

**ADDENDUM TO THE LAFAYETTE DOWNTOWN SPECIFIC
PLAN FINAL EIR:**

DOWNTOWN CREEKS PRESERVATION, RESTORATION AND
DEVELOPMENT PLAN

May 18, 2017

City of Lafayette
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TABLE OF CONTENTS

1.	EXECUTIVE SUMMARY.....	1
2.	PROJECT OVERVIEW	1
2.1	Project Description.....	1
2.2	CEQA Requirements for an EIR Addendum	7
2.3	Certified Downtown Specific Plan EIR.....	8
2.4	Purpose of the EIR Addendum.....	8
3.	IMPACT ANALYSIS	9
3.1	Aesthetics	9
3.2	Air Quality.....	9
3.3	Greenhouse Gas Emissions	11
3.4	Cultural and Historic Resources	11
3.5	Geology and Soils.....	12
3.6	Hazards and Hazardous Materials.....	13
3.7	Hydrology and Water Quality	13
3.8	Land Use and Planning	15
3.9	Noise	17
3.10	Population and Housing	17
3.11	Public Services	18
3.12	Utilities and Service Systems	19
3.13	Traffic and Transportation	20
3.14	Biological Resources	24
4.	CONCLUSION	26

1. EXECUTIVE SUMMARY

The City of Lafayette is proposing the Downtown Creeks Preservation, Restoration and Development Plan (“Downtown Creeks Plan”), as envisioned by the City’s General Plan and identified for completion and implementation in the Downtown Specific Plan (DSP). The proposed Downtown Creeks Plan analyzed in this Addendum expands upon the goals, policies and programs as identified in the General Plan and DSP, providing concepts and implementation policies and guidelines to meet the City’s goals for Downtown creeks. This Addendum assesses whether the impacts generated by the Downtown Creeks Plan would create any new or substantially greater significant impacts than those that were assessed in the Downtown Specific Plan EIR (DSP EIR).

The DSP EIR determined whether the goals, policies, and programs of the DSP would result in significant impacts to the environment and suggested mitigations for the reduction of these impacts to the extent feasible. Implementation of the goals, policies, and programs of the Downtown Creeks Plan do not alter the analyses or conclusions of the DSP EIR. This Addendum finds that the Downtown Creeks Plan would not result in any new or substantially greater significant impacts than those which were identified and assessed in the DSP EIR.

This Addendum also demonstrates that the DSP policies and programs, that are listed as mitigating potential impacts for each of the defined impacts of the DSP EIR, would continue to reduce potential impacts to less-than-significant levels and would continue to be implemented as part of this Downtown Creeks Plan. Consequently, and as per California Environmental Quality Act (“CEQA”) Guidelines sections 15162 and 15164, a subsequent EIR is not required for the Project and the City Council may adopt this Addendum in fulfillment of its obligations under CEQA.

2. PROJECT OVERVIEW

2.1 Project Description

Background and Purpose

As envisioned by the General Plan and DSP, the City of Lafayette is proposing the Lafayette Downtown Creeks Plan to further the goal of protecting and enhancing Lafayette’s Downtown creeks. This goal was established by the City of Lafayette in 2012 when it adopted the Downtown Specific Plan (DSP). The DSP articulates a vision to preserve and enhance the Downtown’s small town character while guiding change that will occur over the next 20 years. In addition, the City adopted the Downtown Design Guidelines in 2014 to provide more detailed guidance to direct

development in the Downtown area and to more fully develop the vision and goals for the Downtown creeks. The Downtown Creeks Plan establishes a strategy, set of improvements, and implementation actions for achieving the vision for creeks that was set forth in the Downtown Specific Plan and Design Guidelines.

The Downtown Creeks Plan fulfills the objectives of several components of the DSP, including:

- Goal 15: Public Realm – Creeks. Protect and enhance Downtown creeks.
- Policy 15.1: Preserve the natural resource value of the creeks.
- Program 15.1.1: Evaluate projects within and adjacent to the creek corridors on the following priorities (in priority order):
 - Flood protection
 - Preservation of riparian habitat
 - Visual access
 - Opportunities for education about the creek’s riparian resources
 - Physical access to the top of creek banks
- Policy 15.2: Preserve creeks as a significant contributor to the Downtown character.
- Program 15.2.1: Prepare a Downtown Creeks Preservation, Restoration and Development Plan. The Plan should establish a long term vision for Downtown creeks and should address the following:
 - Creek setbacks
 - Relationship with adjacent development
 - Existing trees
 - Damage prevention
 - Creek preservation and restoration
 - Creek stewardship
 - Nuisance abatement
 - Public access
 - Pathways
 - Other public safety and environmental concerns
- Program 2.12.1: Downtown Retail - Shield Block...Developments along the creek will install creekside landscaping emphasizing native and riparian species.

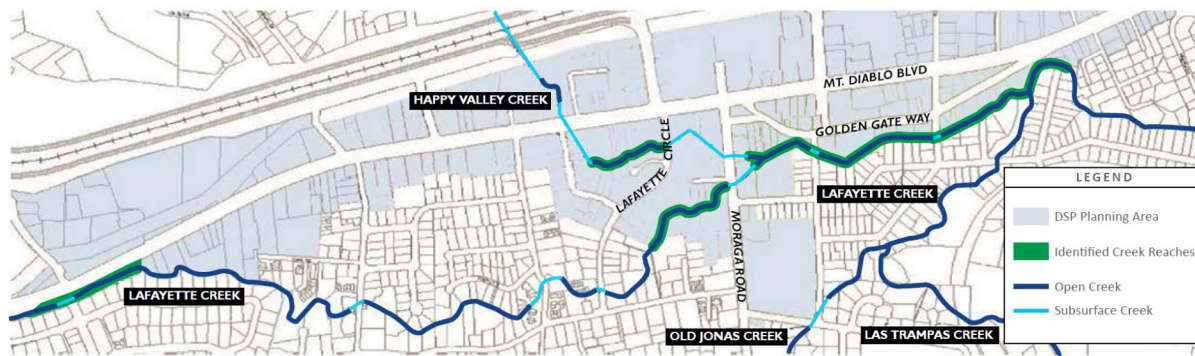
The Downtown Creeks Plan implements Program 15.2.1 identified above and begins to fulfill the objectives of the other programs, policies, and goals identified in the DSP and analyzed in the DSP EIR. The improvements and additional policies and programs identified in the Downtown

Creeks Plan take the DSP concepts further toward implementation. Key concepts of the Downtown Creeks Plan are described in the following section and are analyzed in the impact analysis in Chapter 3 of this Addendum.

Project Location

The Downtown Creeks Plan encompasses several creeks within the Las Trampas Creek watershed, including reaches of Happy Valley Creek, Lafayette Creek, Old Jonas Creek, and Las Trampas Creek. The Plan boundaries are identified in Figure 1. All of the reaches are surrounded by low- or moderate-density housing or commercial buildings.

Figure 1: Downtown Creeks Plan Area



Key Plan Components

The Plan identifies detailed concepts for potential projects on both public and private property. Additionally, the Plan identifies policies for creek protection and maintenance, and the approval process. Key Plan components with potential physical impacts are discussed below.

1. **Public and Private Projects (Chapters 3 and 4):** Most of Lafayette's Downtown creeks are located on private property. For projects involving both public and private property, elements of the project may be undertaken in phases, or partnership agreements between the City and the private property owners may be crafted to achieve projects holistically. The creek reaches at either end of the study area are on publicly owned land, and projects in these reaches may be undertaken by the City in the short- to medium term. The timeline for implementation of potential private projects is more uncertain.

Key project components include expansion of pedestrian trails and crossings; development of pocket park and other access improvements; installation of bioretention areas; restoration of approximately 100 feet of culvert in the South Reach and alterations of the channel wall on the North Reach to provide decorative treatments such as a mural

or living wall (no structural changes are proposed). Additionally, the Downtown Creek Plan explores possibilities for improvements to the channelized sections of the east reaches. The Plan does not support any one proposal, but acknowledges that hydraulic analyses would be necessary to determine the impacts of altering the channel wall or bottom in cooperation with the Contra Costa County Flood Control District:

All of these improvements were identified conceptually in the DSP and encouraged through policy measures including Program 5.1.3: “Require all future public and private projects in the downtown to demonstrate how they will contribute to the sustainability of the downtown....”

Other specific project concepts, initiated by DSP Programs 15.1.1 and 15.1.2 identified above, include:

- a. West Reach Catalyst Project: Includes creek bank erosion controls and restoration, educational displays, access improvements, and installation of bioretention areas. A wider sidewalk and overlooks would replace the existing parking lane to improve pedestrian access and the visibility of the creek. This project helps to implement the following programs in the DSP: Policy 2.5 (West End - Pedestrian Experience. While this district is more auto-oriented, safe and continuous pedestrian access is a priority) and Program 2.5.1 (Eliminate walkway gaps, and improve walkways so they are accessible to all people.)
- b. Crossings and Street Frontages: Includes installation of bioretention areas and streetscape and infrastructure improvements (e.g., trails, stairs, pedestrian bridge) and signage to manage stormwater runoff and improve access, respectively. These improvements implement DSP Program 12.1.3: Consider “green street” techniques to reduce and treat stormwater close to its source in streetscape and other public improvements.
- c. Town Green: As identified in the DSP, along the North Reach, an expanded creek setback is proposed to replace a parking lot and create a plaza that improves visual access to the creek, creates a place for passive park and intended for shoppers and other downtown patrons to gather, have a place to relax and participate in community events. This project helps to implement Program 13.1.1: Provide new parks and other public spaces to enhance the sense of community and provide amenities supporting downtown uses. Proposed parks include: “Library Park”, “Town Green”, and “Gazebo Park.”

- d. East Reaches 1 & 2: Visual & Physical Creek Connections: In this location there is an opportunity to provide public improvements including sidewalk enhancements and bulb-outs with rain gardens for bioretention in the public right-of-way. These improvements help to implement Policy 2.22 (East End - Pedestrian Experience. While this district is more auto-oriented, safe and continuous pedestrian access is a priority) and Program 2.22.1 (Eliminate walkway gaps, and improve walkways so they are accessible to all people).
 - e. East Reach 3: This concept proposes to install stairs to access a terrace area at the confluence of Lafayette and Las Trampas Creeks and improve the visibility of the creek from public locations. This project similarly aims to improve the pedestrian experience, identified in DSP Policy 2.22 for the East End.
2. Creek Protection (Chapter 5): The Plan includes restoration of riparian habitat, erosion repair, and Low Impact Development (LID) components. These projects will involve trash and invasive species removal, and use of Integrated Pest Management. Additionally, the Plan calls for revisions to the Creek Setback Ordinance to strengthen resource protection values and public access, and to clarify that only permitted engineered creek improvements (and not concrete debris or other substandard stabilization methods) would create exceptions as “improved” creeks. These efforts support Goal 15, Policies 15.1 and 15.2, and Programs 15.1.1 and 15.2.1, stated above.
 3. Policies, Programs, and Actions (Chapter 8): The Downtown Creeks Plan reiterates existing City policies to identify desired outcomes and implementation actions that aim to meet these goals. For the purposes of this environmental analysis, only new policies and programs with potential physical impacts are analyzed in Chapter 3 of this Addendum and described below (policy #s are in parentheses):
 - Require development applications to address removal of non-native invasive plant species in their planting plans for riparian areas (1.C).
 - Expand stormwater and site design measures to be required for smaller projects (1.E)
 - Revise Downtown Design Guidelines to encourage removal of culverts and impervious surfaces and structures that border open creek channels, and to seek funding to daylight culverted reaches (1.F)
 - Consult with regulatory agencies on techniques to remove concrete and steel from creeks that are easiest to permit (2.D)

- Develop a standard condition of approval to apply to projects with creeks to ensure removal of concrete and steel from creeks (if an appropriate nexus is established) and to streamline securing regulatory agency authorizations (2.D)
- Consider allowing additional building height, reduced parking requirements, creek setback exceptions, or regulatory assistance to landowners as incentives to further the implementation of creek enhancements (3.E)

All of these policies were anticipated by DSP Goal 15, Policy 15.1, and Programs 15.1.1 and 15.2.1, identified above. The Plan proposes certain projects and designs, but is nevertheless still conceptual. Therefore, this Addendum addresses the potential environmental effects resulting from implementation of the Plan as a whole. As site-specific designs are developed in more detailed, changed or expanded, potential impacts may need to be addressed in future site-specific environmental review. These instances are highlighted within the individual environmental impact analyses in the next chapter.

Construction and Phasing

The most intensive construction work will relate to grading and the demolition and construction of pavement. Concrete work would require concrete trucks and potentially a concrete pump; culvert removal and bridge work would require cranes; and asphalt work would require trucks and pavers. Where creek bank erosion controls are contemplated, such as on the West Reach, a pile driver or vibratory pile driver, excavators, bulldozer and front loaders may be utilized, along with smaller vehicles like skid loaders and bobcats trucks. As detailed in Chapter 5, hand tools would typically be used for the invasive removal and planting. The bucket of a backhoe may be used to scrape the ground surface and round up invasive species, pull out invasive saplings, and knock down invasive trees. These types of construction equipment were contemplated in the DSP and DSP EIR.

The Downtown Creeks Plan is anticipated to be implemented opportunistically, as a creekside property seeks to redevelop, a stewardship group comes forward for habitat restoration, or specific funding becomes available. Since most of the creeks in the Planning Area are located on private property, implementation of the Downtown Creeks Plan will likely take place incrementally and over a long period of time as property owners take advantage of funding or incentives. The most anticipated projects are likely to be invasive species removal and revegetation, street crossing improvements (e.g., rain gardens, overlooks) and projects on public property. Additionally, the Plan calls for prioritization of projects through evaluation criteria that value public access and education, habitat restoration, safety, economic development, and ease of implementation and maintenance. This system will help to spread out projects and allow the City to manage the flow of projects and their potential impacts during construction.

2.2 CEQA Requirements for an EIR Addendum

If changes to a project or its circumstances occur or new information becomes available after adoption of an EIR, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines section 15162(a) are met (see below), (2) prepare an Addendum, or (3) prepare no further documentation. (State CEQA Guidelines, 15162(a), 15164(a).) When only some changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred, CEQA allows the lead agency to prepare and adopt an Addendum. (State CEQA Guidelines, 15164(a).)

Under Section 15162, a subsequent EIR need not be prepared 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 any 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 EIR was certified, 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.

Thus, if the Downtown Creeks Plan would not result in any of the circumstances listed in Section 15162 (i.e., no new or substantially greater significant impacts), an Addendum to the DSP EIR is appropriate.

2.3 Certified Downtown Specific Plan EIR

The City certified the EIR for the DSP in August 2010, prior to adopting the DSP in September 2012. The DSP EIR concluded that, at a program level, the impacts of future development and policies included in the DSP would all be reduced to less-than-significant levels given the policies and programs of the DSP, except for air quality impacts consistent with Clean Air Plan assumptions, traffic impacts further deteriorating the level of service, the cumulative traffic impact to Highway 24, and other circulation impacts. No feasible mitigation measures were identified for these impacts that could reduce impacts to less-than-significant levels. Therefore, the City approved a Statement of Overriding Considerations when adopting the DSP to explain why the DSP was being approved, despite significant and unavoidable impacts.

2.4 Purpose of the EIR Addendum

The DSP builds on the General Plan and other policy documents to provide a detailed land use and design framework to guide private development and public investment in the Downtown. The DSP articulates a vision and establishes goals, policies, and implementation programs that are intended to manage and mitigate the impacts of future growth and development within Downtown. The Downtown Creeks Plan further builds on the General Plan and DSP by implementing the goals, policies and programs identified therein which further protect and enhance Downtown and its creeks.

The Downtown Creeks Plan provides greater detail and direction on how to meet the City's vision for Downtown development and preservation, including technical assistance, best practices, recommended improvements, and concepts for development. While the Downtown Creeks Plan provides concepts and a set of tools for creek preservation, creek restoration, access, and private development, it does not identify prescriptive project designs or other requirements beyond regional, State, and local regulations.

Per CEQA Guidelines Section 15164(a), the lead agency may prepare an Addendum to a previously certified EIR if some changes are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

This Addendum evaluates whether the Downtown Creeks Plan proposes any changes to the approved DSP that would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the DSP EIR. Ultimately, as discussed in the Conclusion in Chapter 4, this Addendum finds that a subsequent EIR is not warranted.

3. IMPACT ANALYSIS

3.1 Aesthetics

The DSP EIR determined that implementation of the DSP would not result in significant project or cumulative impacts related to aesthetics. The strategies and concepts identified in the Downtown Creeks Plan help to fulfill the goals and policies of the DSP, as specified in Goal 15, Policy 15.1, and Program 15.1.1, as identified in the Project Description. Specifically, the Downtown Creeks Plan fulfills these objectives by identifying concepts and programs to improve access to the creeks through new pedestrian routes and public open space areas, and expand landscaping. These improvements may have a beneficial impact on improving the overall visual character and quality of Downtown, as intended in the DSP, and increasing opportunities for public views of the ridgelines and mountains identified as protected views in the DSP EIR.

The Plan proposes bollard lights, consistent with City regulations which requires that lighting fixtures are installed, controlled, or directed so that light will not glare or be blinding to pedestrians, vehicular traffic, or on adjacent properties (County Code Article 76-4.612). Additionally, the Plan includes a policy further reducing potential lighting impacts during the project design phase:

- Implementation Action 3.A: ...Design creek enhancements to minimize impacts of noise and lighting on adjacent landowners and impacts to the well-being of residential areas...

Because the Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP as described above, the Plan would not result in new or substantially increased project or cumulative impacts related to aesthetics during construction or operation of the project. No new mitigation measures are required and an Addendum is appropriate.

3.2 Air Quality

The DSP EIR determined that development under the DSP would have significant and unavoidable air quality impacts even with implementation of mitigation measures, because the DSP proposed to increase population and employment at a greater rate than the levels that were assumed in the regional Air Quality Plan. The Downtown Creeks Plan would not increase

population and employment, and would not create additional vehicle trips or traffic during operation of the project. The Plan would not violate any air quality standard, would not result in a cumulatively considerable net increase of any nonattainment pollutant, would not expose sensitive receptors to substantial pollutant concentrations nor create objectionable odors.

Rather, the Plan may have a beneficial impact on air quality by expanding landscaping and tree planting, which can capture carbon dioxide and remove some of the fine particulate matter emitted from traffic under low wind speeds. Additionally, improvements to pedestrian infrastructure may encourage walking between destinations Downtown, adjacent to the creeks. In this way, the Plan supports the DSP's Pedestrian and Bicycle Network and the following DSP goal and policies:

- Goal 5 Sustainability will be integrated into every aspect of the downtown.
- DSP Policy 5.1: Support the City's Environmental Strategy, Mission Statement, Guiding Principles, and Goals.
- Program 5.1.2: Include policies and programs for the downtown in the City's Environmental Action Plan to support the community's current waste diversion and emission reduction targets and energy and water conservation goals as defined in this Action Plan.
- Program 6.1.4: Promote and require pedestrian circulation when considering applications for development.

Specifically, the creek improvement, invasive species removal, and landscaping projects protect, preserve and restore the natural environment, consistent with the City's Environmental Strategy. Trail and street connections support AB32 and SB375 implementation initiatives by encouraging biking and walking, and therefore contribute to efforts to reduce GHG emissions.

Construction of projects associated with the Downtown Creeks Plan would involve a temporary generation of emissions associated with equipment and vehicles used for demolition, grading, and construction of the project, as anticipated by the DSP and DSP EIR. Construction emissions would occur intermittently on individual projects and over a period of many years. Moreover, construction projects would be required to follow all local, regional, and State air quality requirements which would limit impacts to air quality during construction.

Thus, no new or substantially greater significant impacts would result with regard to air quality because no additional construction, operational, or vehicular emissions would occur as a result of the Downtown Creeks Plan.

3.3 Greenhouse Gas Emissions

The DSP EIR determined that implementation of the DSP would not result in significant project or cumulative impacts related to greenhouse gas emissions. The Downtown Creeks Plan would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment during operation of the project nor would it conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The Downtown Creeks Plan does not propose any new development that would permanently increase residents, employees, or vehicle trips beyond that allowed in the existing DSP and analyzed in its EIR.

As discussed in the air quality analysis above, during construction of the project, the Downtown Creeks Plan would involve a temporary generation of emissions associated with equipment and vehicles used for demolition, grading, and construction of the project, as anticipated by the DSP and DSP EIR. Construction projects would be required to follow all local, regional, and State emissions reduction requirements which would limit impacts during construction.

Additionally, the Downtown Creeks Plan may have beneficial impacts on greenhouse gas emissions by encouraging community members to walk along new trails, bridges, and other connections that improve circulation Downtown. In this way, the Plan helps to implement emissions reduction efforts as stated in DSP Goal 5 and Program 5.1.2, identified in the preceding section. Moreover, the Plan improvements were anticipated in the DSP through concepts and policies, including:

- Program 5.1.3: Require all future public and private projects in the downtown to demonstrate how they will contribute to the sustainability of the downtown. Examples could include the use of green street technologies, enhanced pedestrian access to BART, a variety of housing options, and provision of bicycle racks.

Therefore, the Plan would not result in new or more severe significant project or cumulative impacts during construction or operation of the project related to greenhouse gas emissions and, therefore, a subsequent EIR is not required for this impact.

3.4 Cultural and Historic Resources

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to cultural and historic resources with implementation of mitigation measures. Local and State policies and regulations described in the DSP EIR require that any archeological, paleontological, and human remains discovered during construction would be handled appropriately.

Given that Native American settlements have been found as recently as the 1970s along Lafayette Creek, these measures are especially important within the Downtown Creeks Plan Planning Area. Depending on the extent of the specific Downtown Creeks Plan improvement measures, additional site-specific archeological studies will be required before construction. Specifically, General Plan Program LU-22.1.5 requires that development applications within 200 feet of a stream are required to have a records search and, if necessary, a field survey conducted. Mitigation Measure CULT-2 details the process for notification and determination of next steps if paleontological resources are encountered during grading or excavation.

At the same time, the Plan's focus on improvements that highlight the creeks as part of the City's culture and history support the following DSP goal:

Goal 4 Downtown Character – Cultural and Historic Resources. Preserve Lafayette's history in the downtown. Therefore, the Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP and would not result in any new or substantially increased significant impacts with regard to cultural or historic resources during construction or operation of the project, all previously identified mitigation measures would continue to be applied, and a subsequent EIR is not required.

3.5 Geology and Soils

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to geology and soils. The DSP EIR analyzed the stability of sections of the creeks in Downtown Lafayette identifying that they could be vulnerable to landslides and soil erosion along their banks during seismic activity. Adopted City requirements and policies, including creek setback requirements, the Trails Master Plan policies, General Plan policies, and City building requirements, require erosion controls and geotechnical analyses to prevent the exposure of people or structures to adverse effects during seismic events. Implementation Action 3.E would allow exceptions to creek setback requirements in order to encourage creek improvements on private property. However, conformance with Section 6-1842 of the Lafayette Zoning Ordinance requires that any exceptions to these requirements include conditions for Creekside erosion protection and on-site drainage, as deemed necessary by the City Engineer, and certification that there is no likelihood of a hazard to persons or property resulting from the proposed construction.

Where the Downtown Creeks Plan proposes work in the creek, the Plan identifies project concepts that seek to control erosion and stabilize creek banks to improve the health of the creeks and creek banks and expand safe access to creek areas. As conditions of project approval, projects—including bridges and trail construction—would need to meet all City requirements,

including preparation of geotechnical analyses and erosion controls during project construction and for operation of the projects. As a result, the Downtown Creeks Plan would not expose people or structures to potential substantial adverse effects related to seismic shaking, ground failure, or landslides, nor would it cause erosion during operation or construction of the project.

As such, the Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP and would not result in any new or substantially increased significant impacts to geology and soils during construction or operation of the Plan; therefore, a subsequent EIR is not required.

3.6 Hazards and Hazardous Materials

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to hazards and hazardous materials. The Downtown Creeks Plan does not propose any additional development that would create hazards. The use or transport of hazardous materials would not occur as a result of the adoption and implementation of the Downtown Creeks Plan beyond what was contemplated in the DSP. Rather, the Plan may help to reduce adverse impacts from hazardous materials by expanding bioretention areas and the capacity to treat stormwater runoff. In this way, the Plan supports DSP Goal 17: “Public Realm – Public Facilities and Services. Strive to provide facilities and services that contribute to a sustainable quality of life for all generations.”

Therefore, the Plan would not include any elements that go beyond the scope of the DSP and would not result in any significant impacts to hazards and hazardous materials during construction or operation of the project, and a subsequent EIR is not required.

3.7 Hydrology and Water Quality

The urbanization of Lafayette has increased impervious surfaces, reducing water quality of the creeks by enabling pollutants to enter the creeks in higher concentrations and increasing runoff during storm events, which can increase erosion in the creek channels and raise the risk of flooding. Most of the creek reaches in the Planning Area have steep banks, with no floodplain areas to prevent erosion impacts. Urbanization has increased peak stormwater flows, causing downcutting in soft bedrock and alluvial deposits and dramatically incised channels with undercut banks. The shallow root system of invasive English ivy has further compromised the stability of the banks. Lastly, not all buildings along the creeks conform to current setback requirements, further increasing slope stability risk issues.

Plan projects would alter the existing drainage pattern of the area by restoring creek reaches to their natural states, but not in a manner that would result in substantial erosion, siltation or flooding on- or off-site. Rather, the expansion of bioretention areas would increase opportunities for stormwater capture and groundwater recharge, thereby improving water quality and reducing potential flooding impacts. Bank stability, revegetation, erosion controls, and creek setbacks called out in the Downtown Creeks Plan, as well as the Trails Master Plan and General Plan, as described in the DSP EIR, further seek to improve creek bank stability and prevent erosion. In this way, the Plan supports DSP Program 15.1.1 and Program 15.1.2 (specified in the Project Description) which seek to protect Downtown from floods, preserve habitat and the health of the creeks, and address other environmental concerns, such as water quality.

The Downtown Creeks Plan acknowledges (part of Implementation Action 2.D) that potential enhancements to the Lafayette Creek flood control channel (i.e., East Reaches 1 and 2) would require a hydraulic study to determine whether alterations to the channel would affect flow velocity and flood risk.

Existing regulations, including the City's Flood Damage Prevention Ordinance and creek setback requirements, seek to reduce the potential for flooding. Additionally, regulations and permitting requirements by the United States Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board would be adhered to as part of the project review and approval process, and during both construction and operation of the project. Based on these local, regional, and State requirements, the hydrological impacts of removing a portion of the culvert in the South Reach and the East Reaches (1 and 2) would need to be studied and engineered to reduce potential flooding impacts. Further environmental review may be required at the detailed design phase for these specific improvements.

Additionally, the Downtown Creeks Plan includes several policies that seek to improve water quality and control erosion:

- Implementation Action 1.E: Protect aquatic habitat by controlling untreated runoff from impervious surfaces, preventing the introduction of fertilizers and non-approved herbicides into creek habitats, and complying with stormwater treatment requirements for existing and future development. (Notably, this action item is proposed as an amendment to the Stormwater Management and Discharge Control Ordinance to expand stormwater treatment measures beyond larger projects to projects less than 2,500 square feet in size.
- Implementation Action 2.A: Address current creek erosion issues. Use techniques identified in this report to address minor erosion issues. Compile a list of possible

contractors qualified to do this work. Larger issues will require professional consultation with a licensed civil engineer.

- Implementation Action 2.B: Assist and encourage landowners to maintain creek banks. The long term health of creeks requires that landowners maintain the land adjacent to the creeks. Banks should be stable and designed to prevent erosion. Areas that drain into the creek should be kept clean, and bioretention and other LID measures should be in place to reduce the quantity and improve the quality of water discharged into the creek.

Implementation Action 3.E would allow exceptions for creek setback requirements in order to encourage creek improvements on private property. The Plan identifies amendments to the Flood Damage Prevention Ordinance to codify this flexibility. However, as described in the Geology and Soils section above, conformance with Section 6-1842 of the Lafayette Zoning Ordinance ensures that necessary erosion protection and on-site drainage measures are implemented for any projects taking advantage of the creek setback exceptions.

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to hydrology, drainage, and water quality during construction or operation of the project. As detailed above, the Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP and would not result in any new or more severe significant impacts to hydrology, drainage or water quality; therefore, a subsequent EIR is not required.

3.8 Land Use and Planning

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to land use and planning. The Downtown Creeks Plan would not physically divide an established community nor would it conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Planning Area. Rather, the Plan helps support the goals and policies of related plans.

The Downtown creeks are an integral part of the DSP, which proposes three parks (Library Park, Town Green and Gazebo Park) adjacent to the Downtown creeks, and includes goals, policies and programs (outlined in the Project Description above) pertaining specifically to the Downtown creeks. The Downtown Creeks Plan implements those policies by carrying out the actions described in DSP Program 15.1.1 and 15.2.1. Additionally, the Downtown Creeks Plan is consistent with and provides more detailed direction to the Downtown Design Guidelines pertaining to development along the creeks. Rather than divide an established community, the Downtown Creeks Plan may have a beneficial impact by improving connections—through trails, pedestrian bridges, and improved sidewalks—within Downtown.

Additionally, the Downtown Creeks Plan helps to implement policies described in the General Plan, including Program OS-5.1.3 which seeks to develop a long-term management plan for addressing creek bank stability and Program S-3.4.3 which calls for assessment of financing mechanisms to fund necessary storm drainage and watercourse improvements to minimize flood hazards and creek erosion. The Downtown Creeks Plan helps develop a strategy for addressing these problems on both public and private property and assists property owners with recommended stability management practices, potential funding sources, and clarification about how to streamline local and other agency permit processes.

Incentives for additional building height to encourage creek improvements, as described in Implementation Action 3.E, are based on policies and programs defined in the General Plan and DSP and previously anticipated and evaluated in the DSP EIR:

- General Plan Program LU-10.2.1: Prepare a specific plan to identify areas where structures would be allowed up to 45 feet in height between Mt. Diablo Boulevard and Highway 24. Such a plan would establish findings such as the following. The design: demonstrates exceptional design; is compatible with adjacent properties; is sensitive to the residential areas surrounding the downtown; does not block identified viewsheds; enhances the creek area, as applicable; and constitutes a substantial public benefit to the community.
- The DSP builds upon the General Plan and sets a height limit of 35 feet and three stories for most of the downtown with the ability to increase the height limit to 45 feet only if the City Council is able to make the strict findings to grant an exception to the 35-foot height limit. There is no exception to the 3-story limit. The Council may grant a building height exception if the applicant can prove the following findings:
 - 1a. Unique site circumstances that mitigate the height when viewed from Mount Diablo Boulevard (such as topography, setbacks, or backdrops): The site or surrounding context mitigates the apparent height without compromising the site's natural features.
 - OR
 - 1b. Necessity (why it cannot comply with the 35-foot height requirement): The burden is on the applicant to provide compelling reasons why the proposed project cannot be developed unless it exceeds the maximum height limits. Project economics cannot be the sole reason for seeking an exception.
 - AND
 - 2. Significant net public benefit and amenities.

Lastly, the City's Trails Master Plan, adopted in 2006, identifies the Shield Block Creek Trail as a planned trail facility. The Downtown Creeks Plan further supports and details trail access in this location and identifies amendments to the Trails Master Plan to include the East Street Trail and Lafayette Creek Trail in its implementation plan.

Based on the DSP EIR and analysis above, the Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP and would not result in any new or substantially increased land use and planning impacts; therefore, a subsequent EIR is not required.

3.9 Noise

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to noise and vibration with implementation of mitigation measures. The Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP, would not create any new jobs or residents, and is not expected to generate new vehicle trips during operation of the project.

During construction of the project envisioned in the Downtown Creeks Plan, the highest noise levels would be generated from the large pieces of earth-moving equipment and pile driving (if used) described in the Project Description above. Although construction noise and vibration would be localized to the individual sites during construction of Plan projects, businesses and residences throughout the Planning Area could be intermittently exposed to elevated levels of noise and vibration throughout the years of construction. The DSP EIR analyzed the noise impacts of these types of construction measures and identified a potential significant impact since noise levels may exceed acceptable standards. The Downtown Creeks Plan does not propose noise or vibration levels beyond those anticipated in the existing DSP and analyzed in its EIR. Along with all mitigations measures identified in the DSP EIR, Mitigation Measure NOI-3a, NOI-3b, NOI-3c, NOI-4a, and NOI-4b in particular address these potential construction and vibration impacts during construction, as detailed in the DSP EIR.

No new or substantially increased significant impacts would occur as a result of this project nor cumulatively; therefore a subsequent EIR is not required.

3.10 Population and Housing

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to population and housing with implementation of mitigation measures. Incentives for additional building height in exchange for benefits for creek enhancement projects were contemplated and analyzed in the DSP EIR. No other incentives proposed—specifically,

exceptions to creek setback requirements and reduced parking requirements—would affect the number of residents, homes, or employees. By providing creek, landscaping, and pedestrian circulation improvements that contribute to the sustainability and livability for residents and community members Downtown, the Plan supports the following DSP goal:

- Goal 1: Downtown Character – Land Use. Promote land uses that retain the downtown’s small town character while providing the services and amenities needed and desired by the community.

As a result, the Downtown Creeks Plan would not include any elements that go beyond the scope of the DSP and does not propose any new development that would permanently increase residents or employees beyond that allowed in the existing DSP and analyzed in the DSP EIR. Thus, no new or substantially greater significant impacts would result with regard to this impact, and a subsequent EIR is not required.

3.11 Public Services

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to public services with implementation of mitigation measures. The Downtown Creeks Plan does not propose any additional development, permanent jobs or additional residents—beyond what was accounted for in the DSP—that would affect fire and police services and facilities, or school enrollment and facilities. As described in the DSP and DSP EIR, the Downtown Creeks Plan would increase park and recreation opportunities by creating trails, parks, and plazas, and improving access to the creek as an open space amenity. Implementation of the Downtown Creeks Plan would not lead to the deterioration of such facilities since the Plan includes maintenance provisions including the following Plan policies:

- Implementation Action 1.D: Provide necessary monitoring and maintenance to prevent re-establishment of non-native invasive species and ensure the successful establishment of desired native riparian vegetation.
- Implementation Action 1.F: As part of evaluating future development plans that border creek corridors...City will coordinate and facilitate landowner efforts to properly manage, maintain and improve habitat conditions along the creek corridors of Downtown Lafayette.
- Implementation Action 2.B: Assist and encourage landowners to maintain creek banks. The long term health of creeks requires that landowners maintain the land adjacent to the creeks. Banks should be stable and designed to prevent erosion. Areas that drain into the

creek should be kept clean, and bioretention and other LID measures should be in place to reduce the quantity and improve the quality of water discharged into the creek.

- Chapter 5 includes requirements and guidelines for creek maintenance, replanting and invasive species removal, and pest management.

In this way, the Plan supports the following DSP goal and policy:

- Goal 17: Public Realm – Public Facilities and Services. Strive to provide facilities and services that contribute to a sustainable quality of life for all generations.
- Policy 17.1: Consider demonstrated needs identified in assessments and other relevant studies when considering public facilities and programs and other services.

Further, all previously-identified mitigation measures would continue to apply to development proposed under the DSP, and thus would not add any additional strain to existing services. No new or substantially greater significant impacts would result with regard to this impact during operation or construction of the project; therefore, preparation of a subsequent EIR is not required.

3.12 Utilities and Service Systems

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to utilities and service systems. The Downtown Creeks Plan does not propose any additional development, beyond what was anticipated in the DSP, and thus would not add any additional strain to existing wastewater or water systems as a result of additional residents or employees during construction or operation of the project.

In terms of water demand, the Plan does recommend plantings in the riparian zone, with installation during the wet season (between November 15 and January 15) and summer irrigation for a minimum of two to four years until plants are established. Such irrigation systems would be required to follow General Plan Program OS-8.1.1, which supports low-flow irrigation system as well as Chapter 11-6 of the Lafayette Municipal Code which seeks to implement recycled water for landscaping over time. Low-flow irrigation systems installed for periods of two to four years at individual replanting sites are not anticipated to result in the need for new water treatment facilities or expansion of existing facilities nor lead to insufficient water supplies. In this way, the Plan supports DSP Goal 17 and Policy 17.1, identified in the preceding section, and would not result in any new or substantially increased significant impacts, and a subsequent EIR is not required.

3.13 Traffic and Transportation

The Downtown Specific Plan EIR determined that development under the DSP would have significant and unavoidable traffic impacts even with implementation of mitigation measures. The Plan includes a range of pedestrian, street design, and streetscape improvements that were anticipated by and support implementation of the following DSP goals, policies, and programs:

- Program 6.1.3: Implement minor street modifications to balance the needs of vehicles, pedestrians, bicycles, transit, and other alternative modes of transportation.
- Program 6.1.4 Promote and require pedestrian circulation when considering applications for development.
- Goal 7: Getting Around – Pedestrians. Ensure a continuous and accessible pedestrian network with appropriate pedestrian infrastructure.
- Program 7.1.1: Implement those sections of the Master Walkways Plan and Trails Master Plan that will improve pedestrian access to, from, and within the downtown, particularly between residential neighborhoods and the downtown.
- Policy 7.3 Implement a walkway network with a variety of pedestrian facilities suitable to the area's character.
- Program 7.3.2: Develop off-street walkways to provide pedestrian linkages with Mount Diablo Boulevard, other downtown streets, and downtown's natural features.

Project Impacts

Vehicle trips made for the sole purpose of visiting open space projects emerging from the Downtown Creeks Plan are expected to be limited and moreover were anticipated in the DSP and DSP EIR as part of the new park, open space, and streetscape improvement projects. Likewise, vehicle trips generated during construction would be temporary and were also considered in the DSP EIR. The additional sidewalks, trails, pedestrian bridges, and related pedestrian amenities specified in the Downtown Creeks Plan are anticipated to have a beneficial impact on improving connections to and within Downtown. These improvements may encourage community members to walk rather than drive, potentially reducing traffic impacts.

The Downtown Creeks Plan does propose projects that would affect the circulation system, specifically elimination of a parking lane (reducing overall street width), and elimination of on- and off-street parking spaces. Although parking is not considered a CEQA topic, this Addendum explores potential impacts on circulation should a reduction in parking result in drivers looking for parking (i.e., circling and adding vehicle miles traveled to roadways Downtown). These improvements and their potential effects are analyzed below:

West Reach Catalyst Project Streetscape Improvements

As a result of the proposed sidewalk expansion and installation of overlooks, up to 21 on-street parking spaces on the east-bound side of Mt. Diablo Boulevard would be eliminated. Parking in this location is well-utilized, particularly on weekday mornings and weekends as community members park in this location in order to access the Lafayette Reservoir. This loss of parking would be offset by a recently developed public/private lot at EcoVive on Risa Road at Mt. Diablo Boulevard, which provides 38 public parking spaces to serve park and other users, resulting in a net increase of public parking spaces in the vicinity of the reservoir. Moreover, the proposed sidewalk improvement may encourage community members within walking distance of the reservoir to walk rather than drive to the park.

No traffic impacts are anticipated by the Downtown Creeks Plan that would affect level of service or delay since there is no change in the capacity or configuration of travel lanes.

North Reach Shield Block Trail Improvements:

Within the Shield Block, a new pedestrian path from Mt. Diablo Boulevard to the creek and a new creekside pedestrian path and bridge would improve pedestrian circulation and access to open space. As proposed in the DSP, a new “Town Green” plaza is located along the eastern end of the Shield Block, to expand open space and access to the creek.

These improvements would require agreement from the private landowners to remove the existing fences, consolidate the parking lots, and allow shared driveway access, since the driveway entrance along the eastern segment of Lafayette Circle would be eliminated. Installation of a rain garden or bioretention area and expanded sidewalk at the creek adjacent to the eastern segment of Lafayette Circle would also result in elimination of 1 parking space. Establishing the Town Green, as previously analyzed in the DSP and DSP EIR, would result in the loss of 24 parking spaces, which includes 8 tandem reserved (private) spaces.

Parking occupancy studies in and around the Shield Block were conducted during peak hours (Saturdays at 7pm) over two periods in May 2015. The observations indicated that parking was heavily utilized (above 85% occupancy) on the east side of the block (above and below The Cooperage and including the lot proposed for the Town Green). However, there was substantial availability in the remaining portions of the block—between 0 and 85%.

Elimination of the eastern driveway is not anticipated to alter level of service or delay for vehicles, with three other driveways remaining, and would improve circulation for pedestrians by removing a curb cut. The Downtown Creeks Plan identifies that eliminated parking will be offset

in part through improved parking efficiency as a result of the consolidation of parking areas. Moreover, based on the occupancy observations described above, there may be excess capacity elsewhere on the Shield Block. However, this would only become accessible at the initiative of the private property owners and as a result of the improvements (or similar improvements) described above.

In light of current occupancy levels, implementation of Policy 3.F and the potential for increased parking efficiency with consolidation of the private parking lots, there is expected to be sufficient parking supply to meet demand around the North Reach.

Lastly, the Town Green plaza was identified in the DSP and addressed by the DSP EIR, while trail improvements within the Shield Block were considered as part of the Trails Master Plan and its accompanying General Plan EIR Addendum.

South Reach Moraga Rd. Bulb-Out:

Widening of an existing sidewalk where Moraga Road meets Lafayette Creek is proposed to expand pedestrian access to an improved plaza area. Up to 3 on-street parking spaces would be removed to create a bioretention area. Additionally, an education garden is proposed to the south of the intersection, at an existing small parking lot, which would eliminate 5 off-street parking spaces. Pedestrian circulation would be improved through the elimination of a curb cut driveway and improved path leading to the creek. Though not part of the project definition, a potential new crosswalk across the north side of Moraga Road is considered in the plan, subject to review and approval for traffic, safety, and parking impacts. Additionally, the bulb-out would need to coexist with a proposed Class 3 bike route (provides for shared use with pedestrians or vehicles) on Moraga Road as shown in the Lafayette Bikeways Master Plan.

South Reach Daylight Lafayette Creek:

As part of the naturalization of the creek in this location, up to 22 off-street parking spaces would be removed to replace the culvert with a bridge. Implementation Action 3.F. stipulates the need to consult with the Parking Ordinance Committee on potential parking losses.

East Reaches 1 & 2: Visual & Physical Creek Connections – Phase 1, Expand Existing Mini Plaza:

In order to expand the mini plaza and develop creek access improvements, up to 7 on-street parking spaces would be removed on Golden Gate Way. The City recently acquired the parking lot property at Golden Gate Way and 1st Street (a.k.a. Oak Bridge Parking Lot) which may be able to accommodate the parking removed on Golden Gate Way.

Off-Street Parking Reductions

Implementation Action 3.E calls for consideration of reduced parking requirements as an incentive to encourage private property owners to install creek enhancement improvements. Reductions to the approximately 51 properties along the creek that could be eligible for such reductions would be required to be consistent with Zoning Ordinance (Section 6.6: Off Street Parking), which identifies how the Planning Commission addresses “parking shortages” (where the provision of parking is less than the parking requirement) and specifies the process for relief from parking requirements. Parking reductions could also be addressed through amendments to the Zoning Ordinance which were identified in the DSP.

Parking reductions would also need to be consistent with the DSP policies. The DSP calls for updating the parking regulations in the Zoning Ordinance, which would be the next implementation step to codify any proposed parking reduction. The DSP supports alternative and shared parking arrangements to best utilize existing parking and land area in the Downtown:

- Program 11.1.2 Continue to explore shared parking arrangements with property owners and developers.
- Policy 11.5 Update parking regulations.
- Program 11.5.1 Review the City’s parking regulations for updating to current standards, including parking requirements for different uses and the parking in-lieu fee.
- Policy 11.7 Consider alternative approaches to parking.
- Program 11.7.1 Develop an option for project proponents to demonstrate alternative ways of meeting parking demands, such as using parking reserved for alternative fuel vehicles and compact spaces.

As a result of existing policies and programs and the limited number of parcels that could be eligible for such parking reductions, potential parking reductions are not anticipated to create more severe impacts on parking than what was previously analyzed and determined in the DSP and DSP EIR.

Cumulative Impacts

At full implementation, approximately 91 parking spaces (40 on-street and 51 off-street spaces) would be removed to accommodate all of the proposed creek enhancements. This is a long-term vision so this loss of parking would occur gradually over a number of years. As mentioned above, the 21 spaces potentially lost along the West Reach would be replaced by a new lot across the street, so the net loss totals 70 spaces. The Downtown Core Parking Inventory and Occupancy

Survey, prepared in 2010, identified 5,445 parking spaces in the Downtown. This 1.3% reduction in parking would not substantially alter the amount of parking available and is not anticipated to generate additional vehicle miles expended while looking for parking that would result in substantial impacts to level of service or delay. The Plan calls for the mitigation of lost parking spaces to reduce potential impacts:

- Implementation Action 3.F: Mitigate for the loss of parking from creek enhancements, such as by replacing parking with other conveniently located spaces or improving management of the existing supply (e.g., pricing, time restrictions, consolidation of adjacent parking lots).

These mitigations would need to be determined based on the ultimate design of each individual project. To that end, the City is currently preparing parking management strategies that would better utilize the existing Downtown parking supply, which would further reduce potential impacts. Already, the addition of metered parking in private lots in 2015 has improved parking availability according to occupancy observations from the City's Planning Department.

No project or cumulative impacts are anticipated as a result of Downtown Creeks Plan projects that would result in new or more severe impacts with respect to level of service or vehicle delay. Additionally, all previously-identified mitigation measures in the DSP would continue to apply to the Downtown Creeks Plan. The Plan does include any elements that go beyond the scope of the DSP, and therefore no new or substantially greater significant impacts would result with regard to this impact, and a subsequent EIR is not required.

3.14 Biological Resources

The DSP EIR determined that development under the DSP would not result in any significant impacts with regard to biological resources with implementation of mitigation measures. The Downtown Creeks Plan does not include any elements that go beyond the scope of the DSP. Still, key features of the Plan are evaluated below for potential significant impacts.

The DSP EIR evaluated the possibility for special-status and other bird species to forage in the riparian corridors and to potentially provide nesting sites for raptors and other migratory birds in the dense riparian woodland along the creeks. Additionally, the Plan supports DSP riparian habitat programs identified in the project description (Program 15.1.1 and 15.2.1) as well as the following DSP goals and policy:

- Goal 14: Public Realm – Trees. Preserve downtown trees.

- Policy 14.1: Through the development process, preserve significant and existing trees, and require additional trees and landscaping materials which are water-conserving and suited to Lafayette’s climates.

The Downtown Creeks Plan further reinforces these policies by identifying amendments to the Tree Protection Ordinance to require that new Creekside development projects revegetate creek areas with native riparian plant species and specifying projects for replanting and expansion of riparian corridors that could increase opportunities for nesting sites. While this presents a beneficial environmental impact during operation of the project, during construction there is potential for tree removal (in order to construct bridge crossings) and construction-related disturbance during the breeding and rearing season. Mitigation Measure BIO-1 in the DSP EIR regarding nesting birds, as well as City, State, and federal policies sufficiently mitigate these potential impact to less-than-significant levels. Areas of riparian woodland and scrub would be enhanced and mature native trees would be protected as part of the DSP and Downtown Creeks Plan. Therefore, no significant adverse effects on sensitive natural communities are anticipated, and impacts would be less than significant.

Modifications to jurisdictional waters, including habitat enhancement and native revegetation called for in the Plan, would require review and approval by California Department of Fish and Wildlife, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers, which would ensure that the proposed activities would not cause negative impacts and that adequate controls are in place to prevent any adverse secondary impacts to water quality and adjacent habitat areas. These controls include implementation of construction avoidance measures for work conducted within or near creeks and other wetlands, and the definition of any compensatory mitigation requirements where full avoidance is determined to be infeasible.

The creeks and associated riparian habitat would continue to be available to wildlife found in these habitat types. The movement opportunities associated with the naturalized creek segments would be retained and enhanced by creek daylighting and potential improvements to the channelized creek segments. Low Impact Design techniques would further improve water quality and the health of aquatic habitat by mimicking a site’s predevelopment hydrology—minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. Additionally, the Plan includes several policies that seek to improve habitat and protect trees:

- Implementation Action 1.C: Improve habitat conditions by controlling and eradicating non-native invasive species and restoring native riparian vegetation.

- Implementation Action 1.D: Provide necessary monitoring and maintenance to prevent re-establishment of non-native invasive species and ensure the successful establishment of desired native riparian vegetation.

Improvements along the creek corridors may contribute to increased night-time lighting in some locations. The upland areas along the creek corridors through the project area are already highly developed, and no significant adverse impacts are anticipated. However, to further reduce potential impacts due to lighting (and in addition to City requirements to prevent light spillover, the Plan includes Implementation Action 3.A, as described in the Aesthetics section above.

In conclusion, no new or substantially greater significant impacts would result with regard to this impact during operation or construction of the project, and a subsequent EIR is not required.

4. CONCLUSION

According to the California Environmental Quality Act Guidelines Section 15164, an Addendum to a previously adopted EIR may be prepared if only some changes or additions are necessary and none of the conditions described in Section 15162 requiring the preparation of a subsequent EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR is needed for further discretionary approval. These findings are described below:

- Required Finding #1: No substantial changes are proposed for the project that 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.
 - Response: The physical and environmental circumstances under which the Downtown Creeks Plan would be implemented have not substantially changed since the preparation of the DSP EIR. No substantial changes have occurred with respect to the circumstances under which the Downtown Creeks Plan would be implemented that would require revisions of the DSP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Required Finding #2: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would 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.

- Response: No substantial changes have occurred with respect to the circumstances under which the Downtown Creeks Plan would be implemented that would require revisions of the DSP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Required Finding #3: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.
 - Response: The Downtown Creeks Plan does not propose any additional development not already anticipated and analyzed within the DSP EIR. Furthermore, no new information exists that would indicate that the project would result in a new significant impact or an increase in the significance of a previously identified significant effect. Therefore, an Addendum to the DSP EIR would be appropriate under these criteria.

Accordingly, and based on the findings and information contained in the DSP EIR, and the CEQA statute and State CEQA Guidelines, including sections 15162 and 15164, the Downtown Creeks Plan would not result in any additional effects on any environmental resources located on or near the Downtown Specific Plan area, and the potential environmental effects of the Project have been adequately addressed in the DSP EIR, as modified by this Addendum. Therefore, pursuant to State CEQA Guidelines section 15164, the City Council hereby adopts this Addendum to the Downtown Specific Plan EIR.

