



State of California - Department of Fish and Wildlife  
**2022 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

AC RECEIPT #: 3276902

RECEIPT NUMBER:  
**01-06/17/2022-221**  
 STATE CLEARINGHOUSE NUMBER (If applicable)  
 ----

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

|   |                                    |                           |
|---|------------------------------------|---------------------------|
| LEAD AGENCY<br><b>CITY OF LIVERMORE</b>         | LEAD AGENCY EMAIL                  | DATE<br><b>06/17/2022</b> |
| COUNTY/STATE AGENCY OF FILING<br><b>ALAMEDA</b> | DOCUMENT NUMBER<br><b>22 - 221</b> |                           |

PROJECT TITLE  
**DOWNTOWN DESIGN REVIEW MODIFICATION (DDRM) 22-001**

|   |                          |                                       |
|---|--------------------------|---------------------------------------|
| PROJECT APPLICANT NAME<br><b>TRICIA PONTAU</b>                  | PROJECT APPLICANT EMAIL  | PHONE NUMBER<br><b>(925) 960-4450</b> |
| PROJECT APPLICANT ADDRESS<br><b>1052 SOUTH LIVERMORE AVENUE</b> | CITY<br><b>LIVERMORE</b> | STATE<br><b>CA</b>                    |
|   |                          | ZIP CODE<br><b>94550</b>              |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity

**CHECK APPLICABLE FEES:**

|   |            |    |             |
|---|------------|----|-------------|
| <input type="checkbox"/> Environmental Impact Report (EIR)  | \$3,539.25 | \$ | <u>0.00</u> |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)                                   | \$2,548.00 | \$ | <u>0.00</u> |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ | <u>0.00</u> |

- Exempt from fee
- Notice of Exemption (attach)
  - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

|   |          |    |                   |
|---|----------|----|-------------------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | <u>0.00</u>       |
| <input checked="" type="checkbox"/> County documentary handling fee   |          | \$ | <u>50.00</u>      |
| <input type="checkbox"/> Other  |          | \$ | <u>          </u> |

**PAYMENT METHOD:**

- Cash     Credit     Check     Other

**TOTAL RECEIVED** \$ 50.00

|   |  |
|---|--|
| SIGNATURE<br><b>X</b> <i>Jessa Inuy</i> | AGENCY OF FILING PRINTED NAME AND TITLE<br><b>T. THORBERRY, DEPUTY CLERK</b> |
|---|--|



CLERK'S CERTIFICATE OF POSTING. Pub. Res. 21152: I certify that a copy of this document was posted at the Recorder's Office, Oakland, CA, for the period prescribed by law.

# NOTICE OF EXEMPTION

Executed at  
Oakland, CA

COUNTY CLERK

Date 08/12/2022

By  Deputy

**TO:** County Clerk  
County of Alameda  
1106 Madison St. – First Floor  
Oakland, CA 94607

**FROM:** City of Livermore  
1052 South Livermore  
Livermore, CA 94550

**SUBJECT:** NOTICE OF EXEMPTION in compliance with the California Environmental Quality Act.

## PROJECT

**Title:** Downtown Design Review Modification (DDRM) 22-001  
**Location:** 2205 and 2080 Railroad Avenue  
**Description:** Revisions to the plans for a previously approved four-story, 133-room hotel on the southeast corner of Railroad Avenue and South Livermore Avenue. The revised plans include site plan changes to remove an underground parking garage. The project includes on-site parking including surface parking with public ADA accessible stalls and valet parking, a new public street, new street frontage improvements, storm water treatments, and landscaping. Parking will also be available off-site.

**Applicant:** Rikesh Patel, 2205 Railroad Avenue LLC  
**City's Contact:** Tricia Pontau, Associate Planner  
**Telephone:** (925) 960-4450  
**Public Agency Approving Project:** City of Livermore

**FILED**  
ALAMEDA COUNTY

JUN 17 2022

## EXEMPT STATUS:

MELISSA WILK, County Clerk  
By  Deputy

- Categorical Exemption (Sec. 15332)
- Declared Emergency (Sec. 15269(a); 21080(b)(3))
- Emergency Project (Sec. 15269(b)(c); 21080(b)(4))
- Ministerial (Sec. 15268; 21080(b)(1))
- Statutory Exemption
- "Common Sense" Exemption (Sec. 15061(b)(3)) The possible environmental impacts of the project have been considered in making this determination, as explained below.

Reasons why project is exempt: This project is Categorically Exempt under CEQA Section 15332, Infill Projects. Section 15332 exempts infill projects where:

1. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as applicable zoning designation and regulations.

Findings. The project site is designated as Downtown Area (DA) in the General Plan. The Downtown Area designation is a general designation that applies to the area traditionally known as Downtown Livermore. The area supports a variety of mixed uses, including

commercial, office, entertainment, lodging, and residential, which are implemented through the Downtown Specific Plan. The proposed hotel is consistent with the land use designation and General Plan goals for the Downtown Area. The project also implements General Plan objectives and policies in the Economic Development Element that call for supporting wine country amenities, including full-service hotels in the Downtown.

The project site is located in the Downtown Core area of the Downtown Specific Plan (DSP). The purpose of the Downtown Core is to revitalize the City's historic core area as the center of Livermore. The intent of this Plan Area is to promote the continued development and revitalization of the City's pedestrian-oriented Downtown district that serves as the center of the Livermore community, its most unique shopping district, and as a neighborhood hub for the residences within and surrounding it. To support this objective, the Downtown Core permits a variety of specialty retail, restaurant, and residential uses and is intended to be the most densely developed part of the city. The implementation strategy established in the DSP identifies a hotel as a component of the Livermore Valley Center catalyst site. Within the Downtown Core, the project site is located in Subarea 3, Sub-district A. A boutique hotel with accessory uses, such as a spa, restaurant, bar, meeting facilities, and limited retail and personal service uses, is a permitted use in this Sub-district. The project also conforms to the applicable Downtown Core development standards, such as height and setbacks, and is consistent with the DSP Design Standards and Guidelines for commercial buildings. The architectural quality of the structure and site plan reflect the intent of the DSP to create a high quality and active urban fabric in Downtown Livermore. Therefore, the proposed hotel project is consistent with the land use standards and revitalization strategy in the DSP.

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Findings: The project site is approximately 1.4 acres in the most densely urbanized area of Downtown Livermore. The site was previously occupied by an automotive oil change facility, which was demolished to make way for the proposed hotel, and is surrounded by commercial, parking, cultural, and public park uses.

3. The project site has no value as habitat for endangered, rare, or threatened species.

Findings: The site is completely urbanized, graded, and currently contains surface parking and landscaping. Therefore, it has no value as habitat for endangered, rare, or threatened species.

4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Findings: The hotel project is within the scope of the Downtown Specific Plan 2009 Subsequent Environmental Impact Report ("2009 Subsequent EIR"), the 2004 Downtown Specific Plan Final Environmental Report ("2004 Final EIR"), and the addendums thereto

that were adopted by City Council on September 10, 2018, by Resolution 2018-153, May 13, 2019 by Resolution 2019-064, and October 26, 2020 by Resolution 2020-178. The EIRs analyzed up to 300 rooms of lodging in the DSP, none of which have been developed. The implementation strategy established in the DSP identifies a hotel as a component of the Livermore Valley Center catalyst site. The Project site is located within the Livermore Valley Center catalyst site and is designated as Subarea 3 – Sub-district A in the Downtown Core, which allows a boutique hotel with accessory uses as a permitted use. The September 10, 2018, addendum analyzed a 135-room, four-story boutique hotel with an underground parking garage. The May 13, 2019, addendum analyzed a 125 to 135-room, three-story boutique hotel with valet parking. The October 26, 2020, addendum analyzed a 125 to 135-room, four-story boutique hotel with valet parking. The Project includes a 133-room, four-story hotel with valet parking, consistent with the hotel use allowed in Subarea 3 – Sub-district A, as analyzed in the addendums. The Project is also consistent with applicable development standards including, height, setbacks, and parking. There were no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were identified and evaluated in the 2004 Final EIR and 2009 Subsequent EIR and no new information of substantial importance relating to the project has become available. The project is subject to the applicable mitigation measures and will not result in any significant effects relating to traffic, noise, air quality, or water quality.

5. The site can be adequately served by all required utilities and public services.

Findings: Given its existing urbanized nature, the site is currently served by all required public utilities and services, including water, sewer, storm drain, telecommunications, electricity, police, fire, and medical services. The project is consistent with the Specific Plan's and EIR's anticipated development intensity, and therefore existing services have sufficient capacity to accommodate the incremental increase in demand.


#### Exceptions - Section 15300.2

None of the exceptions to the categorical exemption listed in CEQA Guidelines Section 15300.2 apply, as described below.

1. Location. The project site is not located within a sensitive area. The site has not been designated a wetland by the CA Natural Resources Agency and, although the property is located within a liquefaction zone according to the CA Department of Conservation, it is not located on any faults or within any Alquist-Priolo earthquake fault zones. It is not located in a California Department of Forestry and Fire Protection 'Very High Fire Hazard Severity Zone' for a local responsibility area nor in a 'Fire Hazard Severity Zone' in a state responsibility area. The site is not located within a Flood Hazard Area identified by the Federal Emergency Management Agency.
2. Cumulative Impact. The approval does not involve "successive projects of the same type in the same place over time." The project will not result in any cumulative impacts

and is consistent with, and analyzed by, the Downtown Specific Plan and 2009 Subsequent EIR (SCH: 2008092085), and the 2004 Final Environmental Impact Report (SCH: 2003032038) as discussed above which together analyze any significant cumulative impact of the project along with other reasonably foreseeable projects.

3. Significant Effects. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The project is conditioned to comply with all mitigation measures established in the EIRs and addendums described above. The Project has no pertinent features that are unusual for projects in the Class 32 exemption category. As noted, the Project is fully consistent with the surrounding zoning and land uses and specifically anticipated in the Downtown Specific Plan as a planned infill land use.
4. Scenic Highways. The project site is not located along any of the scenic routes identified in Livermore's General Plan nor identified as a Scenic Highway by the CA Department of Transportation. No damage to scenic resources will occur.
5. Hazardous Waste Sites. The project site is not included on the list of hazardous waste facilities compiled pursuant to California Government Code section 65962.5, which comprises the following five parts: the list of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database; the list of Leaking Underground Storage Tank (LUST) sites from the State Water Resource Control Board (SWRCB) Geotracker database; the list of solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management list; the list of active Cease and Desist Orders or Cleanup and Abatement Orders that concern the discharge of wastes that are hazardous materials; or the list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code identified by DTSC.
6. Historical Resources. No substantial adverse change will occur to the significance of any historical resource. The project site does not contain any resource listed in Livermore's 2021 Historic Resources Inventory, the State Register of Historic Places, or the National Register of Historic Places.

Signature: Tricia Pontau   
Name & Title: Tricia Pontau, Associate Planner  
Project Approval Date: June 13, 2022

**NOTE TO APPLICANTS:**

The environmental determination finding of Categorically Exempt is subject to appeal within 180 days from project approval. If you wish to shorten this period to 35 days, you must file this document with the Alameda County Clerk at the address listed above. A \$50 filing fee is required.