

**ADDENDUM TO THE LAFAYETTE DOWNTOWN SPECIFIC PLAN
FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE DOWNTOWN DESIGN GUIDELINES AND FINDINGS**

State Clearing House No. 2009062056

Application: ZT02-14

Prepared March 18, 2014

Adopted City Council Resolution 2014-12 on September 8, 2014

Adopted Planning Commission Resolution 2014-06 on April 24, 2014

**Prepared for: City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, California 94549**

**Prepared by: Megan Canales, Planning Technician
Michael P. Cass, Associate Planner &
Lindy Chan, Senior Planner
City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, California 94549**

TABLE OF CONTENTS

<u>Number</u>		<u>Page</u>
1.0	Executive Summary	2
2.0	Project Overview	2
2.1	Purpose of the EIR Addendum	2
2.2	Certified Downtown Specific Plan EIR	3
2.3	Project Description	3
2.4	CEQA Requirements for an Addendum	4
3.0	Impact Analysis	4
3.1	Aesthetics	5
3.2	Air Quality/Greenhouse Gas Emissions	5
3.3	Cultural & Historic Resources	5
3.4	Geology & Soils	6
3.5	Hazards & Hazardous Materials	6
3.6	Hydrology, Drainage, & Water Quality	6
3.7	Land Use & Planning	6
3.8	Noise	7
3.9	Population & Housing	7
3.10	Public Services	7
3.11	Utilities and Service Systems	8
3.12	Traffic & Transportation	8
3.13	Biological Resources	8
4.0	Conclusion	9

1.0 Executive Summary

The City of Lafayette is proposing Downtown Design Guidelines (“DDGs”); and a Zoning Text Amendment creating new Design Review findings, and Building Height Exception findings (together, “Findings”) for downtown development. The DDGs and Findings were envisioned by the City’s General Plan (“GP”) and Downtown Specific Plan (“DSP”) in order to implement the goals, policies and programs of the GP and DSP as listed below:

General Plan: Goal LU-7, Policy LU-7.1, Programs LU-7.1.2, LU-7.1.3, LU-7.1.4, LU-7.1.5, Policy LU-7.2, Program LU-7.2.1, Policy LU-7.3, Policy LU-8.2.1, Program LU-8.3.2, Goal LU-10, Policies LU-10.1, LU-10.2 (this policy was included in the GP prior to the adoption of the DSP), LU-10.3, Goals LU-11, LU-12

Downtown Specific Plan: Programs 2.12.1, 2.18.1, 2.24.1, Goal 3, Policy 3.1, Program 3.1.1, Program 3.1.2, Policy 3.2, Goal 13, Program 13.1.2

The proposed DDGs and Findings analyzed in this Addendum (the “Project”) expand upon the goals, policies and programs as identified in the GP and DSP, providing tools, visual examples, and findings for how a project in the downtown can meet the community’s visions and goals. This Addendum assesses whether the impacts generated by the Downtown Design Guidelines and Findings would create any new or substantially greater significant impacts than were assessed in the Downtown Specific Plan EIR (“DSP EIR”) that was certified for the adopted Downtown Specific Plan in August 2010.

The implementation of the goals, policies, and programs of the GP and DSP through the DDGs and Findings do not alter the analyses or conclusions of the DSP EIR. The DSP EIR was a program EIR that determined whether the goals, policies, and programs of the Downtown Specific Plan would result in significant impacts to the environment, and suggested mitigation for the reduction of these impacts to the extent feasible. This Addendum finds that the proposed Project would not result in any new or substantially greater significant impacts than those which were identified and assessed in the DSP EIR. This Addendum also demonstrates that the Downtown Specific Plan policies and programs that are listed as mitigation measures for each of the defined impacts of the Downtown Specific Plan would, at a program level of analysis, continue to reduce the impact to a less than significant level and will continue to be implemented as part of this Project. Consequently, and as per California Environmental Quality Act (“CEQA”) Guidelines sections 15162 and 15164, a subsequent EIR is not required for the Project and the City Council may adopt this Addendum in fulfillment of its obligations under CEQA.

2.0 Project Overview

2.1 Purpose of the EIR Addendum

The Downtown Specific Plan builds on the General Plan and other policy documents to provide a detailed land use and design framework to guide private development and public investment in the

downtown. The DSP articulates a vision to preserve and enhance the small town character while guiding change that will occur over the next 20 years. The objective is to establish goals, policies, and implementation programs that are intended to manage and mitigate the impacts of the inevitable future growth and development within the downtown. The Downtown Design Guidelines and Findings build on the GP and DSP by implementing the goals, policies and programs identified therein which further protect and enhance the downtown. The DDGs and Findings provide greater detail and direction on how to meet the City's vision for downtown development, including tools and visual examples. The DDGs and Findings expand upon the framework established in the GP and DSP, painting a clearer picture for the decision makers and developers of the community's goals and visions. While the guidelines provide a set of tools for downtown development, they are not empirical standards or requirements. The Findings are the basis for the hearing body to approve or deny a project. Findings communicate the reasoning behind the hearing body's action, present the facts and policy considerations that contributed to the action, and ensure adherence to procedures and requirements.

2.2 Certified Downtown Specific Plan EIR

The City certified the EIR for the Downtown Specific Plan in August 2010, prior to adopting the Downtown Specific Plan in September 2012. The DSP EIR concluded that, at a program level, the impacts of future development possible under the Downtown Specific Plan would all be reduced to a less than significant level given the policies and programs of the Downtown Specific Plan except for air quality impacts consistent with CAP Assumptions, traffic impacts further deteriorating the level of service, the cumulative traffic impact to Highway 24, and circulation impacts. No feasible mitigation measures were identified for these impacts, and the City approved a Statement of Overriding Considerations when adopting the Downtown Specific Plan to explain why it was being approved, despite this remaining significant and unavoidable impacts.

2.3 Project Description

As envisioned by the GP and DSP, the City of Lafayette is proposing Downtown Design Guidelines to promote the informal character of the downtown and encourage variety in design, height, setbacks, upper story step-backs, and spacing between buildings. The DDGs are intended to provide ideas, stimulate thinking, and promote quality design. The City of Lafayette is also proposing a Zoning Text Amendment to establish Design Review findings and Building Height Exception findings for downtown development as anticipated by the DSP. The DDGs and Findings are intended to maintain and further implement the goals, policies and programs of the General Plan and Downtown Specific Plan. The DDGs and Findings, which are the subject of this Addendum were fully anticipated and accounted for by the DSP EIR. The DDGs and Findings are the complete articulation of the design-related goals, policies, and programs already included in the DSP EIR. Included in the Findings is the Height Exception that was previously set forth and analyzed in the DSP EIR. The DSP sets a height limit of 35 feet and three stories for most of the downtown and this exception would increase the height limit to 45 feet subject to certain findings by the City Council, which are set forth in the DSP and in the proposed Findings. The Height Exception Findings do not apply to areas in the downtown that have more restrictive height limitations, such as Plaza Way and Brown Avenue.

2.4 CEQA Requirements for an Addendum

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

Under Section 15162, a subsequent EIR is required only when:

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

Thus, if the DDGs and Findings would not result in any of the circumstances listed in section 15162 (i.e., no new or substantially greater significant impacts), an addendum to the DSP EIR is appropriate.

3.0 Impact Analysis

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

1. *Required Finding: No substantial changes are proposed for the project that require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

3.1 Aesthetics

The Downtown Specific Plan EIR determined that implementation of the Specific Plan, including its design guidelines and findings, would not result in significant project or cumulative impacts related to aesthetics. The DDGs and Findings which are the subject of this Addendum were fully anticipated and accounted for by the DSP EIR. These DDGs and Findings are the complete articulation of the goals and policies included in the DSP EIR. These goals and policies which were included in the DSP EIR and which are being considered for adoption via this Addendum included the proposed Height Exception. The DDGs and Findings are intended to guide development in the DSP so that it contributes to the community's existing identity and small town character. To do so, the DDGs contain design guidelines against which development proposals will be evaluated, including building materials, landscaping, architectural design, massing, setbacks, and spacing, among other things. The Findings memorialize the community's goals and provide the basis for the hearing body to act on downtown development. The DDGs and Findings do not contain any new content which was not included in and/or anticipated by the GP or DSP and analyzed in the DSP EIR. Therefore, the Downtown Design Guidelines and Findings would not result in significant project or cumulative impacts related to aesthetics; therefore, no new mitigation measures are required, and an addendum is appropriate.

3.2 Air Quality/Greenhouse Gas Emissions

The Guidelines and Findings do not propose any new development beyond that allowed in the existing DSP and analyzed in its EIR, and include only design guidelines for development proposed within the DSP. The DDGs and Findings would not increase population and employment at a greater rate than assumed when preparing the latest update to the Air Quality Plan, would not expose sensitive receptors to criteria pollutants, and would not result in any odors. Also, the "Building Design" section of the Guidelines encourages ground floor transparency that could allow for increased ventilation opportunities. Thus, no new or substantially greater significant impacts would result with regard to air quality because no additional construction, operational, or vehicular emissions would occur as a result of the DDGs and Findings.

Likewise, because they do not include any development proposals, but instead are intended to guide future development, the Downtown Design Guidelines and Findings would not result in significant project or cumulative impacts related to greenhouse gas emissions and, therefore, a subsequent EIR is not required for this impact.

3.3 Cultural & Historic Resources

The Guidelines and Findings do not propose additional new development beyond that allowed in the existing DSP and instead are intended only to guide the design of developments proposed under the

DSP, and to maintain consistency with the policies set forth in General Plan, including Program LU-22.1.6 and Policy LU-22.2 . Additionally, the Plaza Way Character Area Vision encourages the preservation of the historic village character which begins on Plaza Way and extends down Golden Gate Way. The DDGs for this area speak to maintaining the historic character and complementing the surrounding structures. New development would be required to meet the vision and goals of the district pursuant to the Findings. Therefore, as anticipated in the DSP EIR, the proposed DDGs and Findings would not result in any new or substantially increased significant impacts with regard to cultural or historic resources, all previously identified mitigation measures would continue to be applied, and a subsequent EIR is not required.

3.4 Geology & Soils

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to geology and soils. The DDGs and Findings do not propose any additional development and are intended only to guide the design of the development already anticipated under the DSP. As such, the Downtown Design Guidelines and Findings would not result in any significant impacts to geology and soils; therefore, a subsequent EIR is not required.

3.5 Hazards & Hazardous Materials

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to hazards and hazardous materials. The DDGs and Findings do not propose any additional development and are intended only to guide the design of the development already anticipated under the DSP. The use or transport of hazardous materials would not occur as a result of the adoption and implementation of the DDGs or Findings and as such, the Downtown Design Guidelines and Findings would not result in any significant impacts to hazards and hazardous materials; therefore, a subsequent EIR is not required.

3.6 Hydrology, Drainage, & Water Quality

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to hydrology, drainage, and water quality. The DDGs and Findings do not propose any additional development and are intended only to guide the design of the development already anticipated under the DSP. As such, the Downtown Design Guidelines and Findings would not result in any significant impacts to hydrology, drainage or water quality; therefore, a subsequent EIR is not required.

3.7 Land Use & Planning

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to land use and planning. The DDGs and Findings do not propose any

additional development and are intended only to guide the design of the development already anticipated under the DSP. As such, the Downtown Design Guidelines and Findings would not result in any significant land use and planning impacts; therefore, a subsequent EIR is not required.

3.8 Noise

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to noise with implementation of mitigation measures. The DDGs and Findings do not propose any additional development and so would not include any additional construction or operational noise sources; the DDGs and Findings are intended only to guide the design of the development already anticipated under the DSP. In fact, the Guidelines further mitigate potential impacts by providing guidelines that speak to locating and designing outdoor space to minimize noise and privacy impacts when adjacent to residential uses, incorporating plantings into development to provide screening and establish an appropriate buffer, particularly when adjacent to residential properties. In addition, one of the required Findings is that projects adjacent to residential units be designed to minimize impacts, including noise, privacy, light and glare. Further, all previously-identified mitigation measures would continue to apply to development proposed under the DSP. Thus, no new or substantially greater significant impacts would result with regard to this impact, and a subsequent EIR is not required.

3.9 Population & Housing

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to population and housing with implementation of mitigation measures. The DDGs and Findings do not propose any additional development and so would not induce any population growth or divide or relocate an established community; the DDGs and Findings are intended only to guide the design of the development already anticipated under the DSP. Further, all previously-identified mitigation measures would continue to apply to development proposed under the DSP. Thus, no new or substantially greater significant impacts would result with regard to this impact, and a subsequent EIR is not required.

3.10 Public Services

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to public services with implementation of mitigation measures. The DDGs and Findings do not propose any additional development and are intended only to guide the design of the development already anticipated under the DSP. Further, all previously-identified mitigation measures would continue to apply to development proposed under the DSP, and thus would not add any additional strain to existing services. Thus, no new or substantially greater significant impacts would result with regard to this impact, and preparation of a subsequent EIR is not required.

3.11 Utilities and Service Systems

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to utilities and service systems. The DDGs and Findings do not propose any additional development and are intended only to guide the design of the development already anticipated under the DSP, and thus would not add any additional strain to existing systems. As such, the Downtown Design Guidelines and Findings would not result in any significant impacts; therefore, a subsequent EIR is not required.

3.12 Traffic & Transportation

The Downtown Specific Plan EIR determined that development under the DSP would have significant and unavoidable traffic impacts even with implementation of mitigation measures. The DDGs and Findings do not propose any additional development and so would not result in any additional construction or operational vehicle traffic; the DDGs and Findings are intended only to guide the design of the development already anticipated under the DSP. Further, the Guidelines encourage minimizing the number of curb cuts, reducing the width of curb cuts, and locating driveways away from street corners to facilitate circulation. The DDGs also indicate that access driveways should be provided so that vehicles entering and exiting the parking lot are uninterrupted and speak to improving awareness of bicycles and pedestrians through signage, colored pavement, and striping and so would improve bicycle and pedestrian circulation and safety. All previously-identified mitigation measures would continue to apply to development proposed under the DSP. Thus, no new or substantially greater significant impacts would result with regard to this impact, and a subsequent EIR is not required.

3.13 Biological Resources

The Downtown Specific Plan EIR determined that development under the DSP would not result in any significant impacts with regard to biological resources with implementation of mitigation measures. The DDGs and Findings do not propose any additional development and so would not disturb any species or habitat through construction or other activities; the DDGs and Findings are intended only to guide the design of the development already anticipated under the DSP. Further, all previously-identified mitigation measures would continue to apply to development proposed under the DSP. Thus, no new or substantially greater significant impacts would result with regard to this impact, and a subsequent EIR is not required.

2. *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

The physical and environmental circumstances under which the DDGs and Findings would be implemented have not substantially changed since the preparation of the DSP EIR. No substantial changes have occurred with respect to the circumstances under which the DDGs and Findings would be implemented that would require revisions of the DSP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

The DDGs and Findings do not propose any additional development and would only guide the design of the development already anticipated and analyzed within the DSP EIR. Furthermore, no new information exists that would indicate that the project would result in a new significant impact or an increase in the significance of a significant impact. Therefore, an addendum to the DSP EIR would be appropriate under this criteria.

4.0 Conclusion

Accordingly, and based on the findings and information contained in the DSP EIR, and the CEQA statute and State CEQA Guidelines, including sections 15162, 15164, and 15168, the Downtown Design Guidelines and Findings will not result in any additional effects on any environmental resources located on or near the Downtown Specific Plan area and the potential environmental effects of the Project have been adequately addressed in the DSP EIR, as modified by this Addendum. Therefore, pursuant to State CEQA Guidelines section 15164, the City Council hereby adopts this Addendum to the Downtown Specific Plan EIR.

Approved:

Signature: _____
Don Tatzin, Mayor

Date: September 8, 2014

Attachments:

- City of Lafayette, Downtown Design Guidelines
- City of Lafayette, Downtown Design Findings and Building Height Exception Findings