



ADDENDUM TO THE DOWNTOWN SPECIFIC PLAN 2009 SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR A DOWNTOWN SPECIFIC PLAN AMENDMENT

August 25, 2020

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Livermore, provides information and analysis concerning the Downtown Specific Plan Amendment project (proposed project). This document is an Addendum to the Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR¹ (2009 Subsequent EIR), which was certified by the City of Livermore in March 2009. The 2009 Subsequent EIR was prepared subsequent to the certified 2004 EIR that evaluated the effects of the Downtown Specific Plan (2004 Final EIR).² On May 13, 2019, City Council adopted, by Resolution 2019-064, an Addendum to the Downtown Specific Plan 2009 Subsequent Environmental Impact Report (May 2019 Addendum).³ The May 2019 Addendum evaluated a proposed redevelopment plan for an approximately 9.3 acre area in downtown Livermore.

Since the adoption of the May 2019 Addendum, a minor change was proposed to the redevelopment plan. The proposed project is a Downtown Specific Plan Amendment that would increase the maximum allowable height for a hotel on an approximately 1.3 acre site from three (3) floors/forty-five (45) feet to four (4) floors/fifty-five (55) feet. The number of hotel rooms, and therefore the intensity of the development, would remain the same.

This Addendum to the 2009 Subsequent EIR evaluates whether this minor change associated with the proposed project would result in new or substantially more adverse significant effects or require new mitigation measures not identified in the 2009 Subsequent EIR. The City of Livermore is the Lead Agency under CEQA. In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the 2009 Subsequent EIR, certified in March 2009, which is hereby incorporated by reference.

¹ LSA Associates, Inc. 2009. Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent Environmental Impact Report. March.

² LSA Associates, Inc. 2004. Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report. June.

³ LSA Associates, Inc. 2019. California Environmental Quality Act (CEQA) Addendum for the Downtown Specific Plan Amendment Project; Livermore, California. May.

This Addendum is prepared pursuant to CEQA Guidelines Section 15164 which states: "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 specifies that "no subsequent EIR shall be prepared for that project unless the lead agency determines ... one or more of the following:"

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA Guidelines Section 15164(e), the purpose of this Addendum is to describe and evaluate the proposed project (amendment to the Downtown Specific Plan), assess the proposed modifications to the project evaluated in the 2009 Subsequent EIR, and identify the reasons for the City's conclusion that changes to the proposed project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR.

Comparison to the Conditions Listed In CEQA Guidelines Sections 15162 and 15163

The following discussion summarizes the reasons that a subsequent or supplemental EIR, pursuant to CEQA Guidelines Sections 15162 and 15163, is not required and an Addendum to the 2009 Subsequent EIR is the appropriate CEQA document.

Substantial Changes

The proposed project would result in minor modifications (increase in the number of floors to be constructed on the hotel site) to the project evaluated in the 2009 Subsequent EIR and the Addendum adopted in May 2019, and would not result in new significant impacts beyond those identified in the 2009 Subsequent EIR and the Addendum adopted in May 2019. The proposed increase in the number of floors would not substantially increase the severity of impacts identified in the 2009 Subsequent EIR and the Addendum adopted in May 2019. In addition, the proposed increase in the number of floors would not require revisions to the 2009 Subsequent EIR. Therefore, the proposed changes to the project would be minor modifications, not substantial changes, and an addendum is the appropriate document to address these minor modifications rather than a subsequent or supplemental EIR.

Substantial Changes in Circumstances

As described in the Addendum adopted in May 2019, environmental conditions in and around the project site have not changed such that implementation of the proposed minor modifications to the 2009 Subsequent EIR would result in new significant environmental effects or a substantial increase in the severity of environmental effects identified in the 2009 Subsequent EIR, and thus would not require major revisions to the 2009 Subsequent EIR.

New Information

No new information of substantial importance, which was not known or could not have been known when the 2009 Subsequent EIR was certified or when the Addendum was adopted in 2019, has been identified which shows that the proposed minor modifications to the 2009 Subsequent EIR associated with the proposed project would be expected to result in: (1) new significant environmental effects not identified in the 2009 Subsequent EIR; (2) substantially more severe environmental effects than shown in the 2009 Subsequent EIR; (3) mitigation measures or alternatives previously determined to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the City declines to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the 2009 Subsequent EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt the mitigation measure or alternative.

Conclusion

The proposed minor modification to the 2009 Subsequent EIR described in this Addendum would not require major revisions to the 2009 Subsequent EIR due to new or substantially increased significant environmental effects. The modified project is within the scope of the 2009 Subsequent EIR and would have no new or more severe significant effects and no new mitigation measures are required. Therefore, no subsequent or supplemental EIR or further CEQA review is required prior to approval of the proposed project, as described in this Addendum.