendments and the Theater project would not restrict access or circulation within the Specific Plan area. While the project could involve the realignment of Railroad Avenue, such realignment would facilitate traffic circulation and not result in a barrier to movement. The Specific Plan Amendments and Theater project would not divide an established community.

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Potentially Significant Impact)*

The proposed Amendments and Theater project could conflict with applicable land use plans or policies. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan? (No Impact)*

The Specific Plan area is not located in a habitat conservation plan or other natural community conservation plan.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**X. MINERAL RESOURCES.** Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? (Less-than-Significant Impact)*

According to the City of Livermore General Plan and the California Geological Survey, there are high value sand and gravel deposits in the vicinity of Livermore. Most of the valley floor south of I-580 is



classified as an area of significant mineral resources. However, the areas classified as “Mineral Resources Zones-2,” which were designated as “areas of regional significance” by the State Mining and Geology Board in 1987, are not within the Specific Plan area. Implementation of the Amendments and Theater project would not result in the loss of availability of a locally-important mineral resource.

b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?(Less-than-Significant Impact)*

The Downtown area is not designated by the General Plan, Specific Plan, or other land use plans as a locally-important mineral recovery site. Implementation of the Amendments and Theater project would not result in the loss of locally-important mineral resource recovery sites.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Potentially Significant Impact)</i>				

The proposed Amendments and Theater project could expose people to noise levels in excess of established standards. The Theater site is adjacent to the railroad as well as numerous Downtown streets. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- b) *Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Potentially Significant Impact)*

The proposed Amendments and Theater project could expose people to excessive groundbourne vibration or noise levels. The potential impacts, as well as potential for mitigation of these impacts, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Potentially Significant Impact)*

The proposed Amendments and Theater project could increase permanent ambient noise levels in the project vicinity. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Potentially Significant Impact)*

The proposed Amendments and Theater project could increase the temporary or periodic noise levels in the project vicinity. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- e) *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 expose people residing or working in the project area to excessive noise levels? (Less-than Significant-Impact)*

The Airport Protection Area (APA) was established for the Livermore Municipal Airport by the City in 1991 as an additional protection area beyond the minimum required by the Federal Aviation Administration. The APA extends 5,000 feet beyond the runways to the north, south, and east, and 7,100 feet to the west (the typical take-off direction).<sup>45</sup> The APA protects the Airport from the encroachment of incompatible uses, particularly the construction of new, or expansion of existing, residential areas, considered necessary to enhance public safety. The APA does not include any portion of the Specific Plan area.<sup>46</sup> Additionally, the Specific Plan area is not within the Airport 60 dBA CNEL impact area. The proposed Amendments and Theater project would not expose people to excessive noise levels associated with the airport.

<sup>45</sup> Livermore, City of, 2004. *City of Livermore General Plan 2003 – 2025*. February 9.

<sup>46</sup> Ibid.

- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (No Impact)*

The Specific Plan area and the Theater project site are not located within the vicinity of a private airstrip.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Less-than-Significant Impact)*

The proposed Amendments and Theater project could indirectly induce population growth by introducing new jobs in the Specific Plan area. These jobs would be related to the increased development proposed by the Specific Plan Amendments (500 additional seats for the Regional Performing Arts Theater; 3 additional movie screens; 200 additional hotel/bed and breakfast rooms; 145,000 square feet of additional commercial space; 139,000 square feet of additional office space; and a new parking garage). The amount of increased development associated with the Specific Plan would not result in a substantial population growth in the area resulting in a significant environmental impact. An increase in housing units is not proposed as part of the Specific Plan amendments. The potential impact would be considered less than significant.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (No Impact)*

Implementation of the Amendments and the Theater project would not remove any housing and would not necessitate the construction of replacement housing elsewhere.

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (No Impact)*

The proposed Amendments and Theater project would not displace any people from the Specific Plan area and would not necessitate the construction of replacement housing elsewhere.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities? (Less-than-Significant Impact)*

The following section addresses the project’s potential effects on: fire service; police service; schools; and parks and other public facilities. Impacts to public services would occur if the Amendments and Theater project increased demand for services such that new or expanded facilities would be required, and these new facilities would themselves cause environmental impacts.

*Fire.* The Livermore-Pleasanton Fire Department (LPPFD) would be the primary responder to emergency fire and ambulance service calls in the Specific Plan area. Implementation of the Amendments and the Theater project would add new commercial space, office space, movie screens, hotel rooms, Theater and a parking facility. These new uses would incrementally increase demand for emergency services, and would likely manifest itself through an incremental increase in emergency calls. However, the marginal increase in calls caused by the Amendments and the Theater project would not exceed the service capabilities of existing facilities, staff, and equipment. As a result, the Amendments and the Theater project would not require new fire department facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for fire services.

In addition, the LPPFD would review Theater project site plans, in addition to any future site plans associated with the Amendments, to identify potential fire fighting or emergency concerns. Any site planning or vehicular access concerns would be addressed via revisions to the project site plan prior to approval. Implementation of the Amendments and Theater project would not result in significant impacts associated with the provision of fire protection services.

*Police.* Police protection services within the City of Livermore are provided by the Livermore Police Department (LPD). The LPD currently responds to calls based on priority, with Priority One calls being the most urgent and Priority Three calls being the least urgent. For Priority One calls, the LPD maintains a target response time of 3 minutes, while Priority Two calls have a target response time of 10 minutes, and Priority Three calls have a target response time of 30 minutes.

According to LPD crime maps, crime incidents in the Downtown area are most often related to vehicle burglaries and commercial burglaries.<sup>47</sup> Implementation of the proposed Amendments and Theater project would increase the amount of commercial development and parking in the Downtown area, which would incrementally increase demand for police services. This increase in demand for police services would not require the alteration of existing or construction of new police facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for fire services. In addition, the LPD would review any project site plans prior to project approval to identify potential law enforcement concerns, and any concerns would be addressed via revisions to the project plans prior to approval. Therefore, the Amendments and Theater project would not result in a significant adverse environmental impact related to demand for police services.

*Schools.* Public schools in Livermore are managed by the Livermore Valley Joint Unified School District (District). The District's area encompasses a 240-square-mile area, including the City and surrounding area. The District has a capacity of approximately 15,000 students, and current enrollment is approximately 13,200 students. Because the Amendments and the Theater project would not result in the construction of any housing units, the project would not directly generate additional students that would enter the District. The Amendments and Theater project would not result in a significant adverse effect on school facilities.

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<sup>47</sup> Livermore Police Department, 2008. Patrol Crime Maps. Website: [www.livermorepolice.org/](http://www.livermorepolice.org/)

*Parks.* Livermore is served by an extensive network of parks, ranging from large regional parks covering several hundred acres to small neighborhood parks. Most of the small neighborhood parks in Livermore are owned by the City. The East Bay Regional Parks District and Livermore Area Recreation and Parks District (LARPD) are responsible for the development and maintenance of parks and public open space in the Livermore area that are not managed by the City. There are several neighborhood and special use parks located in or near the Downtown area, including Carnegie Park, Robertson Park, and Arroyo Mocho Park. These parks are maintained by LARPD.

There are several pocket parks located in the Downtown area, including one located on one of the proposed Theater sites at the corner of First Street and South Livermore Avenue (Mill Square Park). These pocket parks are maintained by the Downtown Landscape Maintenance District. Implementation of the Theater project on the First Street and South Livermore Avenue site would remove Mill Square Park.

In addition, while implementation of the Amendments and Theater project is not expected to directly increase the population of Livermore, the Amendments would increase the amount of commercial, office, and hotel space planned for the area, which could indirectly lead to population growth due to the creation of new jobs. The creation of jobs could increase the amount of people that use neighborhood and pocket parks in the Downtown area. While the Theater project would remove a pocket park, it would not substantially decrease the amount of park space provided in the Downtown area. In addition, the marginal increase in demand for parks located in the Specific Plan area would not substantially degrade existing park facilities or require the provision of new park areas. Implementation of the Amendments and Theater project would have a less-than-significant impact on park facilities.

*Other Public Facilities.* Implementation of the Amendments and Theater project could result in the creation of new jobs, which could indirectly increase demand for other public services, including libraries, community centers, and public health care facilities. The marginally small increase in residential population that could result from implementation of the Amendments and the Theater project is not expected to result in substantially increased usage of these facilities, such that new facilities would be needed to maintain service standards.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Less-than-Significant Impact)*

There are several parks located in or near the Downtown Specific Plan area, including Carnegie Park, Robertson Park, and Arroyo Mocho Park. Implementation of the Amendments would increase the amount of commercial and office space planned for the area, which eventually could indirectly lead to population growth due to the creation of new jobs. This marginal population growth could cause an increase in demand for recreational facilities, including the facilities listed above. However, the marginal increase in demand for recreation facilities would not result in substantial physical deterioration of any such facility. Therefore, the Amendments and Theater project would have a less-than-significant impact on recreational facilities.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (No Impact)*

The proposed Amendments and project would not include any recreational facilities or require the construction of any recreational facilities.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Result in inadequate parking capacity?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted polices, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) <i>Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Potentially Significant Impact)</i>				

The proposed Amendments and Theater project could cause an increase in traffic in the Specific Plan area. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Potentially Significant Impact)*

The proposed Amendments and Theater project could exceed level of service standards established for the Specific Plan area. These potential impacts, as well as potential for mitigation of these impacts, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No Impact)*

Implementation of the proposed Amendments and Theater project would not cause a change in air traffic patterns.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Potentially Significant Impact)*

The proposed Amendments and Theater project could increase traffic hazards. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- e) *Result in inadequate emergency access? (Potentially Significant Impact)*

The proposed Amendments and Theater project could result in inadequate emergency access. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

f) *Result in inadequate parking capacity? (Potentially Significant Impact)*

Implementation of the proposed Amendments and Theater project could result in inadequate parking capacity. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Potentially Significant Impact)*

The proposed Amendments and Theater project could conflict with adopted policies, plans, or programs supporting alternative transportation. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, State, and local statutes and regulations related to solid waste?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Potentially Significant Impact)*

Implementation of the proposed Amendments and Theater project could exceed wastewater treatment requirements. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Potentially Significant Impact)*

The proposed Amendments and Theater project could require the construction of new water or wastewater treatment facilities. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Potentially Significant Impact)*

The proposed Amendments and Theater project could require the construction of new storm water drainage facilities or expansion of existing facilities. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Potentially Significant Impact)*

The proposed Amendments and Theater project could require new or expanded water entitlements. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Potentially Significant Impact)*

The proposed Amendments and Theater project could be located in an area that does not have sufficient wastewater treatment capacity to serve the project's projected demand. The potential impact,

as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Potentially Significant Impact)*

The proposed Amendments and Theater project could be served by a landfill that does not have sufficient permitted capacity to accommodate the project's solid waste disposal needs. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- g) *Comply with federal, State, and local statutes and regulations related to solid waste? (Potentially Significant Impact)*

The proposed Amendments and Theater project could conflict with regulations related to solid waste. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (Potentially Significant Impact)*

The Amendments and Theater project are located in Downtown Livermore, which is an area that has experienced development since the 1860s. This urban area that would not generally provide habitat for native plants is likely to have low wildlife habitat value.

The proposed project could result in a significant change to a historical resource. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Potentially Significant Impact)*

The proposed Amendments and Theater project could have cumulatively considerable environmental impacts. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Potentially Significant Impact)*

The proposed Amendments and Theater project could result in adverse effects on human beings. The potential impact, as well as potential for mitigation of this impact, will be described and evaluated in the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR.

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