

**FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

**In support of
Adopting an Addendum to the
Final Environmental Impact Report for
The Terraces of Lafayette Project
State Clearinghouse Number 2011072055**

December 18, 2018

INTRODUCTION AND PURPOSE

As defined below, the “Project” addressed in these Findings of Fact in support of adopting the 2018 Addendum to the Final Environmental Impact Report for “The Terraces of Lafayette Environmental Impact Report” (SCH No. 2011072055) (“**2013 FEIR**”) consists of a maximum of 315 apartments allocated among 14 buildings, along with a clubhouse, leasing office, and parking.¹ The City Council found that the 2013 FEIR was prepared in accordance with the California Environmental Quality Act (Public Resource Code § 21000 *et seq.*; 14 California Code of Regulations § 15000 *et seq.* [“**CEQA Guidelines**”]) (collectively, “**CEQA**”) and certified the 2013 FEIR pursuant to CEQA Guidelines section 15090 on August 12, 2013.

CEQA Guidelines section 15162 states that when an Environmental Impact Report (EIR) has been certified for a project, no subsequent EIR or Negative Declaration (ND) shall be prepared unless the city determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration 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 that will require major revisions of the previous EIR or negative declaration 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 or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (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.

CEQA Guidelines section 15164(a) provides that the City shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions

¹ The 2013 FEIR includes the entire “record of proceedings” pursuant to Public Resources Code section 21167.6(e).

described in CEQA Guidelines section 15162 calling for preparation of a subsequent or supplemental EIR or negative declaration have occurred.

As demonstrated herein, the 2018 Addendum to the 2013 FEIR must be used to fulfill the environmental review requirements for the Project, which is on the same site as analyzed in the 2013 FEIR and proposes the same uses. The maximum overall footprint of the Project does not differ from the footprint analyzed in the 2013 FEIR and would therefore have similar impacts as those disclosed in the 2013 FEIR. There are no substantial changes in the Project or to the circumstances under which the Project is undertaken, and there is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2013 FEIR was certified as complete that shows any of the factors provided in CEQA Guidelines section 15162. Further, there is no substantial increase in the severity of impacts due to the Project, as noted in detail in the 2018 Addendum. In fact, all significant or potentially significant impacts can be reduced to below a level of significance and there are no significant and unavoidable impacts.

Therefore, the City finds that the final discretionary approvals for the Project are appropriately analyzed in an addendum and that no subsequent or supplemental EIR or Negative Declaration is required and that the Project does not require any additional subsequent environmental review under CEQA Guidelines section 15162.

Project Description

The Project site is located on approximately 22.27 acres at 3233 Deer Hill Road in the City of Lafayette, Contra Costa County, California. The Lafayette City Council certified the 2013 FEIR. The Project analyzed in the 2013 FEIR consisted of 315 apartments allocated among 14 buildings, along with a clubhouse, leasing office, parking, outdoor pool, picnic areas, a mini dog park, a turf play area for lawn games, and on-site pedestrian trails (“**Project**”).

The Project site is characterized by a previously altered hillside that slopes downhill in a southward direction. The original topography of the site has been severely altered due to grading for Deer Hill Road, State Route 24 (SR-24), and an on-site quarry that started operating in the late 1960s. As a result, on-site topography is uneven and consists of four man-made graded terraces. The site is currently vacant and all buildings previously on-site were demolished in 2016 pursuant to approved demolition permits.

In connection with “The Homes at Deer Hill” project alternative, which proposed 44 single-family residences, a multi-purpose athletic field, dog park, playground facilities, and parking, as described more fully in the Supplemental EIR for the “The Homes at Deer Hill (Terraces of Lafayette Project Alternative),” in 2015 the General Plan land use designation of the Project site was changed from Administrative/Professional/Office/Multi-Family Residential (APO), which allows up to 35 dwelling units per acre, to Low Density Single Family Residential (SFR-LD), which allows up to two dwelling units per acre.

In 2015, the City also enacted a zoning ordinance to rezone the property to single-family residential, but project opponents collected signatures and filed a referendum to place the zoning ordinance on the ballot. In reliance on *deBottari v. City Council*, 171 Cal.App.3d 1204 (1985), the City refused to place the referendum before the voters because *deBottari* provided that if the referendum were successful it would be invalid since it would resurrect the former zoning ordinance that was inconsistent with the amended general plan. Following a change in

the law,² however, the referendum proceeded to the June 5, 2018 ballot as “Measure L” and did not receive voter approval. As a result, the project alternative could not advance.

On July 23, 2018, the City adopted an ordinance rezoning of the Project site from Administrative/Professional Office (APO), which allows for multi-family developments with a land use permit³ and height limits ranging from 22.97 to 36.09 feet depending on the location within the Project site,⁴ to Single-family Residential District-65 (R-65) to bring the zoning into conformance with the SFR-LD general plan land use designation.

The City deemed the Project application complete on July 5, 2011. Thus, notwithstanding the foregoing changes to the Lafayette General Plan and zoning ordinance, because the Project is a “housing development project” within the meaning of the Housing Accountability Act (“HAA”)(Government Code section 65589.5) “a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project. . . .”

As described in the 2013 FEIR at pages 4.9-16 to 4.9-17, under the APO designation, the maximum allowable residential density is 35 dwelling units per acre (DU/acre) and the maximum allowable floor area ratio (“FAR”) is 0.4. The Project’s proposed development of 315 multiple-family dwelling units on the site is consistent with this designation, which envisions professional office and multi-family residential uses adjacent to downtown. Development of 315 units on the 22.27-acre site would result in a residential density of 14 DU/acre. The total area of the proposed buildings is approximately 332,395 gross square feet (gsf), which is equivalent to an FAR of 0.34. Therefore, the proposed Project is consistent with the residential density and FAR provisions of the APO land use designation.

The Project now includes several environmentally-beneficial minor refinements to the existing conditions and site plan that are analyzed in the 2018 Addendum that reduce the following impacts to *below a level of significance* compared to the discussion and conclusions in the 2013 FEIR:

- The Project would not have an adverse effect on a scenic vista. With landscaping, the Project would maintain the overall scenic quality of ridgelines, hills, creek area, and trees in compliance with the General Plan and would adhere to Goal LU-2.
- The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. The Project would not block views of a Class I Ridgeline and would not be in conflict with Lafayette Municipal Code.

² Beginning in 1985, under *deBottari v. City Council*, 171 Cal.App.3d 1204 (1985), a zoning referendum was considered invalid if it would result in a general plan inconsistency. In 2017, however, another appellate court reached the opposite result in *City of Morgan Hill v. Bushey*, 12 Cal.App.5th 34 (2017), rejecting the reasoning in *deBottari* and holding that a referendum does not “enact” an ordinance and is thus not invalid if it would result in a general plan inconsistency. On August 23, 2018, the California Supreme Court affirmed the appellate court decision and recognized, in *City of Morgan Hill v. Bushey*, ___ Cal.4th ___ (2018) (Case No. S243042), that the court’s “decision here constituted a change in the law”

³ LMC 6-1004, Administrative/Professional Office District.

⁴ LMC 5-1006, Administrative/Professional Office District, Figure 6-1006.

- The Project would be complementary with the surrounding land uses and would comply with applicable General Plan policies and would not substantially degrade the existing visual character or quality of the site and its surroundings.
- All on-site buildings were demolished in 2016, eliminating the risk of release of Asbestos Containing Materials (ACMs) and Lead Based Paint (LBP). Therefore, the Project would not 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.
- The 2040 Delay Index shows no DI deficiencies along Pleasant Hill Road. Therefore, the condition that would have resulted in a significant and unavoidable impact according to the 2013 FEIR no longer exists and the Project would not conflict with an applicable congestion management program.
- The environmentally-beneficial site refinements include corner radii and medians at on-site driveway intersections that would provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, and modifications to circulation to improve design and operation including landscaping and entryway specifications. With these environmentally-beneficial refinements, the Project would not substantially increase hazards due to a design feature or incompatible uses.

The minor changes to the existing conditions and environmentally-beneficial refinements to the site plan analyzed in the 2018 Addendum also result in the following impacts being reduced to *below a level of significance with mitigation incorporated*:

- The Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Criteria pollutant emissions, including NO_x, would be reduced to less than significant with implementation of the refined Mitigation Measure (“MM”) AQ-2a and impacts to sensitive receptors would be reduced to a less than significant level with implementation of refined MM AQ-3.
- With implementation of updated air quality mitigation measures, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard.
- Based on current and precise on-site measurement of ridgelines, no Class I Ridgelines exist on the Project site and the project is consistent with applicable General Plan provisions that call for the replacement of native trees and blue wildrye native grassland. Therefore, the Project does not conflict with any applicable land use plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.
- With implementation of refined MM BIO-5 impacts associated with natural communities (i.e., native blue wildrye) would be reduced when compared with those identified in the 2013 FEIR assessment of biological resources.
- With implementation of the revised MM BIO-7, emphasizing the installation of native tree species indigenous to the site, impacts to “protected trees” would be less than significant.

- Among other refinements to improve design and operations, the Project adds a “trap lane” for southbound traffic on Pleasant Hill Road that will reduce transportation and traffic impacts when compared with those identified in the 2013 FEIR. The Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Refinements to Mitigation Measures

As described herein, in response to current conditions and changes in environmental regulations, revisions to MM AQ-2a and MM AQ-3 are also included in the Project. The revisions for MM AQ-2a include the imposition of Tier IV compliant engines for construction, where the 2013 FEIR mitigation required Tier III compliant equipment. MM AQ-3 is revised to require minimum efficiency reporting valve (MERV) filters with a rating of 13, which offer more effective treatment of indoor air quality for future residents than the MERV filters with a rating of 9 to 12 that were included in the mitigation in the 2013 FEIR.

MM BIO-1 has been revised to broaden the scope of this mitigation measure. Additionally, because there are no longer any buildings on-site, there is no longer any potential for bat species to roost in the buildings and MM BIO-3 is revised to reflect the current on-site conditions. Revisions to MM BIO-3 also ensures the City is responsible for review and approval of the “report of findings.” The revisions to MM BIO-5 reflect environmentally beneficial site plan refinements that would provide grassland mitigation on-site that reduces impacts to native grassland when compared to the original MM BIO-5 in the 2013 FEIR. Refinements to MM BIO-6b provide additional clarity and include reference to the creek drainage that the Project may impact; subpart (d) is added to MM BIO-6 to establish further enforceability of wetland mitigation. In addition, MM BIO-7 has been revised to emphasize the installation of native tree species indigenous to the Project site and vicinity. MM BIO-8 has been revised to note that MM BIO-4 is not applicable to the project and to clarify the location of the natural area surrounding the creek. With these revisions and updates, impacts related to natural communities and local policies would be less than significant.

MM CULT-2 is revised to specify the types of resources included in this mitigation and to reflect language from the Appendix G Checklist Question as well as Public Resources Code section 21803.2.

MM GEO-1 is revised to make note that the Geotechnical Exploration was updated in April 3, 2014, after the 2013 FEIR was certified. This updated Geotechnical Exploration was conducted to determine if conditions on the site changed since they were last evaluated in the 2011 Geotechnical Evaluation. The update reflects similar impacts to slope stability, existing fill, expansive soils, and groundwater and does not result in substantial changes to the conclusions of the Geotechnical Exploration.

MM TRAF-2 (same as MM TRAF-9) is revised to include the construction of a roundabout as an alternative to signalization at the unsignalized Brown Avenue and Deer Hill Road intersection and MM TRAF-10 has been revised to acknowledge that MM TRAF-3 is no longer applicable to the Project.

In addition, environmentally-beneficial refinements were made to the Project site plans (initially submitted in 2012) with regards to on-site circulation, including pedestrians. The refinements to the site plan address design features that could otherwise generate impacts.

These revisions represent minor technical changes that will mitigate impacts to the same or greater degree than previously analyzed, that will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and that are appropriately analyzed in an addendum.

Mitigation Monitoring and Reporting Program

As required by Public Resources Code section 21081.6, a Mitigation Monitoring and Reporting Program (“MMRP”) is included in the 2018 Addendum for adoption by the City.

Location of Documents

The 2012 Draft EIR, 2013 FEIR, the 2018 Addendum, and all other relevant documents and any other material that constitute the “record of proceedings” upon which the City made its decision are located as follows:

City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, California 94549

Discussion of Significance Findings

Public Resources Code section 21081 requires the City to issue written findings for significant impacts identified in the 2013 FEIR and 2018 Addendum, accompanied by a brief rationale for each finding. Section 15091 of the CEQA Guidelines states that:

- (a) No public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding: The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects that were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment.

This document sets forth the City of Lafayette's "Findings of Fact," pursuant to Public Resources Code Section 21081, as supported by substantial evidence in the record.

Where, as a result of the environmental analysis of the Project and the identification of Project design features or the incorporation of feasible mitigation measures, potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1) that "[c]hanges or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment."

If, as a result of the environmental analysis of the Project, the City were to determine that even with the identification of Project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City would find in accordance Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3) that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report."

In accordance with Public Resources Code Section 21081, whenever significant impacts cannot be substantially mitigated and remain unavoidable, the benefits of the proposed project must be balanced against the unavoidable environmental consequences in determining whether to approve the project and the Lead Agency must adopt a "Statement of Overriding Considerations." Based on the analysis in the 2013 FEIR as discussed in the 2018 Addendum, implementation of the Project would not result in any significant and unavoidable impacts. Therefore, a Statement of Overriding Considerations is not required. Nevertheless, we have provided a brief Statement of Overriding Considerations as a courtesy to the City and the public.

EFFECTS DETERMINED TO HAVE NO IMPACT OR BE LESS THAN SIGNIFICANT IN THE 2013 EIR

Consistent with Public Resources Code section 21002.1 and CEQA Guidelines section 15128, the certified 2013 FEIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines section 15091 does not require specific findings to address environmental effects identified as "no impact" or a "less than significant" impact. Nevertheless, the City hereby finds, based on the facts set forth in the administrative record, which include but are not limited to the facts as set forth below, those facts contained in the 2013 FEIR, the 2018 Addendum, and any other facts set forth in materials prepared by the City, or the City's or Project proponent's consultants, that the Project would have either no impact or a less than significant impact to the following resource areas:

Agricultural and Forest Resources

- The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.

- The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract
- The Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- The Project would not result in the loss of forest land or conversion of forest land to non-forest use.
- The Project would not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

The 2013 FEIR identified no potential impacts related to agricultural resources. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to agricultural and forestry resources. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Air Quality

- The Project would not conflict with or obstruct implementation of the applicable air quality plan.
- The Project would not create objectionable odors affecting a substantial number of people.

Air quality impacts associated with the Project would be consistent with, or below, those identified in the 2013 FEIR. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to air quality. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Biology

- The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The 2013 FEIR identified no impact to Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans (NCCPs). These conclusions of the 2013 FEIR would not substantially change as a result of the Project. Consistent with the 2013 FEIR, the Project would not be located within any HCP, NCCP, or other approved habitat conservation plan. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to biology. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Geology, Seismicity, and Soils

- The Project would not expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving the 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.
- The Project would not expose people or structures to potential substantial adverse effects from strong seismic ground shaking.
- The Project would not expose people or structures to potential substantial adverse effects from seismic-related ground failure, including liquefaction.
- The Project would not result in substantial soil erosion or the loss of topsoil.
- The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

The 2013 FEIR identified less than significant impacts with respect to seismic hazards, soil erosion, or loss of topsoil. The 2013 FEIR also determined that there would no impacts related to septic tanks or alternative waste systems. There is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. The conclusions of the 2013 FEIR would not substantially change as a result of the Project and an addendum is thus appropriate under CEQA Guidelines section 15164.

Greenhouse Gas Emissions

- The Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

The 2013 FEIR determined that the Project would be consistent with the existing regulations adopted for the purpose of reducing GHG emissions because the Project's proposed buildings would be constructed in conformance with California's Green Building Code ("CALGreen") and the Project is approximately 1 mile away from the BART station. Therefore, the 2013 FEIR concluded that such impacts would be less than significant. There is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. The Project does not change or alter any of the findings of the 2013 FEIR with respect to GHG emissions and an addendum is appropriate under CEQA Guidelines section 15164.

Hazards and Hazardous Materials

- The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
- The Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5.

- There would be no impact to an airport land use plan.
- There would be no impacts related to private airstrips.
- The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- The Project would not 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.

The 2013 FEIR identified less than significant impacts with respect to routine transport, use, or disposal of hazardous materials, hazardous materials within 0.25 mile of an existing or proposed school, sites listed on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, emergency response plan, wildland fire, and potential impacts related to accidental release of hazardous materials. The 2013 FEIR also concluded that there would be no impacts to airports. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Hydrology and Water Quality

- The Project would not violate any water quality standards or waste discharge requirements.
- The Project would not 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.
- The Project would not 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.
- The Project would not place within a 100-year flood hazard structures that would impede or redirect flood flows.
- The Project would not expose people or structures to significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

The 2013 FEIR concluded there would be less than significant impacts with respect to violating water or waste discharge standards, depleting groundwater supplies or interfering with groundwater recharge, exceeding the capacity of existing or planned stormwater drainage systems, placing housing or structures within a 100-year flood hazard area or impeding or redirecting flood flows. In addition, the 2013 FEIR determined that there would be no impact with respect to levee or dam failure. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Land Use

- The Project would not physically divide an established community.
- The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

The 2013 FEIR concluded that there would be no impact with respect to physically dividing a community or conflicting with HCPs or NCCPS. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Mineral Resources

- The Project would not 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.
- The Project would not 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.

The 2013 FEIR identified no potential impacts related to mineral resources, which would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Noise

- The Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.
- The Project would not result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.
- There would be no impacts to an airport land use plan.
- There would be no impacts to private airstrips.

The 2013 FEIR concluded there would be less than significant impacts with respect to groundborne vibration or groundborne noise levels and substantial permanent increase in ambient noise levels. The 2013 FEIR also determined that there would be no impact with respect to public airports and public use airports as well as private airstrips. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Population and Housing

- The Project would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

- The Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- The Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

The 2013 FEIR identified less than significant impact with respect to inducing substantial population growth and no impact in relation to displacing substantial numbers of people or existing housing. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Public Services

- Implementation of the proposed Project would not result in the need for additional Fire protection, Schools, Parks, or Other public facilities.

The 2013 FEIR identified less than significant impacts with respect to fire protection, schools, parks, and other public facilities. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Recreation

- The Project would not 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.
- The Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

The 2013 FEIR identified less than significant impacts related to recreational facilities, which would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Transportation

- The Project would not 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.

The 2013 FEIR found no impact with respect to air traffic patterns. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

Utilities and Service Systems

- The Project would not exceed wastewater treatment requirements.

- The Project would not 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.
- The Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- The Project would have sufficient water supplies.
- The Project would have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.
- The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.
- The Project would comply with federal, state, and local statutes and regulations related to solid waste.

The 2013 FEIR identified less than significant impacts with respect to water supplies and quality, wastewater treatment requirements and capacity, stormwater drainage facilities, landfill capacity, and solid waste regulations. These conclusions of the 2013 FEIR would not substantially change as a result of the Project. In addition, there is no new information identifying significant new effects or any substantial increase in the severity of previously analyzed significant effects. Thus, an addendum is appropriate under CEQA Guidelines section 15164.

EFFECTS DETERMINED TO HAVE NO IMPACT OR BE LESS THAN SIGNIFICANT IN THE 2018 ADDENDUM

Due to minor, environmentally-beneficial Project refinements incorporated since the 2013 EIR was certified, the City finds, based on the facts set forth in the administrative record, which include but are not limited to the facts as set forth below, those facts contained in the 2013 FEIR, the 2018 Addendum and any other facts set forth in materials prepared by the City, or the City's or Project proponent's consultants, that the Project's impacts are below the level of significance in comparison with the discussion in the 2013 FEIR. Although CEQA Guidelines section 15091 does not require specific findings to address environmental effects identified as "no impact" or a "less than significant" impact," the City nonetheless makes the following findings to address these impacts in the 2013 EIR that do not apply. Impacts are identified by the designation in the 2018 Addendum. References to the corresponding impact designation from the 2013 FEIR are included in parenthesis, where applicable.

Aesthetics, Light, and Glare

2018 Addendum Impact I(a) (2013 FEIR Impact AES-1): The Project would not have an adverse effect on a scenic vista.

Substantial Evidence: As explained in Chapter 4-1 of the 2013 FEIR, the proposed Project would have a significant environmental impact if it would substantially, demonstrably, and negatively affect the Scenic View Corridors identified in the General Plan. In Impact AES-1, the 2013 EIR stated that, "The Project would block views of ridgelines, causing a significant impact to scenic vistas." The 2013 FEIR incorrectly concluded that impacts would remain significant

because the Project would not comply with General Plan Goal LU-2. (2013 FEIR, 4.1-40) Additionally, the 2013 FEIR included MM AES-1, which states, “Given the building heights and grading proposed by the Project, there is no feasible mitigation measure that would prevent the blockage of ridgelines from all viewpoints in the Project site vicinity.” This mitigation measure merely serves as a determination that, according to the 2013 FEIR, no mitigation measures would be feasible.

The proposed Project contemplates the same maximum project footprint, building heights, and number of residential units as previously analyzed in the 2013 FEIR. Accordingly, the proposed Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The Project is consistent with the City’s height limits, as defined in Section 6-1006 (Height) and depicted in Figure 6-1006 of the City of Lafayette’s zoning regulations, and as set forth in the Land Use Element of the City of Lafayette General Plan (35 feet), thus the conclusions in the 2013 EIR do not apply. Further, the Project is consistent with General Plan Goal LU-2, which states, “[e]nsure that development respects the natural environment of Lafayette. Preserve the scenic quality of ridgelines, hills, creek areas, and trees.” Consistent with this goal, the Project would incorporate landscaping, including tree species that are native to California and ubiquitous within the City of Lafayette, which would be planted in an un-manicured and natural way and would retain the existing organic quality and natural contours in keeping with the natural aesthetics of Lafayette. With landscaping, the Project would maintain the overall scenic quality of ridgelines, hills, creek area, and trees in compliance with the General Plan and would adhere to Goal LU-2. Therefore, the City finds that the EIR’s conclusion that impacts would be significant because the Project does not comply with LU-2 is not accurate and MM AES-1 does not apply to the Project. As such, the environmental impacts identified in the 2013 FEIR would be reduced to below a level of significance.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding aesthetics, the City finds that impacts are less than significant because, as the 2018 Addendum explains, changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. (Pub. Res. Code § 21081(a)(1); CEQA Guidelines § 15091(a)(1).) Because the Project does not include a significant impact, the City finds that MM AES-1 does not apply to the Project.

There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to a scenic vista. Further, no new mitigation measures or alternatives are required. In addition, there is no new information identifying significant new effects, nor is there an increase in the severity of previously identified significant effects related to light and glare. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact I(b) (2013 FEIR Impact AES-3): The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Substantial Evidence: In Chapter 4-1, the 2013 FEIR inaccurately concluded the Project would substantially damage scenic resources from SR-24, a state-designated Scenic highway. This

conclusion in the EIR is based on the factually inaccurate designation of a Class I protected ridgeline on the Project site. MM AES-3 states that, “[g]iven the building heights and topography of the Project site, there is no feasible mitigation measure that would reduce the visual prominence of the proposed Project when viewed from off-site locations to a less than significant level.” As a result of the incorrect ridgeline designation, the 2013 FEIR erroneously concluded that impacts on views from a scenic highway are significant and unavoidable.

As described in the Ridgeline Evaluation prepared by Engeo, the overlay used to determine the Class I ridgeline is based on the United States Geological Survey (USGS) Walnut Creek Quadrangle topographic map. However, since this map was last updated in 1995, based on 1959 map contours, extensive alteration to site topography has occurred due to the grading and paving associated with Deer Hill Road; therefore, the current conditions do not reflect the characteristics of a Class I ridgeline, as explained in the Ridgeline Evaluation.

In addition, Section 6-2006 of the Lafayette Municipal Code (Modification of Lafayette Area Ridge Map) states, “each restricted ridgeline area within which development is prohibited by sections 6-2023 and 6-2024 is described in the map adopted by section 6-2004. If a precise onsite measurement shows that the area within which development is prohibited varies from that shown on the City’s map, the area shown by the onsite measurement controls.” On-site measurements show that the Project would be well outside the 400-foot setback. Thus, under Section 6-2006, these on-site measurements control. The Ridgeline Evaluation determined that the ridgeline terminates approximately 650 feet west of the Project site, well outside the 400-foot setback required in the Lafayette Municipal Code. Based on this information, the City concludes that the Project would not block views of a Class I ridgeline and would not be in conflict with Lafayette Municipal Code Section 6-2006 and MM AES-3 does not apply to the Project.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, the Ridgeline Evaluation, and the public record regarding aesthetics, the City finds that impacts are less than significant because, as the 2018 Addendum explains, changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. (Pub. Res. Code § 21081(a)(1); CEQA Guidelines § 15091(a)(1).) Because the Project does not include a significant impact, the City finds that MM AES-3 no longer applies to the Project.

There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to Scenic resources. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact I(c) (2013 FEIR Impact AES-2): The Project would not substantially degrade the existing visual character or quality of the site and its surroundings.

Substantial Evidence: The 2013 FEIR concluded significant impacts would occur to the existing visual character of the site and its surroundings when viewed from off-site locations. (See, 2013 FEIR, Chapter 4-1, Impact AES-2.) Photo simulations in the 2013 FEIR show a change in the visual character of the site from substantially disturbed “visual open space” to views of 2- and 3-story buildings and native landscaping. This change in visual character was considered to be a significant impact in the 2013 EIR because the public considered the “visual open space” and hills located on the Project site to be a visual resource. MM AES-2 in the 2013

FEIR states, “[g]iven the building heights and topography of the Project site, there is no feasible mitigation measure that would reduce this impact to a less than significant level.” Accordingly, the 2013 FEIR concluded no mitigation measures would be feasible to reduce the visual prominence of the Project because of the topography and the proposed building heights.

The 2018 Addendum finds that impacts to the visual character would be less than significant because (1) the Project would develop 2- to 3-story buildings, consistent with the General Plan, (2) the Project site has experienced various substantial forms of quarrying and construction staging uses over the past 40 years and is heavily disturbed, (3) the Project site is located at a major intersection with existing development on the other three corners, and (4) as a privately owned property, the Project site is not a publicly accessible or functional open space. The City finds that the Project site, therefore, is not a visual resource.

As analyzed in the 2013 FEIR, the Project would include sufficient native vegetation to comply with Goal LU-1 of the General Plan, which mandates protection of the pattern of development and character of residential neighborhoods. Residential and residential-supporting uses (i.e., schools and a regional park) envelop the Project site. The Project would develop the site with residential uses with architectural styles that are consistent and harmonious with the surrounding residential communities and reflective of the character of the area. As such, the Project would be consistent with the existing visual character of the current residential uses, and the Project would comply with Goal LU-1.

Policy LU-2.2 of the General Plan states that important visual and functional open space should be preserved by requiring development to be clustered on the most buildable portions of lots and minimizing grading for building sites and roads. The General Plan does not provide a definition of important visual and functional open space. The Project site has been extensively disturbed and is surrounded on three sides by development and does not qualify as important visual open space. In addition, as a privately owned property, it is not a publicly accessible or functional open space.

Clustering is the grouping of residential buildings on a parcel in a way that creates substantial open space separate from development on the parcel. The Project design reflects the existing man-made terraces to minimize grading required for the establishment of building pads and roadways. As shown in Exhibit 5 in the 2018 Addendum, with the environmentally-beneficial site plan refinements, reestablishment of 2.1 acres of native wildrye would occur on-site and several portions of the Project site would be left undeveloped; the apartment buildings would be clustered on the remaining acreage. In addition, Policy LU-2.2 does not specify that the whole development must be clustered, but rather that development must be clustered on the most buildable portions of the site. The Project has been designed so that there are several groupings of buildings clustered together on the most buildable portions of the site, in compliance with General Plan Policy LU-2.2.

In addition, the Project would incorporate designs that feature articulation of building components and a natural color pallet that would be harmonious with the surrounding residential development. With incorporation of appropriately detailed building design features, harmonious colors, and dense landscape screening, construction of the Project would not degrade the visual character or quality of the site. In addition, the Project would be subject to the City’s design review process to assure that the final development design meets the City’s standards. The

City's design review process would provide oversight of the Project design and ensure its compatibility with the existing visual character or quality of the site and its surroundings.

Given that the Project complies with applicable General Plan policies, is on a site that has previously been heavily disturbed, is located at a major intersection with development on the other three corners would be subject to design review, and would incorporate 2 acres of open space through the repropagation of 2.1 acre of native blue wildrye, the proposed development would be complementary with the surrounding land uses and would comply with applicable General Plan policies.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum and the public record regarding aesthetics, the City finds that impacts are less than significant because, as the 2018 Addendum explains, changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. (Pub. Res. Code § 21081(a)(1); CEQA Guidelines § 15091(a)(1).) Because the Project does not include a significant impact, and is consistent with the existing visual character of the site, the City finds that MM AES-2 does not apply to the Project.

There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate.

Hazards and Hazardous Materials

2018 Addendum Impact VIII(b) (2013 FEIR Impact HAZ-1): The Project would not 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.

Substantial Evidence: The 2013 FEIR concluded that demolition of existing buildings on the Project site could release ACMs and LBP, resulting in significant impacts. (See, 2013 FEIR, Chapter 4-7.) MM HAZ-1a and HAZ-1b were incorporated to ensure a certified asbestos and lead based paint abatement consultant would properly remove and dispose of ACMs and LBP pursuant to applicable federal, State, and local regulations. Regarding the demolition of buildings, the City approved demolition permits for all buildings on-site, and the applicant demolished all on-site buildings in 2016. Therefore, MM HAZ-1a and MM HAZ-1b are no longer applicable to the Project.

Consistent with the 2013 FEIR, all pesticides, herbicides, and fertilizer used for landscaping would be used and stored by professional maintenance personnel in compliance with existing regulations and would not produce significant environmental hazards to residents on-site.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding hazards, the City finds that due to the already completed demolition of all on-site buildings pursuant to valid demolition permits, impacts are less than significant. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project from potential hazards, consistent with the analysis

in the certified 2013 FEIR. Therefore, impacts are considered less than significant. The City finds that MM HAZ-1a and MM HAZ-1b are no longer applicable to the Project.

There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to potential hazards associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Transportation

2018 Addendum Impact XVI(b) (2013 FEIR Impact TRAF-13): The Project would not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for the designated roads or highways.

Substantial Evidence: The 2013 FEIR concluded that under Cumulative Year 2030 Plus Project Conditions, the addition of Project trips to Pleasant Hill Road would increase the peak-hour peak direction Delay Index (DI) by approximately 0.41 for southbound traffic in the AM peak-hour and northbound traffic in the PM peak-hour. (2013 FEIR, page 3-63.) Because the DI would increase by more than 0.05 for peak-hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road, the result would be a significant cumulative impact. (2013 FEIR, page 3-63.) Although the 2013 FEIR listed MM TRAF-13, the text of this measure states that mitigation is not feasible; therefore, it does not identify any action.

The 2013 FEIR presented calculations for the DI that were based on overly conservative and, ultimately, inaccurate assumptions. The more recent 2040 DI contained in the 2017 Lamorinda Action Plan shows no DI deficiencies along Pleasant Hill Road. Therefore, the condition that would have resulted in a significant and unavoidable impact according to the 2013 FEIR would not exist and MM TRAF-13 would no longer apply to the Project. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of a previously analyzed significant effect.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record, the City finds that with factually accurate assumptions, the Project would not conflict with an applicable congestion management program and therefore impacts are less than significant. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the Project. Therefore, impacts are considered less than significant and the City finds that MM TRAF-13 is no longer applicable to the Project.

There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact XVI(d) (2013 FEIR Impact TRAF-3, TRAF-4 and TRAF-8): The Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Substantial Evidence: The 2013 FEIR concluded that the Project would have adequate circulation for passenger cars and light-duty trucks. However, large moving vans would have inadequate truck turning radii at the Project entry driveways, which would result in a significant impact. With implementation of MM TRAF-8, impacts would be less than significant. The 2013 FEIR also concluded that Project design features would increase traffic hazards because of the potential for inadequate site-distance that would exist at all of the Project driveways, and at the proposed location of the west Project driveway on Deer Hill Road that would provide inadequate sight-distance for westbound traffic. The Project would implement MM TRAF-3, which requires implementation of specifications for Project landscaping to ensure adequate line-of-sight, and MM TRAF-4, which required either provision of a westbound left-turn lane, or posting of signs and construction of a raised island to prevent westbound left-turns into the west Project driveway. With implementation of MM TRAF-3 and MM TRAF-4, the 2013 FEIR concluded that impacts were considered less than significant.

Regarding on-site Circulation and Parking, Exhibit 4 of the 2018 Addendum shows that the environmentally-beneficial site refinements include corner radii and medians at on-site driveway intersections that would provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet. Project driveways and internal intersections would provide adequate width and turning radii to allow adequate truck access. With these environmentally-beneficial refinements to the site plan, impacts would be less than significant and MM TRAF-8 would no longer apply to the Project. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effect.

Similarly, with the site plan refinements, the Project includes modifications to circulation to improve design and operation including landscaping and entryway specifications. In addition, the west Project driveway on Deer Hill Road would be relocated approximately 100 feet to the west of the location shown on the Project plans and signage and a raised island would be added that would prohibit left turns into the driveway from westbound Deer Hill Road. With these refinements to the site plan, impacts would be less than significant and MM TRAF-3 and MM TRAF-4 would no longer apply to the Project. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record, the City finds that due to Project enhancements, impacts are less than significant. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the Project. Therefore, impacts are considered less than significant. The City finds that MM TRAF-3, MM TRAF-4, and MM TRAF-8 are no longer applicable to the Project.

There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under State CEQA Guidelines section 15164.

FINDINGS FOR SIGNIFICANT BUT MITIGABLE IMPACTS

The City hereby finds, based on the facts set forth in the administrative record, which include but are not limited to the facts as set forth below, those facts contained in the 2013 FEIR, the 2018 Addendum, and any other facts set forth in materials prepared by the City, or the City's or Project proponent's consultants, that feasible mitigation measures have been identified in the certified 2013 EIR and remain applicable to the proposed Project analyzed in the 2018 Addendum for the following impacts that will avoid or substantially lessen the potentially significant environmental impacts to a less than significant level. Impacts are identified by the designation in the 2018 Addendum. References to the corresponding impact designation from the 2013 FEIR are included in parenthesis where applicable.

Aesthetics, Light, and Glare

2018 Addendum Impact I(d) (2013 FEIR Impact AES-4): With mitigation, the Project will not create a new source of substantial light or glare that could adversely affect day or nighttime views in the area.

Substantial Evidence: Section 4-1 of the certified 2013 FEIR identifies potential significant impacts pertaining to light or glare, which could adversely affect day or nighttime views in the area, but concludes that impacts can be mitigated to less than significant levels. The 2013 FEIR found that development of the Project would add new sources of light and glare to the site and surrounding area. (See, 2013 FEIR, Chapter 4-1.) The primary source of lighting would be from the multi-family residential buildings and lighting associated with parking and landscaped areas, including streetlights, signage lighting, and decorative lighting. As part of the 2013 FEIR, the nighttime visual analysis created for the Project showed that lights within the Project site would be largely screened by proposed landscaping and trees. The nighttime lighting study prepared for the Project concluded that spillover lighting impacts were less than significant based on a significance threshold of 0.5 foot-candles.

The Project would increase glare due to photovoltaic solar panels, as well as glass and metal used for building windows, roofing, and car windshields. The 2013 FEIR concluded the photovoltaic panels would potentially create a significant source of glare. MM AES-4 would reduce glare by ensuring the panels would be made of low reflective materials, would be angled to minimize glare, and would be sited on the buildings in order to minimize visibility from surrounding roadways. The 2013 FEIR concluded that with implementation of MM AES-4, lighting and glare impacts would be less than significant.

The Project would add similar sources of light and glare to the surrounding area as analyzed in the 2013 FEIR. The amount of lighting would be consistent with the 2013 FEIR and, equally consistent with the 2013 FEIR, the Project would implement MM AES-4 to reduce impacts related to glare from the photovoltaic panels to a less than significant level. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

- MM AES-4** Proposed photovoltaic panels shall be designed to ensure the following:
- The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.
 - The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential commercial developments.
 - Panels shall be sited to minimize their visibility from Mount Diablo Boulevard, Pleasant Hill Road, and Deer Hill Road.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding aesthetics, light and glare, the City finds that MM AES-4 is feasible, is adopted, and will further reduce impacts related to light and glare. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to light and glare, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to light and glare. Further, no new mitigation measures or alternatives are required. Therefore, the proposed Project does not change or alter any of the findings of the 2013 FEIR with respect to light and glare and an addendum is appropriate under CEQA Guidelines section 15164.

Air Quality

2018 Addendum Impact III(b) (2013 FEIR Impact AQ-1 and AQ-2): With mitigation, the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Substantial Evidence: As analyzed in the 2013 FEIR, during construction, grading and other ground-disturbing activities would produce fugitive dust emissions from particulate matter (PM) less than 10 microns in diameter (PM₁₀) and PM less than 2.5 microns in diameter (PM_{2.5}). (See, 2013 FEIR, Chapter 4-2.) Therefore, fugitive dust emissions, which could add to the amount of airborne particulates and contribute to the nonattainment designation of the air basin, were considered to be significant in the 2013 FEIR. MM AQ-1 in the 2013 FEIR requires adherence to the Bay Area Air Quality Management District (BAAQMD) Basic Control Measures for reducing construction emissions of PM₁₀ and PM_{2.5}. Implementation of MM AQ-1 would ensure that ground-disturbing activities would not generate a significant amount of fugitive dust. Therefore, the 2013 FEIR found that fugitive dust impacts would be reduced to less than significant with mitigation.

To determine exhaust-related air quality impacts during construction, the 2013 FEIR compared criteria air pollutant emissions generated by Project-related construction activities to the BAAQMD significance thresholds. Average daily emissions in the 2013 FEIR were based on the annual construction model run estimated using California Emissions Estimator Model (CalEEMod), Version 2011.1.1 and then divided by the total number of construction days. As

discussed in the 2013 FEIR, nitrogen oxide (NO_x) emissions would exceed the BAAQMD's average daily thresholds. Consequently, the 2013 FEIR found that construction-related criteria air pollutant emissions would result in a significant impact even after mitigation is applied with respect to NO_x.

As discussed in the 2013 FEIR, the BAAQMD adopted screening criteria for operation-related criteria air pollutant emissions. The applicable screening criteria included in the 2017 BAAQMD CEQA Guidelines for a low-rise apartment (1 to 2 stories) is 451 units and for a mid-rise apartment (3 to 10 stories) is 494 dwelling units. The Project is 2 to 3 stories and falls within both the low-rise and mid-rise categories. Therefore, the 2013 FEIR found that the operational phase criteria air pollutant emissions associated with the Project would not exceed the BAAQMD's screening criteria, and regional operational phase air quality impacts would be less than significant.

Since the certification of the 2013 FEIR, the recommended version of the model to estimate criteria pollutant emissions has been updated to CalEEMod, Version 2016.3.2, which represents two generations of improvement in technical details and error corrections compared to the version used in the 2013 FEIR. Construction phases, duration, and equipment assumptions used to estimate criteria pollutant emissions are consistent with those used to estimate emissions in the 2013 FEIR with modifications to the start and end dates (see 2018 Addendum, Appendix B). Consistent with the approach in the 2013 FEIR, the average daily construction emissions for the proposed Project were compared with BAAQMD's regional project-level thresholds of significance. (See, 2018 Addendum, Table 2.)

Consistent with the 2013 FEIR, construction emissions from the Project would be anticipated to exceed the recommended thresholds of significance. Implementation of MM AQ-1, MM AQ-2a, and MM AQ-2b from the 2013 FEIR would be required. Considering the changes to the availability of construction equipment with improved emission factors, the 2018 Addendum revises MM AQ-2a to require Tier IV Final engines for off-road construction equipment (as compared to Tier III engines required in the 2013 FEIR). Criteria pollutant emissions, including NO_x, would be reduced to less than significant with implementation of MM AQ-2a, (as revised) and MM AQ-2b. (See, 2018 Addendum, Table 3.) Therefore, impacts to air quality, including potentially significant impacts from NO_x, would be reduced as compared to the 2013 FEIR and would result in less than significant impacts. The revisions to MM AQ-2a reflect minor, environmentally beneficial technical changes and additions that result in more effective mitigation and further reduce impacts to air quality when compared to the previously adopted MM AQ-2a. This revised mitigation measure is appropriately discussed in this 2018 Addendum and incorporated into the MMRP because the revisions do not themselves involve new significant effects or substantially increase the severity of previously identified impacts that would require the preparation of a subsequent environmental document under CEQA Guidelines Section 15162.

The following mitigation was required by the 2013 FEIR and remain applicable to the proposed Project:

- MM AQ-1** The Project shall comply with the following BAAQMD Basic Control Measures for reducing construction emissions of PM₁₀:
- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering

frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 24 inches of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Suspend ground-disturbing activities when wind speeds exceed 25 mile per hour.
- Install three-sided enclosures for storage piles on-site for more than five days. The enclosures shall be designed with a maximum 50 percent porosity.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project, as revised:

MM AQ-2a The construction contractor shall implement the following measures to reduce off-road exhaust emissions during grading and construction activities. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections:

- Large off-road construction equipment with horsepower (hp) ratings of 50 hp or higher shall meet the United States Environmental Protection Agency-certified emission standard for Tier IV Final off-road equipment. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site. If engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Final engines taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the Project site of equipment. The contractor can maintain records for equipment that is not commercially available by providing letters from at least two rental companies for each piece of off-road equipment where the Tier IV Final engine is not available.
- All construction equipment shall be properly serviced and maintained to the manufacturer’s standards to reduce operational emissions.
- Nonessential idling of construction equipment shall be limited to no more than five consecutive minutes.

- Construction activities shall be suspended on “Spare the Air” days.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

- MM AQ-2b** The construction contractor shall implement one of the following measures to reduce on-road emissions from soil hauling. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections.
- The construction contractor shall contract with haulers for soil export that use engines certified to 2007 or newer standards. Prior to construction, the Project engineer shall ensure that grading plans clearly show the requirement for 2007 engines for soil haul trucks; or
 - Off-site disposal of soil shall be transported in trucks that can carry a minimum of 12 cubic yards (CY) of soil and shall be limited to no more than 252 truck trips per day (1,512 CY/day).

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding air quality, the City finds that MM AQ-1, MM AQ-2a, and MM AQ-2b are feasible, are adopted, and will further reduce Impacts AQ-1 and AQ-2. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. Therefore, Impacts AQ-1 and AQ-2 are considered less than significant with mitigation incorporated.

Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to air quality, associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Additionally, while minor, environmentally beneficial revisions were made to MM AQ-2a, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact III(c) (2013 FEIR Impact AQ-5): The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Substantial Evidence: In Chapter 4-2, the 2013 FEIR concluded that construction activities associated with the Project would result in a temporary increase in criteria air pollutants that exceed the BAAQMD’s regional significance thresholds and, when combined with the construction of cumulative projects, would further degrade regional and local air quality. The 2013 FEIR found that this would be a significant cumulative impact. With implementation of MM AQ-1 and MM AQ-2b and revised MM AQ-2a, and MM AQ-3, however, criteria pollutant emissions would be reduced to less than significant. Therefore, the proposed Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects. Consistent with the 2013 FEIR, implementation of MM AQ-5 would be required to reduce impacts to below a level of significance.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM AQ-5 Implement Mitigation Measure AQ-1, AQ-2a, AQ-2b, and AQ-3 [described below].

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding air quality, the City finds that MM AQ-1, MM AQ-2a, MM AQ-2b, and MM AQ-3, as revised and as required by MM AQ-5, are feasible, are adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to air quality. Therefore, impacts are considered less than significant with mitigation incorporated.

Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to air quality associated with the proposed Project. Additionally, while MM AQ-2a and MM AQ-3 have been slightly revised, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact III(d) (2013 FEIR Impact AQ-3 and AQ-4): With mitigation, the Project would not expose sensitive receptors to substantial pollutant concentrations.

Substantial Evidence: The 2013 FEIR analyzed increased concentrations of toxic air contaminants (TACs) and PM_{2.5} emissions in the vicinity of sensitive land uses during construction activities (See, 2013 FEIR, Chapter 4-2). A construction health risk assessment (HRA) was conducted for diesel particulate matter (DPM) and PM_{2.5}. The 2013 FEIR also included acrolein as a marker for the estimation of acute non-cancer hazards.

However, in its Air Toxics NSR Program HRA Guidelines, the BAAQMD has discontinued the use of acrolein in the determination of health impacts due to inaccurate test methods casting that cast doubt regarding the validity of acrolein emission factor data. The results of the HRA indicated that the incremental cancer risk for sensitive receptors would be less than the BAAQMD-recommended significance threshold. The acute and chronic non-carcinogenic hazards were also within acceptable limits.

To reduce the risk to future residents, MM AQ-3 has been revised to require the installation of MERV 13 filters to address the annual PM_{2.5} levels. MERV 13 filters would trap particles at an efficiency rate of 60 percent. After the installation and maintenance of an air filtration system rated at MERV 13, the annual PM_{2.5} concentration is estimated at 0.28 µg/m³ (Table 10 in the 2018 Addendum), which is less than the BAAQMD recommended significance threshold of 0.3 µg/m³. Impacts to air quality from the proposed Project would not be more severe or substantially increased compared to the effects analyzed in the 2013 FEIR and would, in fact, further reduce impacts to below significant with incorporation of the revised and updated mitigation measures. The revisions to MM AQ-2a and MM AQ-3 reflect environmentally beneficial technical improvements and minor technical changes and additions that result in more effective mitigation and further reduce impacts to air quality when compared to the previously adopted version of mitigation measures MM AQ-2a and MM AQ-3.

The 2013 FEIR also analyzed increased concentrations of toxic air contaminants (TACs) and PM_{2.5} emissions in the vicinity of sensitive land uses during construction activities (See, 2013 FEIR, Chapter 4-2). An HRA was conducted for DPM and PM_{2.5}. The results of the HRA indicated that the incremental cancer risk for sensitive receptors would be less than the BAAQMD-recommended significance threshold. The acute and chronic non-carcinogenic hazards were also within acceptable limits. The HRA in the 2013 FEIR indicated that with the use of Tier III construction equipment during the construction period, as required by MM AQ-2a, the Project would have a less than significant risk to nearby off-site receptors. As explained in the EIR, with implementation of MM AQ-4, which requires the implementation of MM AQ-2a, and the use of Tier III engines for the off-road construction equipment, annual PM_{2.5} concentration would be reduced by approximately 60 percent, to a level below the BAAQMD thresholds. Therefore, this impact would be less than significant with mitigation.

Impacts to air quality from the proposed Project would not be more severe or substantially increased compared to the effects analyzed in the 2013 FEIR and would, in fact, further reduce impacts to below significant with incorporation of the revised and updated mitigation measures.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project, as revised:

MM AQ-2a The construction contractor shall implement the following measures to reduce off-road exhaust emissions during grading and construction activities. To assure compliance, the City of Lafayette shall verify that these measures have been implemented during normal construction site inspections:

- Large off-road construction equipment with horsepower (hp) ratings of 50 hp or higher shall meet the United States Environmental Protection Agency-certified emission standard for Tier IV Final off-road equipment. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site. If engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier IV Interim) available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier IV Final engines taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the Project site of equipment. The contractor can maintain records for equipment that is not commercially available by providing letters from at least two rental companies for each piece of off-road equipment where the Tier IV Final engine is not available.
- All construction equipment shall be properly serviced and maintained to the manufacturer’s standards to reduce operational emissions.
- Nonessential idling of construction equipment shall be limited to no more than five consecutive minutes.
- Construction activities shall be suspended on “Spare the Air” days.

MM AQ-3 The applicant shall install high efficiency Minimum Efficiency Reporting Value (MERV) filters with a rating of 13 in the intake of the residential ventilation

systems. MERV 13 filters have a Particle Size Efficiency Rating that results in a 60 reduction of particulates in the 1.0 to 3.0 micron range, which includes PM_{2.5}. To ensure long-term maintenance and replacement of the MERV filters in the individual units, the owner/property manager shall maintain and replace the MERV 13 filters in accordance with the manufacturer's recommendations, which typically is after two to three months. The developer, sales, and/or rental representative also shall provide notification to all affected tenants/residents of the potential health risk from SR 24 and shall inform renters of increased risk of exposure to PM_{2.5} from SR 24 when the windows are open.

MM AQ-4 Implement Revised MM AQ-2a [described above].

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding air quality, the City finds that MM AQ-2a, MM AQ-3, and MM AQ-4 are feasible, are adopted, and would, in fact, further reduce impacts to below a level of significance. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to air quality. Therefore, impacts are considered less than significant with mitigation incorporated.

Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to air quality associated with the proposed Project. Additionally, the revisions to MM AQ-2a and MM AQ-3 reflect minor technical changes and additions that result in more effective mitigation and further reduce impacts to air quality when compared to the previously adopted versions of MM AQ-2a and MM AQ-3. These revised mitigation measures are appropriately discussed in this 2018 Addendum and incorporated into the MMRP because the revisions do not themselves involve new significant effects or more severe impacts that would require the preparation of a subsequent environmental document under CEQA Guidelines section 15162. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Biological Resources

2018 Addendum Impact IV(a) (2013 FEIR Impact BIO-1, BIO-2, BIO-3 and BIO-4): With mitigation, the Project would not 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.

Substantial Evidence: The 2013 FEIR determined that no special-status plant species were encountered during surveys or are expected to occur on-site; however, there is a possibility that undetected populations may occur in the vicinity of off-site wetland and native grassland mitigation areas (See, 2013 FEIR, Chapter 4-3; 2013 FEIR Impact BIO-1). As such, implementation of MM BIO-1, which requires the implementation of confirmation surveys on any off-site mitigation property prior to site development, would ensure impacts to special-status plant species would be reduced to a less than significant level.

The 2013 FEIR also determined that suitable habitat for most special-status animal species does not occur on the Project site, and no adverse impacts are anticipated. However, there is

remote potential that one or more special-status bird and/or bat species may occasionally forage on the site, and could establish nests or roosts in the future. The 2013 FEIR thus determined that vegetation removal and grading associated with development of the site could result in the direct loss of or temporary construction disturbance to nesting raptors and other migratory birds. (2013 FEIR Impact BIO-2.) Demolition of the existing buildings and removal of mature trees could result in the direct loss of roosting bats. (2013 FEIR Impact BIO-3.) The 2013 FEIR determined that proposed grading and activities associated with habitat enhancement along the two segments of the creek to be retained as an open space channel could result in the loss of Bridges' Coast Range shoulderband snail (*Helminthoglypta nickliniana bridgesi*), if present on-site. The 2013 FEIR concluded that impacts to this species would be considered a significant impact. (2013 FEIR Impact BIO-4.)

Consistent with the 2013 FEIR, the 2018 Addendum concludes that impacts to nesting raptors and other migratory birds and roosting bats would be considered a significant impact before mitigation. As such, implementation of MM BIO-2 and MM BIO-3 (as revised), which require pre-construction surveys for nesting raptors and other migratory birds and roosting bats, would ensure impacts to special-status wildlife species would be reduced to a less than significant level. Such surveys would ensure that if any plant species are found on-site prior to construction, they would be avoided.

If plant species cannot be avoided, MM BIO-1 establishes a specific procedure that would mitigate impacts. When the 2013 FEIR was certified, it was anticipated that a specific off-site property would be suitable for off-site mitigation. However, subsequent to the certification of the 2013 FEIR, it was determined that off-site mitigation on that property would not be feasible. Therefore, MM BIO-1 has been revised to broaden the scope of this mitigation measure.

With respect to nesting birds and raptors, MM BIO-2 requires a focused survey for nests two weeks prior to construction to ascertain whether any species are on-site. If nests are found, a no-disturbance zone would be identified around the nest and construction activities will be restricted in that zone until the fledglings are able to function outside the nest. This protection and avoidance would ensure that impacts to migratory birds and raptors are reduced to below a level of significance.

Although a 2016 pre-construction nesting bird and bat survey resulted in a negative finding, future surveys would still need to be completed 2 weeks prior to tree and vegetation clearing to ensure no nesting birds or bats are on-site, and MM BIO-3 remains applicable to the Project. To mitigate impacts to bats that might roost in trees, MM BIO-3 would require a tree roost habitat assessment be conducted no more than two weeks prior to tree removal and vegetation clearing. If bats are identified, MM BIO-3 provides measures that are required to avoid impacts.

The 2013 EIR also discussed possible impacts to bats from the demolition of structures on-site. However, the structures that were on-site were demolished in 2016, eliminating the potential for roosting bats in those buildings. Accordingly, MM BIO-3 is revised to reflect current conditions and remove references to the now demolished buildings. In addition, the mitigation measure was revised to require City review and approval of the "report of findings," which details the findings of the completed surveys.

To assess potential impacts to Bridge's coast range shoulderband snail (BCRSS), a BCRSS survey was completed on March 13 and 22, April 26, and May 23, 2013. This survey demonstrated no evidence of this snail on-site, and accordingly, the Project has a less than

significant impact on this species and no further mitigation is required. Therefore, MM BIO-4, related to potential impacts to BCRSS, is no longer applicable to the Project. Consistent with the 2013 FEIR, implementation of MM BIO-1 (as revised), MM BIO-3 (as revised), and MM BIO-2, would reduce potentially significant impacts to a less than significant level for the proposed Project. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The following mitigation, as revised, was required by the 2013 FEIR and remains applicable to the proposed Project:

MM BIO-1 Should off-site mitigation be necessary to offset impacts to waters of the United States, waters of the State and/or the creek drainage, authorization for proposed modifications and jurisdictional impacts shall be obtained from the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW).⁵ All conditions required as part of the authorizations by the USACE, RWQCB, and CDFW shall be implemented as part of the Project through a mitigation program. The mitigation program shall include a minimum of 5 years of monitoring following installation of mitigation improvements. The mitigation plan and biological monitoring reports shall be subject to review and approval by the City, including peer review by a qualified biologist selected by the City.

MM BIO-2 Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.

- If vegetation removal and initial construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed Project site and in the vicinity of proposed construction. The site shall be resurveyed to confirm that no new nests have been established if vegetation removal has not been completed or if construction has been delayed or curtailed for more than 7 days during the nesting season.
- If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September to February), vegetation removal and construction may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the CDFW, and may vary depending on species and sensitivity to disturbance. As

⁵ Previously known as California Department of Fish and Game.

necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.

- A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (March to August). The report shall either confirm absence of any active nests or should confirm that any active young are located within a designated no-disturbance zone and construction can proceed.

MM BIO-3 Measures shall be taken to avoid possible loss of bats during Project construction. This shall be accomplished using the following provisions:

- A tree roost habitat assessment shall be conducted by a qualified bat biologist for trees to be removed as part of the Project. The habitat assessment shall be conducted no more than two weeks prior to tree removal and vegetation clearing. Additional detailed measures may be required based on the results of the habitat assessment if evidence of bat roosting is observed. This may include supervision of tree removal by the qualified bat biologist, and systematic removal of select trees and major limbs to encourage dispersal and avoid “take” of individual bats.
- A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of demolition or tree removal. The report shall either confirm absence of any roosting bats or define required measures to be taken to avoid inadvertent take of roosting bats.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding biological resources, the City finds that MM BIO-1 through MM BIO-3, as revised, are feasible, adopted, and will further reduce impacts related to biological resources. The revisions to MM BIO-1 and MM BIO-3 reflect minor technical changes and additions that result in more effective mitigation and further reduce impacts when compared to the previously adopted versions of mitigation measures MM BIO-1 and MM BIO-3. Additionally, the City finds that MM BIO-4 is no longer applicable to the Project or necessary to reduce impacts and is eliminated from further discussion.

Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to biological resources, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. Although, MM BIO-3 has been revised to reflect current site conditions, there is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to biological resources associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to biological resources and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IV(b) (2013 FEIR Impact BIO-5): With mitigation, the Project would not have an 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 US Fish and Wildlife Service.

Substantial Evidence: In Chapter 4-3, the 2013 FEIR concluded that impacts would occur to approximately 2 acres of native blue wildrye within the Project site. This is considered a sensitive natural community, and impacts to this plant community would be considered significant. (2013 FEIR Impact BIO-5). The 2013 FEIR proposed MM BIO-5, which includes a blue wildrye native grassland replacement program, to address the anticipated loss of native grasslands within the Project site. MM BIO-5 requires compensatory mitigation to provide a minimum 1:1 replacement ratio for grasslands lost as a result of Project construction, but found that because the preservation of the entire 2 acres of native blue wildrye would be not be feasible, impacts to a natural community would be significant and unavoidable.

With environmentally beneficial site refinements, reestablishment of 2.1 acres of native wildrye would occur on-site, and a blue wildrye Native Grassland Replacement Program (Program) would be developed and would provide a 1:1 compensatory replacement ratio for the acreage of native grasslands impacted by the Project. The proposed grassland mitigation is depicted in Exhibit 5 of the 2018 Addendum, and MM BIO-5 is revised to reflect this environmentally beneficial site refinement. A higher replacement ratio would not be warranted because of the extent of apparent past disturbance to the remaining native grasslands on the Project site, and the relative ease with which this particular species can be salvaged, replanted, and reestablished at alternative locations. The applicant salvaged the native blue wildrye from the site in 2016 and has been holding the plants at a local nursery in preparation for re-establishment on-site.

Areas restored as native grassland will be permanently protected as undeveloped “open space” and managed as native grassland by deed restriction. With implementation of the revised MM BIO-5, impacts to native blue wildrye would be less than significant because the native grassland would be replaced at a 1:1 ratio and would be permanently protected.

The 2013 FEIR noted that the Project would fill an estimated 295 linear feet of creek channel. The filling of this riparian habitat would be considered a significant impact. MM BIO-6 would require the authorization for proposed modifications to be obtained by the USACE, RWQCB, and CDFW. All conditions required as part of the authorization by USACE, RWQCB, and CDFW shall be implemented as part of the Project. The 2013 FEIR concluded implementation of MM BIO-6 would reduce potential impacts to riparian habitats to a less than significant level. The 2018 Addendum concluded that, with implementation of MM BIO-6 (described in detail in the 2018 Addendum in Impact IV(c)), impacts to riparian habitats would be less than significant.

The following mitigation was required by the 2013 FEIR and, as revised, remains applicable to the proposed Project:

MM BIO-5 A blue wildrye Native Grassland Replacement Program (Program) shall be developed by a qualified biologist to address the anticipated loss of native grasslands on the site. The Program shall be subject to review and approval by the City, including peer review by a qualified biologist selected by the City. The Program shall contain the following provisions and performance standards:

- A compensatory mitigation component shall be prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the Project. A higher replacement ratio would not be warranted because of the extent of apparent past disturbance to the remaining native grasslands on the Project site, and relative ease with which this particular species can be salvaged, replanted, and re-established at alternative locations.
- Areas restored as native grassland shall be permanently protected as open space and managed as native grassland by deed restriction. The Program shall define short-term construction controls and long-term maintenance requirements necessary to ensure that the native grasslands are successfully reestablished and restored native grasslands remain viable. The maintenance and management requirements shall include provisions for annual invasive species removal, and control on the establishment of both native and non-native trees and shrubs that could eventually shade out the grassland to be protected.
- Areas of native grassland within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvage material shall include both intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.
- A monitoring program shall be implemented by the qualified biologist to oversee successful establishment of any native grasslands to be restored and shall define both short-term and long-term requirements. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period. Performance standards, success criteria, and contingency measures shall be defined as part of the Program. Monitoring transects shall be established over each location to be vegetated as native grassland, and monitored on an annual basis. Within a five-year period, native grass shall be successfully established over all treatment areas and shall comprise a minimum 60 percent of the relative cover. Monitoring shall be extended where the success criteria are not met, and the minimum 1:1 replacement ratio is not reached. The Program and its requirements may be modified to require further measures if monitoring shows that performance standards are not being met.
- Annual monitoring reports shall be prepared by the qualified biologist and submitted to the City's Planning and Building Services Division by December 31 of each monitoring year, for a minimum of five years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any

required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

MM BIO-6a Where jurisdictional waters of the United States and State are present and cannot be avoided, authorization for proposed modifications shall be obtained from the USACE, RWQCB, and CDFW. All conditions required as part of the authorizations by the USACE, RWQCB, and CDFW shall be implemented as part of the Project. Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts, and all legally required permits or other authorizations for the potential “take” of species listed under the Endangered Species Acts shall be obtained. Copies of all authorizations shall be provided to the City’s Planning & Building Services Division prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies.

MM BIO-6b A Wetland/Riparian Protection and Replacement Program (Program) shall be prepared by a qualified wetland specialist and implemented to offset any impacts by the Project to jurisdictional waters or the creek drainage. The Program shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those features eliminated or modified as a result of development. This shall be accomplished as part of revegetation of the channel segment(s) disturbed during construction. The Program shall contain the following components:

- Jurisdictional waters shall be avoided to the maximum extent feasible, and where avoidance is infeasible, shall be replaced at a minimum 2:1 ratio, preferably on-site. This could be achieved by reducing the extent of fills currently proposed and expanding a low elevation wetland terrace along the bottom of the channel bottom where possible without adversely affecting existing riparian and upland trees along the creek corridor. Out-of-kind mitigation may be necessary given the limited opportunities for recreating creek channel habitat on the site.
- Cuttings from any willows removed as part of the Project shall be stored properly during construction, to be installed along the edge of the channel bottom and mid-bank to provide additional protective cover and replace willow removed as part of the Project.
- Additional native tree, shrub, and groundcover species shall be installed and maintained in areas enhanced or restored as part of the Program, and a mix of native grassland species should be hydro-seeded throughout the area to provide temporary erosion control. Tree and shrub plantings shall be irrigated for a minimum of 2 years during the dry summer months to ensure successful establishment.
- Temporary construction fencing shall be installed around the boundary of all wetlands, riparian, and trees to be preserved along the creek channel so

that they are not disturbed during construction. Fencing shall remain in place until construction has been completed.

- Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the Program shall be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of 5 years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.
- Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives and the City's Planning and Building Services Division by December 31 of each monitoring year for a minimum of 5 years, or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

MM BIO-6c A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented using Best Management Practices (BMPs) to control both construction-related erosion and sedimentation and Project-related non-point discharge into waters on the site.

MM BIO-6d Prior to construction or grading activities, the Project shall be revised to avoid and minimize impacts to wetlands to the maximum extent feasible. In addition, the Project shall be revised to limit any crossing of the existing creek to a single bridge or arched culvert with as narrow a width as possible that allows for continued movement of wildlife under the structure.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding biological resources, the City finds that MM BIO-5 and MM BIO-6, as revised, are feasible, adopted, and will further reduce impacts related to biological resources. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to biological resources, as identified in the certified 2013 FEIR and 2018 Addendum. Therefore, impacts are considered less than significant.

Although MM BIO-5 has been revised to reflect environmentally beneficial site refinements that would allow grass mitigation to occur onsite and MM BIO-6 has been appropriately revised to provide clarity and reference the creek drainage the Project might affect, as well as further establishing enforceability of the wetland mitigation. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to biological resources associated with the proposed Project. Further,

no new mitigation measures or alternatives are required. Therefore, the Project does not result in any increase in the severity of an impact compared to analysis in the 2013 FEIR with respect to biological resources and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IV(c) (2013 FEIR Impact BIO-6): With mitigation, the Project would not 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.

Substantial Evidence: The 2013 FEIR noted that the Project would fill an estimated 295 linear feet of creek channel. The filling of this riparian habitat would be considered a significant impact. (2013 FEIR Impact BIO-6). MM BIO-6 would require the authorization for proposed modifications to be obtained by the USACE, RWQCB, and CDFW. All conditions required as part of the authorization by USACE, RWQCB, and CDFW shall be implemented as part of the Project. The 2013 FEIR concluded implementation of MM BIO-6 would reduce potential impacts to riparian habitat to a less than significant level.

Consistent with the 2013 FEIR, the proposed Project could fill an estimated 295 linear feet of creek channel on the site, eliminating about half of the central portion of the intermittent creek channel and all of the tributary ephemeral drainage. MM BIO-6b has been refined to provide clarity and reference the creek drainage that the Project may impact. Using a conservative approach, subpart (d) has been included to further establish enforceability of the wetland mitigation. With implementation of MM BIO-6a, MM BIO-6b (as revised), MM BIO-6c, and the inclusion of subpart (d) consistent with the 2013 FEIR, impacts to wetlands would be less than significant.

The following mitigation was required by the 2013 FEIR and, as revised, remains applicable to the proposed Project:

MM BIO-6a Where jurisdictional waters of the United States and State are present and cannot be avoided, authorization for proposed modifications shall be obtained from the USACE, RWQCB, and CDFW. All conditions required as part of the authorizations by the USACE, RWQCB, and CDFW shall be implemented as part of the Project. Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts, and all legally required permits or other authorizations for the potential “take” of species listed under the Endangered Species Acts shall be obtained. Copies of all authorizations shall be provided to the City’s Planning & Building Services Division prior to issuance of a grading or other permit for the Project to ensure that the applicant has adequately coordinated with jurisdictional agencies.

MM BIO-6b A Wetland/Riparian Protection and Replacement Program (Program) shall be prepared by a qualified wetland specialist and implemented to offset any impacts by the Project to jurisdictional waters or the creek drainage. The Program shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those features eliminated or modified as a result of development. This shall be accomplished as part of revegetation of the channel segment(s) disturbed during construction. The Program shall contain the following components:

- Jurisdictional waters shall be avoided to the maximum extent feasible, and where avoidance is infeasible, shall be replaced at a minimum 2:1 ratio, preferably on-site. This could be achieved by reducing the extent of fills currently proposed and expanding a low elevation wetland terrace along the bottom of the channel bottom where possible without adversely affecting existing riparian and upland trees along the creek corridor. Out-of-kind mitigation may be necessary given the limited opportunities for recreating creek channel habitat on the site.
- Cuttings from any willows removed as part of the Project shall be stored properly during construction, to be installed along the edge of the channel bottom and mid-bank to provide additional protective cover and replace willow removed as part of the Project.
- Additional native tree, shrub, and groundcover species shall be installed and maintained in areas enhanced or restored as part of the Program, and a mix of native grassland species should be hydro-seeded throughout the area to provide temporary erosion control. Tree and shrub plantings shall be irrigated for a minimum of 2 years during the dry summer months to ensure successful establishment.
- Temporary construction fencing shall be installed around the boundary of all wetlands, riparian, and trees to be preserved along the creek channel so that they are not disturbed during construction. Fencing shall remain in place until construction has been completed.
- Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the Program shall be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of 5 years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.
- Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives and the City's Planning and Building Services Division by December 31 of each monitoring year for a minimum of 5 years, or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

MM BIO-6c A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented using Best Management Practices (BMPs) to control both construction-related erosion and sedimentation and Project-related non-point discharge into waters on the site.

MM BIO-6d Prior to construction or grading activities, the Project shall be revised to avoid and minimize impacts to wetlands to the maximum extent feasible. In addition, the Project shall be revised to limit any crossing of the existing creek to a single bridge or arched culvert with as narrow a width as possible that allows for continued movement of wildlife under the structure.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record, the City finds that MM BIO-6 (and all of its subparts 6a through 6d) is feasible, is adopted, and will further reduce impacts related to biological resources. The revisions to MM BIO-6b and additional provisions included in subpart (d) reflect minor technical changes and additions that result in more effective mitigation and further reduce impacts when compared to the previously adopted mitigation.

Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to biological resources, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to biological resources associated with the proposed Project. Therefore, the Project does result in any increase in the severity of an impact with respect to biological resources and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IV(d) (2013 FEIR Impact BIO-8): With mitigation incorporated, the Project would not 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.

Substantial Evidence: The 2013 FEIR concluded that the Project would alter the existing habitat on the site by filling a large portion of the creek channel that would eliminate most of the oak woodland and convert grassland to ruderal cover. (See, 2013 FEIR, Chapter 4-3.) The 2013 FEIR concluded that wildlife movement opportunities along the creek would be reduced and fragmented as a result of Project construction (Impact BIO-8). As analyzed in the 2013 FEIR, implementation of MM BIO-8 (which incorporates MM BIO-1 through MM BIO-7 excluding MM BIO-4) would reduce the potential impacts of the Project on wildlife habitat and wildlife movement opportunities to a less than significant level. Consistent with the 2013 FEIR, the Project would implement MM BIO-8 (clarified to note that MM BIO-4 is no longer applicable to the Project and to specify the location of the natural area surrounding the creek) to address potential impacts related to wildlife movement corridors. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The following mitigation was required by the 2013 FEIR and, as revised, remains applicable to the proposed Project:

MM BIO-8 MM BIO-1 through MM BIO-7 (excluding MM BIO-4) would all serve to partially reduce the potential impacts of the Project on wildlife habitat and wildlife movement opportunities. The following additional measures shall be

implemented to further reduce the impacts of the Project on movement opportunities and habitat values along the existing creek.

- The Project shall be revised to limit any crossing of the existing creek to a single bridge or arched culvert with as narrow a width as possible that allows for continued movement of wildlife under the structure.
- Uses on top of the new creek overcrossing shall be limited to the vehicle roadway and pedestrian sidewalk crossing to minimize the width of the structure. Parking, partial garage structures, and landscaping included in the creek crossing under the Project shall be eliminated.
- A natural area within the 100 year flood plain along the creek shall be provided and enhanced as natural habitat as part of the Wetland/Riparian Protection and Replacement Program recommended in MM BIO-6. Detention basins and other improvements shall be restricted outside this minimum setback distance. Any detention basins located along the periphery of the creek corridor shall be enhanced as natural habitat for wildlife to the maximum extent feasible through plantings of native trees, shrubs, and ground cover species. Enhancement plantings shall also be located and designed to not interfere with minimum sight distance requirements for vehicle access along Deer Hill Road, to prevent the need for future clearing and topping.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record, the City finds that MM BIO-1 is appropriately revised to broaden the scope of the mitigation measure given the anticipated off-site mitigation property is not viable. Because there are no longer any buildings on-site, there is no longer any potential for bat species to roost in the buildings and MM BIO-3 is appropriately revised to reflect the current on-site conditions. Additionally, the revisions to MM BIO-5 appropriately reflect site plan refinement that would allow grassland mitigation to occur onsite that reduces impacts to native grassland. MM BIO-6 has been appropriately revised to provide clarity and reference the creek drainage the Project might affect, as well as further establishing enforceability of the wetland mitigation. MM BIO-7 has been correctly revised to emphasize the installation of native tree species indigenous to the Project site and vicinity. MM BIO-8 has been appropriately revised to clarify the location of the natural area surrounding the creek. The revisions to MM BIO-1, MM BIO-3, MM BIO-5, MM BIO-6, MM BIO-7, and MM BIO-8 reflect minor technical changes and additions that result in more effective mitigation and further reduce impacts when compared to the previously adopted mitigation.

Therefore, based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record, the City finds that MM BIO-8 (and the incorporated MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-5, MM BIO-6a through MM BIO-6d, and MM BIO-7 [revised as described above]) is feasible, is adopted, and will further reduce impacts related to biological resources. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to biological resources, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified

significant effects related to biological resources associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IV(e) (2013 FEIR Impact BIO-7): With mitigation, the Project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Substantial Evidence: Approximately 116 trees were originally inventoried on the Project site: 16 were to be preserved, nine were to be relocated, and 91 were to be removed. Pursuant to Resolution 2015-51, 48 of the trees have been removed, leaving 69 today. The 2013 FEIR concluded that removal of healthy trees would conflict with the policies and programs in the City's General Plan, calling for preservation of healthy trees and native vegetation to the "maximum extent feasible." As such, the 2013 EIR determined that impacts to the "protected trees" would be a significant and unavoidable impact (Impact BIO-7).

MM BIO-7 is revised to emphasize the installation of native tree species indigenous to the site and vicinity in order to maintain the natural character of the site. While the General Plan does call for requiring that site planning, construction, and maintenance of new development preserve existing healthy trees and native vegetation to the maximum extent feasible, this Open Space and Conservation Element program (Program OS-4.4.1) is not a threshold of significance under CEQA Guidelines and has not been adopted as such by the City as required by CEQA Guidelines Section 15064.7.29.⁶ In addition, other applicable General Plan provisions call for the replacement of native trees when a project results in the loss of woodland habitat (Program OS-4.3), and while the Project would remove 91 of 116 existing trees on the Project site, the Project would also add 700 additional trees on the entire site, including existing areas with bare soil, for a total of 725 trees planted at Project buildout. Moreover, the Project preserves existing healthy trees to the maximum extent feasible under the proposed site plan.

With implementation of the revised MM BIO-7, impacts to "protected trees" would be less than significant. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects. No additional analysis is required.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project, as revised:

MM BIO 7 The Project shall comply with City of Lafayette Tree Protection Ordinance, Chapter 6-17 of the Lafayette Municipal Code, and a Tree Protection and Replacement Program (Program) shall be developed by a certified arborist and implemented to provide adequate protection and replacement of native and planted trees larger than 6 inches dbh (diameter at breast height) that would be affected by proposed improvements.

A category II permit shall be obtained for the removal of any "protected tree," and replacement plantings shall be provided as approved by the City. If permitted, an

⁶ CEQA Guidelines section 15064.7, subd. (a) encourages public agencies "to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects." However, under CEQA Guidelines section 15064.7, subd. (b), such thresholds "must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence."

appropriate in-lieu fee shall be paid to the City of Lafayette as compensation for “protected trees” removed by the Project, where sufficient land area is not available on-site for adequate replacement. The Program shall include the following provisions:

- Pursuant to the requirements of Section 6-1707.F of the Tree Protection and Preservation Ordinance, adequate measures shall be defined to protect all trees to be preserved. This shall include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.
- All grading, improvement plans, and construction plans prepared for building permits shall clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction. The tree information on grading and development plans shall indicate the number, size, species, assigned tree number and location of the dripline of all trees that are to be retained/preserved.
- Details on relocation of any protected trees shall be defined as part of the Program. This shall include procedures for root system excavation, tree protection during relocation, planting bed preparation, short-term irrigation and monitoring, and compensatory mitigation is severely damaged during relocation or lost following planting.
- The replacement trees shall emphasize the installation of native tree species indigenous to the site and vicinity, including use of California buckeye and a greater number of valley oak trees, rather than the large number of plantings with non-native species that would be appropriate in landscaped areas rather than as mitigation for the loss of regulated trees.
- The Landscape Plan for the Project shall consider the vehicle sight distance requirements for motorists at access points along Deer Hill Road and Pleasant Hill Road, and tree and shrub plantings that could impede the minimum requirements shall be prohibited in these areas. No native trees planted to meet the requirements of Section 6-1707.G of the Tree Protection and Preservation Ordinance shall be installed in locations that would require future pruning or topping to provide adequate sight distance for motorists.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record, the City finds that MM BIO-7 (as revised), is feasible, is adopted, and will further reduce impacts related to biological resources. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to biological resources, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying

significant new effects, nor is there an increase in the severity of previously identified significant effects related to biological resources associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Cultural and Tribal Cultural Resources

2018 Addendum Impact V(a) (2013 FEIR Impact CULT-1): With mitigation, the Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

Substantial Evidence: The 2013 FEIR determined that none of the then-existing buildings located on the Project site met the criteria for inclusion on the California Register of Historical Resources and were, therefore, not historical resources pursuant to CEQA Guidelines. (See, 2013 FEIR, Chapter 4-4). The buildings were subsequently demolished in 2016 pursuant to a valid demolition permit, and no structures remain on the site. No additional historical resources were identified within the Project site. Although no known historical resources were present on the Project site, there is always potential to uncover previously unrecorded historical resources during project-related ground disturbing activities, resulting in significant impacts. As such, implementation of MM CULT-1, which requires proscriptive treatment procedures in the unlikely circumstance that sensitive artifacts are found, would ensure impacts would be reduced to a less than significant level. Consistent with the 2013 FEIR, the proposed Project would implement MM CULT-1, which would reduce potentially significant impacts to a less than significant level. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM CULT-1 In the event that archaeological materials are discovered during Project construction activities, the applicant shall inform its contractor(s) of the archaeological sensitivity of the Project site by including the following italicized measures in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

If prehistoric or historical archaeological deposits are discovered during Project activities, all work within 25 feet of the discovery must stop and the City shall be notified. A qualified archaeologist shall inspect the findings within 24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human

remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed Project could damage unique archaeological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the Project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the Project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding cultural resources, the City finds that MM CULT-1 is feasible, is adopted, and will further reduce impacts related to unrecorded historical resources. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to unrecorded historical resources, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to unrecorded historical resources associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact V(b) (2013 FEIR Impact CULT-1): With mitigation, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Substantial Evidence: The 2013 FEIR did not identify any archeological sites within the Project site (See, 2013 FEIR, Chapter 4-4). In addition, the Project site was previously quarried and graded and the possibility of discovering unknown resources was considered minimal. However, the potential for unrecorded archeological sites exists in the northeastern portion of the site and Project-related ground disturbing activity could result in significant impacts. Consistent with the 2013 FEIR, the Project would implement MM CULT-1, which would ensure impacts would be less than significant.

Finding: Less than significant with mitigation. Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding archeological sites, the City finds that MM CULT-1, as listed above, is feasible, is adopted, and will further reduce impacts related to archeological sites. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to archeological sites, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to archeological resources associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to archeological resources and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact V(c) (2013 FEIR Impact CULT-2): With mitigation, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Substantial Evidence: The proposed Project site was formerly used as a quarry and the majority of the site has been graded (See, FEIR, Chapter 4-4). The 2013 FEIR determined that due to previous disturbance, the likelihood of uncovering paleontological resources is low. However, Pleistocene sediments underlie the Project site and ground-disturbing activity could uncover paleontological resources, resulting in a significant impact. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to paleontological resources or geologic features. Implementation of MM CULT-2, which requires the implementation of proscriptive treatment procedures in the unlikely event that paleontological resources are found, would ensure impacts would be less than significant. Consistent with the 2013 FEIR, the proposed Project would implement MM CULT-2 to ensure impacts would be reduced to a less than significant level. MM CULT-2 is revised to specify the types of resources included in this mitigation and to reflect language from the Appendix G Checklist Question as well as Public Resources Code section 21803.2.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM CULT-2 In the event that unique paleontological resources are discovered during project activities, the applicant shall inform its contractor(s) of the paleontological sensitivity of the Project site by including the following italicized language in contract documents. The City shall verify that the following language is included in the appropriate contract documents:

The subsurface at the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet must stop and the City shall be notified. A qualified paleontologist shall inspect the findings within

24 hours of discovery, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks. If it is determined that the project could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, the project applicant shall pay in lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by the project. Possible mitigation under CEQA emphasizes preservation in place measures, including planning construction avoid archaeological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding paleontological resources, the City finds that MM CULT-2, as revised, is feasible, is adopted, and will further reduce impacts related to paleontological resources. The revisions to MM CULT-2 reflect minor technical changes that specify the types of resources included in this mitigation reflect language in Public Resources Code section 21803.2.

Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to paleontological resources, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a significant increase in the severity of previously identified significant effects related to paleontological resources associated with the proposed Project that would necessitate additional environmental review. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to paleontological resources and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact V(d) (2013 FEIR Impact CULT-3): With mitigation, the Project would not disturb any human remains, including those interred outside of formal cemeteries.

Substantial Evidence: The 2013 FEIR found that the Project would not disturb human remains. (See, EIR, Chapter 4-4.) The likelihood of uncovering human remains on the Project site is low due to the Project site's previous substantial quarrying activity and grading. However, the potential for uncovering human remains could result in significant impacts. Implementation of MM CULT-3 would ensure impacts would be less than significant. The proposed Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM CULT-3 Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Contra Costa County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding the potential to disturb human remains, the City finds that MM CULT-3 is feasible, is adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding the potential to disturb human remains, as identified in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to the potential to disturb human remains associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to the potential to disturb human remains and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact V(e), (f): With mitigation, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1.

Substantial Evidence: A review of the California Register of Historical Resources, local registers of historic resources, North Central Information Center records, Native American Heritage Commission (NAHC) sacred lands file, and pedestrian surveys, failed to identify any listed Tribal Cultural Resources that may be adversely affected by the Project. Potential impacts to inadvertently discovered Tribal Cultural Resources would be minimized with the implementation of MM CULT-1 and MM CULT-3 that require proscriptive treatment procedures in the unlikely circumstance sensitive artifacts or human remains are found. Thus, with incorporation of the recommended mitigation measures, associated impacts would be less than significant.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding tribal cultural resources, the City finds that MM CULT-1 and MM CULT-3 from the 2013 FEIR are feasible, are adopted, and will further reduce impacts related to tribal cultural resources. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to tribal cultural resources. Therefore, impacts are considered less than significant. There is no new information identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to tribal cultural resources associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to tribal cultural resources and an addendum is appropriate under CEQA Guidelines section 15164.

Geology, Seismicity, and Soils

2018 Addendum Impact VI(a-iv), VI(c), and VI(d) (2013 FEIR Impact GEO 1): Implementation of the Project could result in hazards as a result of slope instability, existing fill conditions, expansive soils, and shallow groundwater, but the impact can be mitigated to below a level of significance.

Substantial Evidence: The 2013 FEIR determined that there is a low potential for an earthquake-induced landslide to occur on the Project site because there is no evidence of past landslides or slope instability (See, 2013 FEIR, Chapter 4-5). However, soils on steeper slopes on the Project site could be susceptible to instability due to heavy rains or excavation. As a result, slope instability could result in landslides, creating a potentially significant impact.

Because the proposed Project is on the same site as analyzed in the 2013 FEIR, implementation of revised MM GEO-1 would ensure the City geotechnical engineer reviews all grading plans to improve the stability of the site and all grading operations would meet the requirements of the Geotechnical Exploration and that impacts would be less than significant. MM GEO-1 is slightly revised in this 2018 Addendum to make note that the Geotechnical

Exploration was updated in April 3, 2014, after the 2013 FEIR was certified. This updated Geotechnical Exploration was conducted to determine if conditions on the site changed since they were last evaluated in the 2011 Geotechnical Evaluation. The update reflects similar impacts to slope stability, existing fill, expansive soils, and groundwater and does not result in substantial changes to the conclusions of the Geotechnical Exploration. This revised MM GEO-1 is appropriately discussed in this 2018 Addendum and incorporated into the MMRP because it does not change the analysis of impacts and the revision does not itself involve new significant effects or substantially more severe impacts than were previously analyzed that would require the preparation of a subsequent environmental document under CEQA Guidelines section 15162. An addendum is thus appropriate under CEQA Guidelines section 15164.

As discussed above, the 2013 FEIR determined the Project site would have a low potential for liquefaction, lateral spreading, and landslides (See, 2013 FEIR, Chapter 4-5). However, the 2013 FEIR concluded that locations on the Project site with existing soil fill from previous grading activity have the potential for moderate settlement to occur. In addition, groundwater is known to occur as shallow as 4 feet below existing grade. As a result, potentially significant soil instability impacts could occur. Therefore, the Project would implement revised MM GEO-1 to ensure these impacts would be reduced to a less than significant level. With implementation of MM GEO-1, the proposed Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

The 2013 FEIR concluded that the Project site contains moderately expansive soils, which could damage structures in shallow foundations resulting in a significant impact. (See, 2013 FEIR, Chapter 4-5.) However, implementation of revised MM GEO-1 would reduce impacts to a less than significant level by requiring City-approved plans tailored to address potential soil and geologic hazards.

The following mitigation was required by the 2013 FEIR and, as revised, remains applicable to the proposed Project:

MM GEO-1 Prior to issuance of the grading permits, development of the final grading plans shall be coordinated with a City approved Geotechnical Engineer and Engineering Geologist in order to tailor the plans to accommodate known soil and geologic hazards and to improve the overall stability of the site. The final 40-scale grading plans for the Project shall be reviewed by the City-approved Geotechnical Engineer. Grading operations shall meet the requirements of the Guide Contract Specifications included in Appendix D of the *Geotechnical Exploration: The Terraces of Lafayette*, prepared by ENGEO Incorporated on August 18, 2011, and revised on September 2, 2011, and April 3, 2014, and shall be observed and tested by the City-approved Geotechnical Engineer.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding expansive soils, the City finds that MM GEO-1, as revised, is feasible, is adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to expansive soils, consistent with the analysis in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information in

the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to soil instability associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to geology, seismicity, or soils and an addendum is appropriate under CEQA Guidelines section 15164.

Greenhouse Gas Emissions

2018 Addendum Impact VII(a) (2013 FEIR Impact GHG-1): With mitigation, the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Substantial Evidence: Greenhouse Gas (GHG) impacts associated with the Project would be consistent with those identified in the 2013 FEIR (See, 2013 FEIR, Chapter 4-6). The 2013 FEIR concluded that the GHG emissions associated with construction of the Project would be less than significant. Operational GHG emissions would be less than significant after the incorporation of mitigation. Specifically, MM GHG-1a and MM GHG-1b were required to reduce impacts to a less-than-significant level. The 2013 FEIR found that short-term construction activities would generate a total of 4,013 metric tons (MT) of carbon dioxide equivalents (CO₂e) per year over the entire duration of the construction period. BAAQMD does not identify a significance threshold for project-related construction emissions. Consequently, GHG emissions generated by project-related construction activities were determined to be less than significant.

However, the 2013 FEIR found that GHG emissions from long-term operations of the Project could be potentially significant. The 2013 FEIR concluded that the Project would have a buildout service population of 658 (658 residents based on 2.09 persons per household). Total operational GHG emissions were estimated at 3,261 MT CO₂e per year. Therefore, the per capita emission rate from unmitigated operational GHG emissions would be 5.0 MT CO₂e per service population per year (MT CO₂e/service population/year), which would exceed the BAAQMD threshold of 4.6 MT CO₂e/service population/year. The Project would be required to implement MM GHG-1a, which would provide options to limit wood-burning or gas-burning fireplaces and/or improve energy efficiency of the buildings, and MM GHG-1b, which would implement MM TRAF-14 to provide shuttle service between the Project site and the Lafayette BART station or transit vouchers in lieu of a shuttle. These mitigation measures would reduce the per capita emission rate to 4.6 MT CO₂e/service population/year. Therefore, the mitigated operational emissions would not exceed the BAAQMD threshold of 4.6 MT CO₂e/service population/year and the 2013 FEIR concluded that impacts were less than significant with mitigation.

The proposed Project would emit GHG emissions during construction from the off-road equipment, worker vehicles, and any hauling that may occur. As indicated in Appendix H of the 2013 FEIR, construction was assumed to begin in January 2013, and conclude in July 2014. The proposed Project is being constructed at a later date than assumed in the 2013 FEIR; generally, however, improvements in technology and more stringent regulatory requirements result in lower emission factors for construction equipment as the analysis year increases.

Therefore, construction emissions would actually decrease as a result of the proposed Project's later construction analysis year if all other factors held constant.

Since the 2013 FEIR was certified, the recommended model for estimating GHG emissions has been updated. To provide an updated estimate based on the most recent Project information, regulations, and recommended guidance, GHG construction emissions analyzed in the 2018 Addendum were estimated using CalEEMod, Version 2016.3.2. Construction phases, duration, and equipment assumptions used to estimate GHG emissions are consistent with those used to estimate emissions in the 2013 FEIR, but with modifications to the start and end dates (see 2018 Addendum, Section III and Appendix B).

GHG emissions from Project construction equipment and on-road vehicles are estimated to generate approximately 4,772 MT CO₂e over the entire construction duration. The proposed Project would consist of the same 315 residential units on the same Project site as previously analyzed in the 2013 FEIR. As such, the Project would not add more residents to the City of Lafayette than what was analyzed in the 2013 FEIR. For this reason, the service population of 658 residents identified in the 2013 FEIR continues to apply to the Project. The Project would not exceed the threshold of 4.6 MT CO₂e/service population/year for GHG emissions. Impacts associated with the generation of GHG emissions from construction and long-term operations of the Project would be less than significant (See, 2018 Addendum, Table 10). Although the Project-related emissions do not exceed the thresholds of significance, the Project would continue to implement MM GHG-1a and MM GHG-1b, consistent with the 2013 FEIR, which would further reduce GHG emissions. Therefore, the Project would not introduce new environmental impacts or substantially increase the severity of previously analyzed significant effects.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM GHG-1a Residential units shall be prohibited from having wood-burning or gas-burning fireplaces. The City shall verify that residential units/buildings comply with one of the following:

1. Ensure that 157 residential units are constructed without fireplaces (fireplaces are acceptable in the other 158 residential units).
2. Build the residential units to achieve a 25 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards, which is equivalent to the new 2013 Building and Energy Efficiency Standards.
3. Build the residential units to achieve a 15 percent reduction in building energy efficiency compared to the 2008 Building and Energy Efficiency Standards AND ensure that 78 residential units are constructed without fireplaces (fireplaces are acceptable in the other 237 residential units).

MM GHG-1b Implement MM TRAF-14. The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the

Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding greenhouse gas emissions, the City finds that MM GHG-1a and MM GHG-1b are feasible, are adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to greenhouse gas emissions, consistent with the analysis in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to greenhouse gas emissions associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Hydrology and Water Quality

2018 Addendum Impact IX(c) (2013 FEIR Impact HYDRO-1): With mitigation, the Project would not 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 that would result in substantial erosion or siltation on- or off-site.

2018 Addendum Impact IX(d) (2013 FEIR Impact HYDRO-1) With mitigation, the Project would not 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 that would result in flooding on- or off-site.

Substantial Evidence: The 2013 FEIR determined that Project grading and construction could result in substantial erosion and sedimentation creating significant impacts (See, 2013 FEIR Chapter 4-8). The Project would submit a Notice of Intent, SWPPP, and erosion control plan with BMPs to minimize construction-related erosion impacts. As described in the 2013 FEIR, the Project would include 18 bioretention areas in accordance with the Contra Costa Clean Water Program (CCCWP) Hydromodification Management Plan Low-Impact Site Design procedures to reduce runoff. Furthermore, implementation of MM HYDRO-1a and MM HYDRO-1b would require the City to review a Final Stormwater Control Plan and the applicant implement that plan, thereby reducing impacts to a less than significant level. The Project's maximum grading and construction impacts would be consistent with the 2013 FEIR and result in similar alterations to existing drainage, which would create potentially significant impacts.

The 2013 FEIR concluded the Project would increase impervious surfaces and increase peak runoff potentially resulting in significant flooding off-site (See FEIR, Chapter 4-8). Although the Project would include 18 bioretention areas that would be designed to treat and contain runoff on-site, the existing off-site drainage system may not safely convey site runoff. Implementation of MM HYDRO-1a and MM HYDRO-1b would ensure that the existing off-site drainage systems are sufficient to handle Project-related runoff. As a result, impacts would be less than significant. The proposed Project would result in the same maximum amount of impervious surfaces as previously analyzed in the 2013 FEIR. Similarly, the Project would include 18

bioretention areas that would be designed to treat and contain runoff. Consistent with the 2013 FEIR, the Project would implement MM HYDRO-1a and MM HYDRO-1b.

MM HYDRO-1a Prior to the issuance of grading permits, additional hydrologic analyses and detailed drainage design drawings for the bioretention basins shall be submitted in a Final Stormwater Control Plan to the City for review and approval. The analyses shall include:

- 10-year peak flows
- Comparison of post-development peak flow rates to pre-development conditions
- Final calculation providing size, capacity, location, and infiltration rates for the 18 proposed bioretention basins
- On-site storm drain system piping layout and pipe size calculations

MM HYDRO-1b An Operation and Maintenance (O&M) Plan and Schedule shall be prepared as part of the Final Stormwater Control Plan and submitted to the City of Lafayette. The property owner (or Homeowners Association) shall enter into a standard stormwater O&M agreement with the City, codifying their responsibility for O&M performance and reporting. An O&M Manual shall be prepared and submitted to the City prior to the issuance of grading permits. The O&M Manual shall specify that the design storage capacity of the basins will be maintained and that accumulated residual sediment and other material will be cleaned out. The detention basins shall be inspected at least once per year prior to the start of the rainy season and debris removal shall occur on an as needed basis.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding existing drainage patterns, the City finds that MM HYDRO-1a and MM HYDRO-1b are feasible, are adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding existing drainage patterns, consistent with the analysis in the certified 2013 FEIR. Therefore, impacts are considered less than significant. There is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to existing drainage patterns associated with the proposed Project. Further, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IX(e) (2013 FEIR Impact HYDRO-2): With mitigation, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Substantial Evidence: The 2013 FEIR concluded the Project would increase impervious surfaces and increase peak runoff resulting in significant impacts (See, FEIR, Chapter 4-8). Although the Project would include 18 bioretention areas that would be designed to treat polluted runoff, the existing off-site drainage system may not safely convey site runoff. Implementation of MM HYDRO-2 would require the applicant provide the City analysis that shows discharge from the Project site for the 10-year and 100-year storm, and demonstrates that this discharge can be safely conveyed through the existing off-site storm drain system. Similar to the 2013 FEIR, the proposed Project would increase impervious surfaces and peak runoff, resulting in potentially substantial sources of polluted runoff.

Consistent with the 2013 FEIR, the Project would implement MM HYDRO-2 in order to ensure off-site drainage systems contain capacity to handle Project-related runoff. As a result, impacts would be less than significant.

MM HYDRO-2 As part of the Final Stormwater Control Plan, the Project applicant shall provide to the City an analysis that shows the peak discharge from the Project site for the 10-year and 100-year storm and demonstrate that this discharge can be safely conveyed through the existing off-site storm drain system.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding off-site drainage systems, hydrology and water quality, the City finds that MM HYDRO-2 is feasible, is adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to off-site drainage systems, hydrology and water quality. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to off-site drainage systems, hydrology, and water quality, associated with the proposed Project. Additionally, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to off-site drainage systems, hydrology and water quality and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IX(f) (2013 FEIR Impact HYDRO 1 and HYDRO-2): With mitigation, the Project would not otherwise substantially degrade water quality.

Substantial Evidence: The 2013 FEIR considered the potential of the Project to substantially degrade water quality (See, 2013 FEIR, Chapter 4-8). As described above, the Project would implement MM HYDRO-1a, MM HYDRO-1b, and MM HYDRO-2, which require preparation of a Final Stormwater Control Plan and an Operation and Maintenance Plan. Implementation of MM HYDRO-1a, MM-1b, and MM HYDRO-2 would ensure the Project would not significantly degrade water quality. As a result, impacts would be less than significant.

Consistent with the 2013 FEIR, the Project would implement MM HYDRO-1a, MM HYDRO-1b, and MM HYDRO-2, identified above, which would ensure the Project would not significantly degrade water quality.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding water quality, the City finds that MM HYDRO-1a, MM HYDRO-1b, and MM HYDRO-2 are feasible, are adopted, and will further reduce impacts (See, 2013 FEIR, Chapter 4-8). Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to water quality. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to water quality associated with the proposed Project. Additionally, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to water quality and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact IX(j): With mitigation, the Project would not be susceptible to inundation by seiche, tsunami, or mudflow.

Substantial Evidence: Chapter 4-8 of the 2013 FEIR considered the potential of the Project to be susceptible to seiches, tsunami, or mudflow (See, 2013 FEIR, Chapter 4-8). The 2013 FEIR concluded that because the Project site is located on steep slopes, the Project could be exposed to mudflows resulting in potentially significant impacts. However, as described in 2018 Addendum Impact VI(a), MM GEO-1 would ensure a geotechnical study is prepared that would detail areas susceptible to landslides and would make construction recommendations that would avoid or take measures to prevent significant loss of life or property. As a result, the 2013 FEIR concluded that impacts would be less than significant.

Consistent with the 2013 FEIR, the Project would implement MM GEO-1, which would ensure the Project would not significantly degrade water quality.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding water quality, the City finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts (See, 2013 FEIR, Chapter 4-8.). Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to water quality. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to inundation by seiche, tsunami, or mudflow associated with the proposed Project. Additionally, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Land Use and Planning

2018 Addendum Impact X(b) (2013 FEIR Impact LU-1, LU-2, LU-3): With mitigation, the Project would not conflict with 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.

Substantial Evidence: Chapter 4-9 of the 2013 FEIR determined that the Project would be inconsistent with the following General Plan goals and policies: Goal LU-2, Policy LU-2.1, LU-2.2, LU-2.3, and Policy LU-20.1. (2013 FEIR, Table 4.9-1; 2013 DEIR p. 4.9-17.) In addition, the 2013 EIR determined that the Project would be inconsistent with the Ridgeline Setback Exception (Sections 6-2028, 6-2029, 6-2067, and 6-2071) and Hillside Development Permit (Sections 6-2015, 6-2031 through 6-2034, 6-2067, and 6-2070) resulting in a significant impact. Furthermore, the 2013 FEIR did not identify any feasible mitigation measures that would reduce impacts. MM LU-1, MM LU-2, and MM LU-3 in the 2013 FEIR all state that mitigation is not available and do not propose any feasible mitigation.

As described in the 2018 Addendum, the Project does not conflict with General Plan policies or the Ridgeline Setback Exceptions (Sections 6-2028, 6-2029, 6-2067, and 6-2071) because the Project site is not within a Class I Ridgeline and these policies are not applicable to the Project.

General Plan Goal LU-2. The Project would involve the removal of trees and filling of a creek channel on the site. Construction of the Project could result in the creation of impervious surfaces (roads, houses) and slight changes of local topography with the potential to alter surface runoff rates and drainage patterns from the site and increase surface runoff rates, peak flows, and sediment transport downstream. MM HYDRO-1a, MM HYDRO-1b, and MM HYDRO-2 would ensure that impacts to water quality would be less than significant with implementation of the required Stormwater Control Plan.

As noted above, the Project would not affect a Class I ridgeline, which does not exist on the Project site. MM BIO-5, which includes a blue wildrye native grassland replacement program, addresses the anticipated loss of native grasslands within the Project site. MM BIO-5 is revised to reflect environmentally beneficial site refinements that would mitigate for the removal of native blue wildrye by repropagating 2.1 acres on-site and would provide a 1:1 compensatory replacement ratio for the acreage of native grasslands impacted by the Project. MM BIO-7, as revised, emphasizes the installation of native tree species indigenous to the site and vicinity, which is consistent with the General Plan. While the General Plan does call for requiring that site planning, construction and maintenance of new development preserve existing healthy trees and native vegetation to the maximum extent feasible, this Open Space and Conservation Element program (Program OS-4.4.1) is not a threshold of significance under CEQA Guidelines nor has it been adopted as such by the City, as required by CEQA Guidelines section 15064.7. In addition, other applicable General Plan provisions call for the replacement of native trees when a project results in the loss of woodland habitat (Program OS-4.3), and while the Project would remove 91 of 116 existing trees on the Project site, the Project would also add 700 additional trees on the entire site, including existing areas with bare soil, for a total of 725 trees planted at Project buildout. Moreover, the Project is preserving existing healthy trees and reestablishing native vegetation such as blue wildrye native grassland to the maximum extent feasible under the proposed site plan. With implementation of the revised MM BIO-7, impacts to “protected trees”

would be less than significant. The revised MM BIO-5 and MM BIO-7 would reduce impacts to less than significant levels. In addition, MM BIO-8 (as revised) would further reduce the impacts of the Project on movement opportunities and habitat values along the existing creek.

Therefore, the Project would be consistent with General Plan Goal LU-2.

General Plan Policy LU-2.1. Policy LU-2.2 of the General Plan states that land use densities should not adversely affect the significant natural features of hill areas. The construction of 315 units on the 22.27-acre site as proposed would result in a residential density of 14 du/acre. The proposed residential density would not exceed the maximum of 35 du/acre allowed under the APO zoning regulations that apply to the Project site pursuant to the Housing Accountability Act. In addition, the Project would incorporate landscaping that would partially screen the Project and present a natural appearance.

General Plan Policy LU-2.2. Policy LU-2.2 of the General Plan states that important visual and functional open space should be preserved by requiring development to be clustered on the most buildable portions of lots and minimizing grading for building sites and roads. The General Plan does not provide a definition of important visual and functional open space. The Project site has been previously disturbed, however, has been subject to extensive grading, the existing buildings on-site have been demolished, and it is surrounded on three sides by development. Therefore, the site does not qualify as important visual open space. In addition, as a privately owned property, it is not a publicly accessible functional open space.

The Project would cluster, or group, the residential buildings on the parcel in a way that creates substantial “open space” separate from the proposed development on the parcel. The Project would utilize the existing man-made terraces to minimize grading required for building pads and roads. Over 2.1 acres of the Project site would be left undeveloped as part of grassland mitigation, and the apartment buildings would be clustered on the remaining acreage of the Project site. Therefore, the Project has been designed so that there are several groupings of buildings, clustered together in compliance with General Plan Policy LU 2.2, on the most useable portions of the site.

General Plan Policy LU-2.3. Policy LU-2.3 of the General Plan states structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides and ridgelines should appear essentially undeveloped, to the maximum extent feasible. As described in Impact I(a) in the 2018 Addendum, the Project would include native vegetation that would partially screen the Project when viewed from lower elevations.

Ridgeline Setback Exception (Sections 6-2028, 6-2029, 6-2067, and 6-2071. The Project site is not within a Class I Ridgeline, and these policies are not applicable to the Project.

Hillside Development Permit (Sections 6-2015, 6-2031 through 6-2034, 6-2067, and 6-2070). As detailed in the 2018 Addendum, the City can make all necessary findings in support of a Hillside Development Permit. Upon issuance of a Hillside Development Permit the Project would be consistent with the Hillside Development Requirements.

Because the Project would not be inconsistent with any additional applicable land use plans, policies, and regulations, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects. (See, 2018 Addendum Section X.)

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record the City finds that MM BIO-5, MM BIO-7 (as revised), MM HYDRO 1a, MM HYDRO 1b, and MM HYDRO 2, described above, are feasible, are adopted, and will further ensure land use consistency. The City finds that MM LU-1, MM LU-2, and MM LU-3 do not propose any feasible mitigation or reduce any impacts and are rejected from further discussion.

Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to land use. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Additionally, no new mitigation measures or alternatives are identified. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to potential conflicts with applicable land use plans, policies, or regulations and an addendum is appropriate under CEQA Guidelines section 15164.

Noise

2018 Addendum Impact XII(a) (2013 FEIR Impact NOISE-1): With mitigation, the Project would not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Substantial Evidence: The 2013 FEIR concluded that the Project would comply with the land use compatibility standards of the Noise Element for outdoor spaces, resulting in a less than significant impact (See, 2013 FEIR, Chapter 4-10). Noise exposure levels in all open areas behind proposed structures would be less than 60 dBA L_{dn} because of the barrier effect of the edges of the graded terraces and the proposed apartment buildings. However, the study also concluded that interior noise levels would exceed the standard with windows open.

The 2013 FEIR concluded that MM NOISE-1, which includes sound-rated windows and doors, and a suitable form of ventilation (to allow the option of closing windows while still having a source of fresh air), would reduce interior noise levels to less than significant with mitigation. In order to verify the existing ambient noise conditions and to determine if any substantial changes have occurred since the time of the adoption of the 2013 FEIR, additional ambient noise measurements were taken and traffic noise modeling was performed based on the updated traffic study.

The existing 2018 ambient noise environment shows that current weekday 24-hour average day/night noise levels ranged up to 68.5 dBA L_{dn} . The documented daytime hourly average noise level was 65.1 L_{eq} with a nighttime hourly average noise level of 61.3 L_{eq} . (The noise measurement data and survey sheets are provided in Appendix D of the 2018 Addendum.) The noise measurements captured all noise sources in the Project vicinity, including noise levels from traffic sources. The noise levels documented by the LT-N noise measurement conducted for the 2013 FEIR show that ambient noise levels were documented to range from 71 dBA to 74 dBA L_{dn} at this location. Thus, the current ambient noise conditions on the Project site are

slightly less than the levels identified in the 2013 FEIR and have not changed substantially since the prior analysis.

The Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108) was also used to evaluate existing and future Project-related traffic noise conditions along modeled roadway segments in the vicinity of the Project site. The projected future traffic noise levels on roadways adjacent to the site were analyzed to determine compliance with the City's noise and land use compatibility standards. Traffic modeling was performed using the data obtained from the updated Project-specific traffic impact study conducted by TJKM in November 2018 (Appendix F). Due to distance attenuation and a minimum reduction of 3 dBA for shielding due to terrain conditions, the nearest façade would be exposed to traffic noise levels ranging up to approximately 70 dBA L_{dn} . This corresponds with the calculated results of the 2013 FEIR, which showed that the nearest façade would be exposed to traffic noise levels ranging up to 69 dBA L_{dn} . Accordingly, Project site traffic noise conditions have not changed substantially since the time of the analysis for the 2013 FEIR.

Because the proposed building layouts would remain the same as previously analyzed, the conclusions of the 2013 FEIR noise analysis would also remain the same regarding traffic noise impacts to the Project. The 2013 FEIR analysis concluded that with the Project in place, noise exposure level in all open areas behind the proposed structures would be less than 60 dBA L_{dn} because of the barrier effect on the edges of the graded terraces and the buildings. Therefore, similar to the 2013 FEIR, the Project would comply with the land use compatibility standards of the Noise Element for outdoor spaces, but the interior noise levels of the Project would continue to exceed the standard for open exterior windows. Consistent with the 2013 FEIR, the Project would implement MM NOISE-1, which would require buildings to be designed to achieve a 45dBA L_{dn} interior noise standard. Implementation of special noise control treatments required in MM NOISE-1, including sound-rated windows and doors, plus a suitable form of ventilation that would allow windows to remain closed for extended periods, would reduce interior noise levels to below the 45 dBA L_{dn} threshold. Additionally, MM NOISE-1 will be listed on the grading plan and monitored by the City during construction.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM NOISE-1 The exterior glazing, entry doors, exterior wall, and supplemental ventilation design features shall be designed to achieve a 45 dBA L_{dn} interior noise standard. These features are summarized below and additional details are provided in the Wilson Ihrig & Associates (WIA) report prepared for the 2013 FEIR.

- Two classes of exterior glazing are indicated for windows, sliding glass doors, and entry doors:
- Class I elements shall have a minimum OITC 24/STC 28 rating
- Class II elements shall have a minimum OITC 21/STC 25 rating
- (Note: The different classes are based on the location of proposed buildings on the Project site, per Figures 12 and 13 of the WIA report. Also note that the recommended OITC/STC ratings are for full window assemblies (glass and frame), rather than just for the glass itself.)

- If hard floor surfaces (such as hardwood or ceramic tile) are used, then the minimum recommended glazing rating (above) shall be increased by two OITC/STC points for windows serving those rooms.
- Entrance doors, together with their perimeter seals, shall have STC ratings not less than 26. Such tested doors shall operate normally with commercially available seals. Solid-core wood-slab doors 1-3/8 inches (35 mm) thick minimum or 18 gage insulated steel-slab doors with compression seals all around, including the threshold, may be considered adequate without other substantiating information.
- Acceptable acoustical caulking, applied per the manufacturer's directions, shall be used to properly seal windows, doorways, electrical outlets (in exterior walls), and the indicated intersections of interior gypsum wall board (GWB) installations throughout the affected buildings.
- Potential architectural element suppliers shall verify the acoustical performance ratings by providing laboratory test data for the specific assembly type submitted for the Project.
- Exterior wall assemblies shall have a minimum OITC 38 (comparable to STC 50) rating. This can be achieved with 'typical' assembly designs for this type of multi-family development, which were assumed to consist of 7/8-inch stucco over plywood shear sheathing, 4- to 6- inch deep studs, fiberglass batt insulation in the stud cavity, and at least one layer of 5/8-inch gypsum board on the interior face of the wall.
- Supplemental ventilation shall be provided in the architectural design so as to allow for closed windows as well as the adequate supply of fresh air per applicable building codes.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding noise, the City finds that MM NOISE-1 is feasible, is adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to noise. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to noise associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Additionally, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to noise and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact XII(d) (2013 FEIR Impact NOISE-2): With mitigation, the Project would not result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the project.

Substantial Evidence: The 2013 FEIR concluded that the levels of haul truck and worker vehicle traffic flows would be negligible compared to the volumes of traffic currently generated along the segment of roadway expected to be the primary construction traffic access (Pleasant Hill Road between SR-24 and Deer Hill Road) (See, 2013 FEIR, Chapter 4-10). Therefore, these impacts are less than significant at noise receptors along the construction routes. Construction activities would be required to comply with the City of Lafayette Municipal Code, which limits the hours of construction equipment and restricts construction activities to the least noise-sensitive portions of the day. Furthermore, MM NOISE-2 details the selection of appropriate construction equipment and operating techniques to reduce construction noise to the extent reasonably feasible. The 2013 FEIR concluded that with adherence to the City of Lafayette's time-of-day restrictions and implementation of MM NOISE-2, construction noise levels would be reduced to a less than significant level.

There are no new noise sensitive receptors in the Project vicinity that are located closer to the Project site than those that were analyzed in the 2013 FEIR noise analysis. The Project contemplates the same maximum footprint, landscaping, and design features as those analyzed in the 2013 FEIR. Since the Project construction footprint would remain the same, the conclusions of the 2013 FEIR noise analysis would also remain the same regarding construction noise impacts. Construction activities would still be required to comply with the City of Lafayette Municipal Code, which limits the hours of construction equipment and restricts construction activities to the least noise-sensitive portions of the day. Furthermore, consistent with the 2013 FEIR, the Project would implement MM NOISE-2 to further ensure that noise levels from construction activities would not impact nearby sensitive receptors. MM NOISE-2 shall be listed on the grading plan and monitored by the City during construction.

Therefore, the Project would not introduce new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2013 FEIR.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM NOISE-2 The construction contractor shall adhere to the following measures during construction activities:

- Use of construction equipment shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.
- Material deliveries and haul-off truck trips shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. Monday through Friday. Further, all such construction trips shall avoid, to the extent reasonably feasible, peak traffic periods along Pleasant Hill Road and Deer Hill Road (i.e. morning rush hour, mid-afternoon school pick-up time, and afternoon rush hour).
- Prior to the start of and for the duration of construction, the contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer's recommendations to minimize noise emissions.

- Prior to use of any construction equipment, the contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- During construction, the construction contractor shall place stationary construction equipment and material delivery (loading/unloading) areas so as to maintain the greatest distance from the nearest residences.
- The construction contractor shall post a sign at the work site that is clearly visible to the public, providing a contact name and telephone number for lodging a noise complaint.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding ambient noise levels, the City finds that MM NOISE-2 is feasible, is adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to ambient noise levels. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to ambient noise levels, associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Additionally, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to ambient noise levels and an addendum is appropriate under CEQA Guidelines section 15164.

Public Services

2018 Addendum Impact XIV(b) (2013 FEIR Impact PS-1): With mitigation, the Project would not 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 police protection.

Substantial Evidence: The 2013 FEIR concluded that the Project's 658 new residents would increase the need for police services in the Lafayette Police Services Department service area by three percent (See, 2013 FEIR, Chapter 4-12). However, the 2013 FEIR determined the Project would adversely affect the LPSD's ability to respond to calls for service and would require additional personnel, resulting in a potentially significant impact. As noted in the 2013 FEIR, the Project would incorporate MM PS-1a, MM PS-1b, and MM PS-1c that would include safety features such as outdoor lighting, security gates, video surveillance, and contracting with a private security company to routinely patrol the premises upon construction of the Project. Furthermore, the Project would incorporate MM PS-1d, which includes the payment of development impact fees. The 2013 FEIR concluded that implementation of MM PS-1a, MM PS-1b, MM PS-1c, and MM PS-1d would reduce impacts to less than significant. The proposed Project would result in the same three percent increase in police service demand, resulting in

similar potentially significant impacts to those discussed in the 2013 FEIR. Consistent with the 2013 FIER, the Project would implement MM PS-1a, MM PS-1b, MM PS-1c, and MM PS-1d.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

- MM PS-1a** The Project's outdoor lighting plan shall be reviewed and approved by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.
- MM PS-1b** The Project shall include a video surveillance system. The location and position of the video surveillance system shall be reviewed and approved by the by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.
- MM PS-1c** The Project shall include the services of a private security company to routinely patrol the premises upon construction of the proposed Project. A draft contract between a private security company and the apartment management company shall be reviewed and approved by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.
- MM PS-1d** The Project shall pay a police impact fee to the City prior to the issuance of building permits by Contra Costa County. The City would prepare a nexus study to determine the appropriate fee that could support the LPSD's additional personnel and associated equipment. If the impact fee assessment by the City is not in place at the time of building permit issuance for the Project, the Project applicant would be required to pay the fees after the building permit issuance when the City finishes the nexus study.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding police protection services, the City finds that MM PS-1a, MM PS-1b, MM PS-1c, and MM PS-1d are feasible, are adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to police protection services. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there a substantial increase in the severity of previously identified significant effects related to police protection services, associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Additionally, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to police protection services and an addendum is appropriate under CEQA Guidelines section 15164.

Transportation

2018 Addendum Impact XVI(a) (2013 FEIR Impact TRAF-1, TRAF-2, TRAF-9, TRAF-10, TRAF-11, and TRAF-12): With mitigation incorporated, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Substantial Evidence: Because it found that the Project would increase delay by more than 5 seconds at Stanley Boulevard/Pleasant Hill Road, the 2013 FEIR determined that there would be a significant impact (2013 FEIR Impact TRAF-1).

The 2013 FEIR also concluded that the Project would increase delay by more than 5 seconds at Brown Avenue at Deer Hill Road intersection, resulting in a significant impact. The 2013 FEIR found that this would be a significant cumulative impact. The 2013 FEIR concluded that with the implementation of MM TRAF-2 (the same as MM TRAF-9), the payment of a fair share of the cost (including an in-lieu payment) to install a traffic signal at the Brown Avenue and Deer Hill Road intersection, impacts at the Brown Avenue at Deer Hill Road intersection would be considered less than significant. (2013 FEIR Impact TRAF-2 and TRAF-9.)

Under the Cumulative Year 2030 plus Project scenario, the 2013 FEIR concluded that Project traffic exiting the west Project driveway on Deer Hill Road would have some difficulty finding an acceptable gap in traffic flow on Deer Hill Road, which would be a potential impact. With implementation of MM TRAF-10, which requires widening Deer Hill Road at the west Project driveway as needed to add a striped westbound median refuge lane, providing appropriate taper lengths, and maintaining appropriate widths for bike lanes, traffic lanes, and proposed sidewalks, impacts would be reduced to less than significant. (2013 FEIR Impact 10.)

The 2013 FEIR concluded that the left-turn queue Northbound Pleasant Hill Road at Deer Hill Road would occasionally extend back far enough to obstruct the northbound through lane on Pleasant Hill Road during the AM peak-hour, at a location and period of time in which various traffic conditions, including those related to Acalanes High School, would make this obstruction a substantial hazard. MM TRAF-11 states that mitigation is not feasible, and this would remain a significant impact. (2013 FEIR Impact TRAF-11)

Similarly, the 2013 FEIR concluded that the Project design would substantially increase hazards by causing the excess queue length and traffic obstruction at northbound Pleasant Hill Road at the Project Driveway, resulting in a significant cumulative impact that would render MM TRAF-12 infeasible. (2013 FEIR Impact TRAF-12.)

As analyzed in the 2018 Addendum, these impacts are reduced to below a level of significance. The 2012 Traffic and Circulation Impact Analysis ([2012 Traffic Report], dated April 18, 2012) was updated in November 2018 to reflect current traffic conditions as well as environmentally-beneficial site refinements proposed as part of the resumed Project (2018 Addendum, pages 139-157). These refinements, described in detail in the 2018 Addendum, include modifications to improve design and operations and both vehicular and pedestrian circulation (a full description of the refinements is included in the 2018 Addendum, pages 141-145.)

Existing Plus Project Conditions that incorporated updated site conditions and the refinements and modifications were analyzed in the 2018 Addendum. To improve the Deer Hill Road—Stanley Boulevard Pleasant Hill Road intersection, refined Project plans propose roadway widening to add a third lane for southbound through traffic on Pleasant Hill Road between Deer Hill Road—Stanley Boulevard and SR 24. The additional southbound lane would start approximately 150 feet north of Deer Hill Road and extend south along the entire Project frontage on Pleasant Hill Road to become a right-turn-only lane for the onramp to westbound SR-24. Traffic engineers often refer to this type of configuration with a through lane leading into a required turn lane as a “trap lane.” The proposed lane configuration would also eliminate existing curb parking and loading zones along the west curb. As discussed in more detail in the 2018 Traffic Report, the addition of a third southbound lane would not result in any significant secondary impacts. Therefore, MM TRAF-1 would no longer be applicable to the Project.

At the only existing unsignalized study intersection, Brown Avenue at Deer Hill Road, the northbound and southbound stop-controlled minor approaches on Brown Avenue at Deer Hill Road, would continue operating at an unacceptable LOS F during the AM and PM peak-hours. Because the Project would increase delay by more than 5 seconds, consistent with the 2013 FEIR, the Project would implement MM TRAF-2 (same as MM TRAF-9). MM TRAF-2 has been revised to include the construction of a roundabout as an alternative to signalization. Under the signalization alternative, the intersection would operate at LOS A during both the AM and PM peak periods. Under the roundabout alternative, the intersection would operate at LOS C during the AM peak-hour and LOS D during the PM peak-hour. Therefore, with implementation of MM TRAF-2, and, as previously disclosed in the 2013 FEIR, the impact at the Brown Avenue at Deer Hill Road intersection would be less than significant.

Additionally, the Project would prohibit left turns into and out of the site from Pleasant Hill Road; there would be no left-turn queue lengths on northbound Pleasant Hill Road at the Project driveways. As such, contrary to conclusion in the 2013 FEIR, the potential for a hazardous condition no longer exists and was not further analyzed.

Under Cumulative Year 2035 plus Project scenario, the unsignalized west Project driveway on Deer Hill Road would experience an LOS F delay during the AM and PM peak-hour. This amount of delay suggests that drivers turning left out of the driveway would have some difficulty finding an acceptable gap in traffic flow on Deer Hill Road, at a location where prevailing speeds are relatively high, and this would result in a significant impact. The Project would implement MM TRAF-10, and impacts would be reduced to less than significant. MM TRAF-10 has been updated to acknowledge that MM TRAF-3 would not be applicable to the Project.

Consistent with the 2013 FEIR, the unsignalized Brown Avenue at Deer Hill Road intersection would continue to operate at an unacceptable LOS F during the AM and PM peak-hours, with delay increases substantially higher than 5 seconds, consistent with the 2013 FEIR. As with the 2013 FEIR, the Project would implement MM TRAF-9 (the same as MM TRAF-2). MM TRAF-9 has been revised to include the construction of a roundabout as an alternative to signalization. Under the signalization alternative, the intersection would operate at LOS A during both the AM and PM peak-hours. Under the roundabout alternative, the intersection would operate at LOS F during the AM and PM peak-hours, but the delay would be a substantial improvement in average delay over Existing Conditions. Therefore, impacts would be reduced to less than significant.

Because the Project would prohibit left turns into and out of the site from Pleasant Hill Road, there would be no left-turn queue lengths on northbound Pleasant Hill Road at the Project driveways. In addition, the left-turn lane storage at northbound Pleasant Hill Road at Deer Hill Road could be extended and would accommodate the left-turn lane queues at this intersection. With these environmentally beneficial site plan refinements and updated traffic conditions, the 2018 Addendum concludes that impacts associated with the Project would be reduced when compared to those identified in the 2013 FEIR. The 2018 Traffic Report is provided in Appendix F.

With the environmentally beneficial refinements, the Project would reduce all impacts to below a level of significance. As such, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effect.

The following mitigation measures were required by the 2013 FEIR and, as revised, remain applicable to the proposed Project:

MM TRAF-2 Signalization: The Project applicant shall coordinate with the City to contribute a fair share of the cost, including an in-lieu payment, to install a traffic signal at the Brown Avenue/Deer Hill Road intersection, which will be added to the City's Capital Improvement Projects (CIP) program. The traffic signal equipment shall include an emergency vehicle preemption system (Opticom), which would allow emergency response vehicles approaching the signalized intersection to activate a green signal for their travel direction. SR-24 freeway overpass structures on Brown Avenue could obstruct the Opticom activation device on responding emergency vehicles headed northbound on Brown Avenue from Mount Diablo Boulevard toward Deer Hill Road, which could substantially reduce the effectiveness of the traffic signal preemption. To avoid this problem, the traffic signal equipment shall include advance detection devices for the Opticom system as needed to ensure effective traffic signal preemption for responding emergency vehicles on northbound Brown Avenue.

Roundabout: An alternative mitigation option to installing a traffic signal would be the redesign of this intersection as a roundabout, which would improve the approach LOS for the minor approach volumes at this intersection relative to Existing Conditions, although it improves LOS to a smaller degree than signalization.

MM TRAF-9 Implement Mitigation Measure TRAF-2.

MM TRAF-10 Widen Deer Hill Road at the west Project driveway as needed to add a striped westbound median refuge lane to receive left turns from the driveway, provide appropriate taper lengths west of the refuge lane, and maintain appropriate widths for bike lanes, traffic lanes, and proposed sidewalks.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record regarding traffic, the City finds that MM TRAF-2, MM TRAF-9, and MM TRAF-10, as revised, are feasible, are adopted, and will further reduce impacts to a less than significant level. The revisions to MM TRAF-2 (same as MM TRAF-9) and MM TRAF-10 reflect minor technical changes and additions that result in more effective mitigation and further reduce impacts when compared to the previously adopted

version of mitigation measure MM TRAF-2 (same as MM TRAF-9) and MM TRAF-10. The City finds that MM TRAF-1, MM TRAF-11, and MM TRAF-12 would no longer be applicable to the Project.

Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant circulation system impacts of the proposed Project. Therefore, circulation system impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects related to the circulation system associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Therefore, the Project does not result in any greater or more severe impacts than disclosed in the 2013 FEIR and an addendum is appropriate under CEQA Guidelines section 15164.

2018 Addendum Impact XVI(e) (2013 FEIR Impact TRAF-5 and TRAF-6): The Project would not result in inadequate emergency access.

Substantial Evidence: The 2013 FEIR concluded that under both Existing Plus Project and Cumulative Year 2030 Plus Project conditions, the project's significant impact on PM peak-hour traffic speeds for northbound Pleasant Hill Road between the off-ramp from westbound SR-24 and the Project driveway would result in inadequate emergency access to other areas of Lafayette served by Pleasant Hill Road between SR-24 and Rancho View Drive (Impact TRAF-5). Without mitigation, the result would be a significant impact (See, 2013 FEIR, Chapter 4-13). The Project would implement MM TRAF-5 to require the Project applicant to install advance detection equipment to ensure effective traffic signal preemption for responding emergency vehicles. The 2013 FEIR also determined that the emergency vehicle access shown on the Project site plans would not comply with minimum turning radii requirements at several on-site driveway locations. Without mitigation, the restricted turning radii would result in inadequate emergency access to the Project site, and would result in a significant impact. (Impact TRAF-6) The Project would implement MM TRAF-6 to require revision of the Project site plans such that corner radii and medians at on-site driveway intersections provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, per CCCFPD requirements. With implementation of MM TRAF-5 and MM TRAF-6, the 2013 FEIR concluded that impacts would be considered less than significant.

The Project would have the same emergency vehicle access as the Project analyzed in the 2013 FEIR. Consistent with the 2013 FEIR, the Project would implement MM TRAF-5 to require the Project applicant to install advance detection equipment to ensure effective traffic signal preemption for responding emergency vehicles. Following the recommendations of TJKM's 2018 Traffic Report, corner radii and medians at on-site driveway intersections would provide a minimum inside turning radius of 25 feet and a minimum outside turning radius of 45 feet, per CCCFPD requirements. Project driveways and internal intersections would thus provide adequate width and turning radii to allow adequate emergency vehicle access. Therefore, MM TRAF-6 would no longer be applicable to the Project.

Therefore, the Project would not introduce new significant environmental impacts or create more severe environmental impacts than those analyzed in the 2013 FEIR. The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM TRAF-5 The Project applicant shall contribute a fair share to the cost of installing advance detection equipment for the existing Opticom system as needed to assure effective traffic signal preemption for responding emergency vehicles on northbound Pleasant Hill Road approaching the Deer Hill Road intersection and the other four signalized study intersections to the north. The advance detection system shall be designed to activate a green signal for northbound Pleasant Hill Road at Deer Hill Road with enough time before the emergency vehicle arrives to allow traffic congestion between SR-24 and the intersection to clear sufficiently to facilitate passage of the emergency vehicle. At a minimum, the advance detection system shall allow emergency vehicles responding from CCCFPD Station 15 (located at 3338 Mount Diablo Boulevard) to activate traffic signal preemption for northbound Pleasant Hill Road at Deer Hill Road as soon as they turn north from eastbound Mount Diablo Boulevard.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum and the public record regarding emergency access, the City finds that MM TRAF-5 is feasible, is adopted, and will further reduce the impacts described in 2018 Addendum Impact XVI(e) (2013 FEIR Impacts TRAF-5 and TRAF-6). The City further finds that MM TRAF-6 is no longer applicable or necessary. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects related to emergency access, associated with the proposed Project compared to the Project analyzed in the 2013 FEIR. Additionally, no new mitigation measures or alternatives are required. Therefore, the Project does not change or alter any of the findings of the 2013 FEIR with respect to emergency access and an addendum is appropriate under State CEQA Guidelines section 15164.

2018 Addendum Impact XVI(f) (2013 FEIR Impact TRAF-7, TRAF-14, TRAF-15, TRAF-16, TRAF-17, TRAF 18, TRAF-19, TRAF 20 and TRAF-21): With mitigation incorporated, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Substantial Evidence: The 2013 FEIR concluded that Project would generate an additional weekday parking demand for up to 50 spaces at the Lafayette BART station, which represents approximately 3 percent of the 1,529 spaces in the lot (See 2013 FEIR, Chapter 4-13). Because the parking lot demand already exceeds capacity on weekdays, this would be a potentially significant impact. MM TRAF-14 requires the Project applicant to provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods until a bus route is implemented on Pleasant Hill Road. With implementation of MM TRAF-14, the 2013 FEIR concluded impacts would be considered less than significant.

With respect to buses, the 2013 FEIR determined that the Project site plan does not include a loading and unloading area for school bus service, and peak-hour traffic congestion on Pleasant Hill Road and Deer Hill Road would be exacerbated if traffic is required to stop for a school bus in the traffic lane, resulting in a significant impact. MM TRAF-15 requires the Project applicant to coordinate with the Lamorinda School Bus Program to determine the appropriate locations and designs for bus stop pullouts along the Project frontage, and the Project applicant would construct those bus stop pullouts. With implementation of MM TRAF-15, the 2013 FEIR concluded impacts are considered less than significant.

The 2013 FEIR concluded that during the grading phase of construction on the Project site, large truck traffic on Pleasant Hill Road and Deer Hill Road and elimination of the existing passenger-loading zone along the Project frontage on Pleasant Hill Road would result in a temporary significant impact to pedestrians and bicycles (Impact TRAF-7). MM TRAF-7 would require the Project applicant to prepare and submit a Construction Staging Plan for review and approval by the City Engineer to reduce these impacts. The 2013 FEIR required the implementation of MM TRAF-15, MM TRAF-16a, MM TRAF-16b, MM TRAF-17, MM TRAF-18, MM TRAF-19, MM TRAF-20, and MM TRAF-21 to address significant impacts to BART, buses, pedestrians and bicycles, and the 2013 FEIR concluded that Impacts TRAF-7, TRAF-14, TRAF-15, TRAF-16a, MM TRAF-16b, TRAF-17, TRAF-18, TRAF-19, TRAF-20 and TRAF-21 would be less than significant with mitigation incorporated.

Consistent with the 2013 FEIR, the Project would implement MM TRAF-14 and provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods until a bus route is implemented on Pleasant Hill Road. With implementation of MM TRAF-14, impacts would be less than significant.

The Project includes environmentally beneficial refinements to site circulation, and the Project frontage includes a designated school bus stop, with the design and location determined in consultation with the Lamorinda School Bus Program. With these refinements to the site plan, impacts would be less than significant and MM TRAF-15 is no longer be applicable to the Project.

Further consistent with the analysis in the 2013 FEIR, the Project would implement TRAF-7 and prepare and submit a Construction Staging Plan for review and approval by the City Engineer.

Following the recommendations of TJKM's 2018 Traffic Report, the Project would include design modifications to the site plan described in the introduction to Section XVI Transportation. These design modifications would improve pedestrian and bicycle safety rendering MM TRAF-16a, MM TRAF-16b, MM TRAF-17, MM TRAF-18, MM TRAF-19, MM TRAF-20, and MM TRAF-21 no longer be applicable to the Project.

The following mitigation was required by the 2013 FEIR and remains applicable to the proposed Project:

MM TRAF-7 The Project applicant shall prepare and submit a Construction Staging Plan for review and approval by the City Engineer. The Construction Staging Plan shall include elements such as flaggers for trucks entering and exiting the site, and a designated liaison to coordinate with the City, schools, and the public as needed, and shall implement the following required measures:

- Large trucks involved in the grading phase of construction shall be prohibited from arriving at or departing from the Project site during the hours of 7:00 to 9:00 a.m. and 3:00 to 7:00 p.m. on any school day, and 7:00 to 9:00 a.m. and 4:00 to 7:00 p.m. on any non-school weekday.
- Large trucks shall be prohibited from making U-turn movements from northbound to southbound Pleasant Hill Road at the Deer Hill Road intersection during construction. The Construction Staging Plan shall specify for each construction phase whether access to the Project site from northbound Pleasant Hill Road will be allowed by providing a median opening for left turns directly into the site south of Deer Hill Road, or will require a left-turn onto Deer Hill Road and a subsequent left-turn into the site.
- If the Construction Staging Plan allows large trucks to turn left from northbound Pleasant Hill Road to Deer Hill Road, accommodation of their turning radius may require the following temporary measures: modifications to the south median within up to 15 feet from the nose; relocation of the limit line for eastbound Deer Hill Road traffic lanes by up to 15 feet behind the existing crosswalk marking; adjustments to vehicle detectors, any other affected traffic signal equipment, and traffic signal timing as required to maintain safe and effective operations; and, measures as otherwise specified by the City Engineer.
- The proposed locations and configuration of access points on Pleasant Hill Road and Deer Hill Road where large trucks would turn into or out of the Project site during construction shall be subject to approval by the City Engineer, to ensure consideration of sight-distance constraints and implementation of appropriate safety precautions.
- During any construction phase when access to the existing passenger loading zone on the west curb of Pleasant Hill Road along the Project frontage would be unavailable on school days, one of the following measures shall be taken:
 - Provide a safe, temporary alternative loading zone in the immediate area, subject to approval by the City Engineer. Potential alternatives may include temporary use of the property on the northwest corner of Pleasant Hill Road and Deer Hill Road, which would require surface improvements to facilitate safe vehicle and pedestrian access.
 - Stage construction on the subject portion of the site such that during the school break for summer, the existing passenger loading zone would be demolished and replaced by construction of the recommended roadway configuration and passenger loading zone on the Pleasant Hill Road Project frontage.
- The Construction Staging Plan shall require restriping of bike lanes and other pavement markings at the discretion of the City Engineer to address wear from construction traffic.

- Special school events, such as swim meets, shall be addressed by the designated liaison required in the Construction Staging Plan, or any additional measures that the City Engineer may require in that Plan.
- The Construction Staging Plan shall include an engineering analysis to estimate the percentage of the pavement service life that will be used by Project construction truck trips on Pleasant Hill road and Deer Hill Road. Based on this analysis, appropriate mitigation of the resulting damage shall be required from the Project sponsor, which may include construction of pavement improvements to restore the lost service life, or an in-lieu contribution of equivalent value, at the discretion of the City Engineer.

MM TRAF-14 The Project applicant shall provide subsidized, frequent shuttle service between the Project site and the Lafayette BART station during the AM and PM peak commute periods, until such time that a bus route on Pleasant Hill Road serving the BART station is implemented (as called for in the Lamorinda Action Plan), at which point the Project applicant may provide transit vouchers in lieu of a shuttle.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum and the public record regarding adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, the City finds that MM TRAF-7 and MM TRAF-14, are feasible, are adopted, and will further reduce Impacts. The City further finds that MM TRAF-15, MM TRAF-16a, MM TRAF-16b, MM TRAF-17, MM TRAF-18, MM TRAF-19, MM TRAF-20 and MM TRAF-21 are no longer applicable or necessary.

Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project to adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Therefore, 2018 Addendum Impact XVI(f) and 2013 EIR Impacts TRAF-7, TRAF-14, TRAF-15, TRAF-16, TRAF-17, TRAF-18, TRAF-19, TRAF-20, and TRAF-21, are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects related to adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, associated with the proposed Project. Additionally, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

MITIGATION NOT APPLICABLE TO THE PROJECT

As described in detail above, the City finds that the following mitigation measures identified in the 2013 FEIR are no longer applicable to the Project, are not necessary to reduce impacts, and are not incorporated into the Project:

MM AES-1, MM AES-2, MM-AES 3, MM BIO-4, MM HAZ-1a, MM HAZ-1b, MM LU-1, MM LU-2, MM LU-3, MM TRAF-1, MM TRAF-3, MM TRAF-4, MM TRAF-6, MM TRAF-8, MM TRAF-11, MM TRAF-12, MM TRAF-13, MM TRAF-15, MM TRAF-16a, MM TRAF-16b, MM TRAF-17, MM TRAF-18, MM TRAF-19, MM TRAF-20, and MM TRAF-21.

Mandatory Findings of Significance

Impact: With mitigation incorporated, the Project will not 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.

Substantial Evidence: As discussed in Sections I, III, IV, V, VI, VII, IX, X, XII, XIV, XVI the Project would have potentially significant impacts associated with Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Public Services and Transportation and Traffic. The 2018 Addendum finds that MM AES-4, MM AQ-1, MM AQ-2a, MM AQ-2b, MM AQ-3, MM AQ-4, MM AQ-5, MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-5, MM BIO-6a-d, MM BIO-7, MM BIO-8, MM CULT-1, MM CULT-2, MM CULT-3, MM GEO-1, MM GHG-1a, MM GHG-1b, MM HYDRO-1a, MM HYDRO-1b, MM HYDRO-2, MM NOISE-1, MM NOISE-2, MM PS-1a, MM PS-1b, MM PS-1c, MM PS-1d, MM TRAF-2, MM TRAF-5, MM TRAF-7, MM TRAF-9, MM TRAF-10, and MM TRAF-14 will reduce potential impacts to below a level of significance. As discussed in the 2018 Addendum, the Project includes environmentally beneficial design refinements and revised mitigation that reduces all potential impacts to below a level of significance. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum and the public record the City finds that MM AES-4, MM AQ-1, MM AQ-2a, MM AQ-2b, MM AQ-3, MM AQ-4, MM AQ-5, MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-5, MM BIO-6a-d, MM BIO-7, MM BIO-8, MM CULT-1, MM CULT-2, MM CULT-3, MM GEO-1, MM GHG-1a, MM GHG-1b, MM HYDRO-1a, MM HYDRO-1b, MM HYDRO-2, MM NOISE-1, MM NOISE-2, MM PS-1a, MM PS-1b, MM PS-1c, MM PS-1d, MM TRAF-2, MM TRAF-5, MM TRAF-7, MM TRAF-9, MM TRAF-10, and MM TRAF-14, are feasible, are adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects. Additionally, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Impact: With mitigation incorporated, the Project will not 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.)

Substantial Evidence: Because of the environmentally beneficial refinements to the existing conditions of the Project site and site plan as well as revised mitigations, contrary to the 2013 FEIR, the 2018 Addendum concluded that the Project would not result in any potentially

significant and unavoidable impacts that could create impacts that are cumulatively significant. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

Finding: *Less than significant.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. Therefore, impacts are considered less than significant. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects. Additionally, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

Impact: With mitigation incorporated, the Project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Substantial Evidence: Traffic and Transportation impacts could have adverse effects on human beings. The Project would implement MM TRAF-2, MM TRAF-5, MM TRAF-7, MM TRAF-9, MM TRAF-10, and MM TRAF-14 that would reduce impacts to a less than significant level. Therefore, the Project would not introduce new significant environmental impacts or create more severe environmental impacts than those analyzed in the 2013 FEIR. Therefore, the Project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects.

Finding: *Less than significant with mitigation.* Based on substantial evidence in the certified 2013 FEIR, the 2018 Addendum, and the public record the City finds that MM TRAF-2, MM TRAF-5, MM TRAF-7, MM TRAF-9, MM TRAF-10, and MM TRAF-14 are feasible, are adopted, and will further reduce impacts. Accordingly, the City finds that, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project. Therefore, impacts are considered less than significant with mitigation incorporated. Furthermore, there is no new information in the 2018 Addendum identifying significant new effects, nor is there an increase in the severity of previously identified significant effects. Additionally, no new mitigation measures or alternatives are required. Therefore, an addendum is appropriate under CEQA Guidelines section 15164.

FINDING REGARDING THE 2018 ADDENDUM

Based on the substantial evidence set forth in the record, including but not limited to the 2013 FEIR and the 2018 Addendum, the City finds that, based on the whole record before it, none of the conditions under CEQA Guidelines section 15162 requiring subsequent environmental review have occurred because the proposed Project:

- a) will not result in substantial changes that would require major revisions of the 2013 FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b) will not result in substantial changes with respect to the circumstances under which the proposed Project is developed that would require major revisions of the 2013

FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

- c) does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the 2013 FEIR was certified showing any of the following: (i) that the modifications would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

The Project is on the same site as was previously analyzed in the 2013 FEIR and anticipates the same uses. The maximum overall footprint of the Project does not differ from what was analyzed in the 2013 FEIR, and would therefore have similar or reduced impacts as compared to those disclosed in the 2013 FEIR.

As discussed in detail above, this 2018 Addendum includes minor environmentally beneficial revisions to some of the mitigation measures incorporated in the 2013 FEIR. MM AQ-2a and MM AQ-3 (both of which are implemented in MM AQ-5). The revisions for MM AQ-2a includes the imposition of Tier IV compliant engines for construction, where the 2013 FEIR mitigation required Tier III compliant equipment. MM AQ-3 is revised to require MERV filters with a rating of 13, which offer more effective treatment of indoor air quality for future residents than the MERV filters with rating of 9 to 12 that were included in the mitigation in the 2013 FEIR.

MM BIO-1 has been revised to broaden the scope of this mitigation measure. Revisions to MM BIO-3 reflect current site conditions and the fact that all buildings on-site were demolished in 2016 pursuant to valid demolition permits, the result of which renders provisions of the original MM BIO-3 related to the buildings inapplicable. Revisions to MM BIO-3 also ensure the City is responsible for review and approval of the "report of findings." The revisions to MM BIO-5 reflect environmentally beneficial site refinements that would allow grass mitigation to occur onsite that reduces impacts to native grassland as compared to the original MM BIO-5 in the 2013 FEIR. Refinements to MM BIO-6b provide additional clarity and include reference to the creek drainage that the Project may impact, and subpart (d) is added to MM BIO-6 to establish further enforceability of wetland mitigation. In addition, MM BIO-7 has been revised to emphasize the installation of native tress species indigenous to the site and vicinity. With these revisions and updates, impacts related to natural communities and local policies would be less than significant. MM BIO-8 is revised to clarify that it no longer incorporates MM BIO-4 because MM BIO-4 is no longer applicable to the Project and clarifies the location of the natural area surrounding the creek.

MM CULT-2 is revised to specify the types of resources included in this mitigation and to reflect language from the Appendix G Checklist Question as well as Public Resources Code 21803.2.

Additionally, MM GEO-1 is revised to note that the Geotechnical Exploration was updated in April 3, 2014, after the 2013 FEIR was certified. The update reflects similar impacts to slope

stability, existing fill, expansive soils, and groundwater and does not result in substantial changes to the conclusions of the Geotechnical Exploration. These revisions represent minor technical changes that will mitigate impacts to the same or greater degree than previously analyzed.

MM TRAF-2 and MM TRAF-9 are revised to include the construction of a roundabout as an alternative to signalization. Under the signalization alternative, the intersection would operate at LOS A during both the AM and PM peak periods. Under the roundabout alternative, the intersection would operate at LOS C during the AM peak-hour and LOS D during the PM peak-hour. MM TRAF-10 is revised to acknowledge that MM TRAF-3 would not be applicable to the Project.

The revisions to MM AQ-2a, MM AQ-3, MM BIO-1, MM BIO-3, MM BIO-5, MM BIO-6b and inclusion of subpart (d), MM-BIO-7, MM BIO-8, MM CULT-2, MM GEO-1, MM TRAF-2, MM TRAF-9, and MM TRAF-10 do not involve any substantial changes to the Project or involve new or more significant impacts that require major revisions to the 2013 FEIR.

The revisions are intended to be more effective and do not represent changed circumstances under which the Project is taken within the meaning of CEQA Guidelines section 15162. These revised mitigation measures are incorporated into the MMRP for the Project. No new mitigation measures are required to mitigate environmental impacts associated with the Project.

The Homes at Deer Hill Alternative does not necessitate additional environmental review or present new information of substantial importance requiring additional review because the Project applicant did agree to adopt the alternative, but was prevented from developing the Project alternative by a voter referendum following a change in the law.

Therefore, the 2018 Addendum supports the City's consideration of the proposed Project and the City, hereby, adopts the 2018 Addendum.

GROWTH-INDUCING IMPACTS

CEQA Guidelines section 15126.2(d) requires a discussion of the ways in which a proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

The proposed Project would involve direct growth inducement through the construction of 315 new housing units. Assuming an average household size of 2.09 persons per household, based on the Census 2010 estimate for renter occupied units in Lafayette, the Project could bring as many as 658 new residents to the City. As described in Chapter 4.11 of the 2013 FEIR, development of the proposed Project would not exceed the level of population or housing foreseen in City planning efforts. The proposed Project is not expected to result in indirect growth inducement because all development and improvements associated with the Project would occur on or immediately adjacent to the Project site. According to the 2013 FEIR, development of the proposed Project would involve demolition and construction activities that could generate some temporary employment opportunities; however, given the temporary nature and limited number of such opportunities, it is unlikely that construction workers would

relocate to Lafayette as a result of the proposed Project. Thus, the proposed Project would not be considered growth-inducing from an employment perspective.

CEQA Guidelines section 15126.2(c) requires an EIR to discuss the extent to which a project would commit non-renewable resources to uses that future generations would probably be unable to reverse. The three CEQA required categories of irreversible changes are discussed below.

The proposed Project involves the redevelopment of a previously used site. The site was previously quarried, is currently developed with approximately 27,000 square feet in paved surfaces, and previously contained approximately 5,000 square feet in various structures, including a vacant single-family residence, two small office buildings, a garage, a cargo storage box, and a construction trailer. Because the Project site has already been developed and is located in an urban area, in close proximity to the downtown and existing neighborhoods and schools, the Project is not expected to result in any land use changes that would commit future generations to uses that are not already prevalent in the Project site vicinity.

The land uses proposed by the Project would not include any uses or activities that are likely to contribute to or be the cause of significant environmental accident. As a result, the Project would not pose a substantial risk of environmental accidents.

The Project would require water, electric, and gas service, and resources for construction, and the ongoing operation of the Project would involve the use of non-renewable resources. Construction and ongoing maintenance of the proposed Project would irreversibly commit some materials and non-renewable energy resources. The Project, however, would include several features that would offset or reduce the need for non-renewable resources. The Project has been designed to meet the Leadership in Energy and Environmental Design (LEED) standards for a minimum Silver certification. The Project landscaping plan includes native trees species and ornamental trees, both native and ornamental shrubs and groundcover, infiltration planting, and habitat and wildflower mix at the existing creek. All planting would be irrigated with an automatic water conserving irrigation system in compliance with the California Updated Model Landscape Ordinance, or the City's Water Efficient Landscape Ordinance (if it has been adopted at the time of Project implementation). Although the construction and ongoing operation of the Project would involve the use of non-renewable resources, through the inclusion of energy conserving Project features and compliance with applicable standards and regulations, the Project would not represent a large commitment of non-renewable resources.

ALTERNATIVES TO THE PROPOSED PROJECT

As set forth above, the City Council finds that all potential environmental effects can be mitigated to less than significant levels. The City Council therefore is not required to consider the feasibility of any project alternatives. (Pub. Res. Code § 21002; *Laurel Hills Homeowners Association v. City Council*, 83 Cal.App.3d 515, 521 (1978) (Laurel Hills); see also *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 730-31 (1990); and *Laurel Heights Improvement Association v. Regents of the University of California*, 47 Cal. 3d 376, 400-03 (1988)).

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable” pursuant to CEQA Guidelines section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the Environmental Impact Report (EIR) or elsewhere in the administrative record pursuant to CEQA Guidelines section 15093(b). The Lead Agency’s written reasons are referred to as a Statement of Overriding Considerations. Because the City did not adopt a Statement of Overriding Considerations at the time it certified the 2013 FEIR, it is appropriate to identify the Project benefits in this document. However, as noted above, the City has identified and adopted feasible mitigation measures that mitigate all significant environmental impacts of the Project to less than significant levels. Thus, the City is not required to adopt a Statement of Overriding Considerations for the Project.

Nonetheless, the City hereby declares that, consistent with CEQA Guidelines section 15093, the Project will be a net benefit to the City for the following reasons:

- The Project will create 315 needed housing units in which at least 20 percent of the total units will be sold or rented to “lower income households” or 100 percent of the units will be sold or rented to persons and families of “moderate income” or persons and families of “middle income,” and increase the supply of housing options in the City. There is a demonstrated need for more housing in the City of Lafayette and the greater Bay Area where population and job growth have significantly outpaced housing. This Project will help address the projected demand for housing identified in the City of Lafayette’s certified Housing Element.
- The proposed Project is consistent with buildout of applicable planning designations, at the time the Project application was deemed complete in 2011, as well as regional projections.
- Implementation of the Project would create a vibrant semi-rural village-like community compatible with, and similar to, other multi-family projects in Lafayette. The new apartments would have sustained desirability given their proximity to nearby recreational amenities, schools, and the downtown commercial district.
- The Project would provide additional needed recreation space, including an outdoor pool, picnic areas, a turf play area for lawn games, a mini dog park, and on-site pedestrian trails. Additionally, the Project would pay applicable park development fees.
- The Project would improve local employers’ ability to attract and retain employees and remain competitive by providing opportunities for employees to obtain local residential housing.
- The Project would provide temporary construction related employment that would benefit the local economy.
- The Project would develop a jobs-producing and tax-generating land use that is constructed to high standards of quality.

- The Project would provide an increased property tax base by developing the Project site.
- Implementation of the Project would provide for logical, consistent planning within the Project Site.
- The Project would include the preservation of 25 trees and the planting of 700 new trees, which would improve the aesthetics and the environment.
- Given that it will consist of “housing for very low, low-, or moderate-income households” under the HAA, the eventual approval and development of the Project will help the City meet its unmet share of the regional housing needs allocation and meaningfully increase the number of Lafayette workers who are also Lafayette residents. In so doing, the Project will also help the City’s jobs-housing balance and reduce vehicle miles traveled and associated greenhouse gas emissions and other benefits.