

**ADDENDUM TO THE JACKLING ESTATE DEMOLITION INTEGRATED  
FINAL EIR. LEAD AGENCY: TOWN OF WOODSIDE.  
STATE CLEARINGHOUSE NO. 2004012124**

**INTRODUCTION**

Pursuant to the California Environmental Quality Act (“CEQA”), the Town of Woodside (“Town”) has prepared this Addendum to the Jackling Estate Demolition Integrated Final EIR (the “EIR”) in response to the request by Steven Jobs (“Jobs”) for the Town to reconsider his application for a permit to demolish the residence located at 460 Mountain Home Road (the “Residence”). The EIR examined the environmental impacts of the proposed demolition of the Residence in order to accommodate the construction of a new single-family home. The demolition of the existing Residence and the construction of a new single-family home are collectively referred to herein as the “Project.” The Town prepared the EIR because the Residence is considered an “historic resource” within the meaning of Public Resources Code section 21084.1, thus triggering a requirement to prepare an environmental impact report. The “historic resource” determination was based on the opinions of two consultants that the Residence was eligible for listing on the California Register of Historic Resources (“CRHR”). An environmental impact report would not have been required in the absence of the “historic resource” determination. To date, no one has formally applied to have the Residence listed on any official register of historic resources or otherwise officially designated in a manner that would invoke limitations on demolition or modification of the Residence beyond the environmental review required by CEQA.

On December 14, 2004, the Town Council (the “Council”) adopted Resolution No. 2004-6487, certifying the EIR and approving a demolition permit for the Residence. A citizens’ group protested issuance of the demolition permit, claiming that the Council’s findings rejecting certain

alternatives contained in the EIR as infeasible, and its adoption of a Statement of Overriding Considerations pursuant to Public Resources Code Section 21081(b), were not supported by substantial evidence. When the Council rejected those arguments, the group filed a Petition for Writ of Mandate seeking to set aside the demolition permit based on the same alleged CEQA violations.

The trial court agreed with the Petitioner and issued a writ of mandate directing the Town to set aside its decision to issue the demolition permit. The Town and Jobs jointly appealed the trial court's decision to the Court of Appeal. In a published opinion, the Court of Appeal upheld the trial court's ruling, reasoning that the Council's findings rejecting the restoration alternatives as economically infeasible were not supported by substantial evidence. *Uphold Our Heritage v. Town of Woodside*, 147 Cal.App.4<sup>th</sup> 587 (2007). The Court of Appeal agreed with the trial court that, because the record contained no information concerning the cost of the new residence that Jobs intended to build, there was no comparative basis upon which to reject the restoration alternatives (i.e., Alternative 2 and Alternative 3) as economically infeasible. By comparison, the Court of Appeal noted that evidence that the relocation alternatives (i.e., Alternative 4 and Alternative 5) would add \$5 million to the cost of the Project (since the Residence would be moved in addition to the cost of building the new home) supported a reasonable inference that the relocation alternatives were economically infeasible. Since the record did not support the Council's findings that the restoration alternatives were infeasible, however, the Court of Appeal found that the Statement of Overriding Considerations that was adopted by the Council was also necessarily invalid. Petitioner did not contend in the litigation that the EIR was inadequate in any respect. The time to assert any such challenge has long since expired.

Jobs has requested that the Council reconsider the demolition permit based on additional evidence rectifying the deficiencies identified by the Court of Appeal. The Town has prepared this Addendum to add relevant new information to the EIR, and to change information in the EIR where appropriate, for the purpose of aiding the Council in considering the issues raised by reconsideration of the demolition permit application. In addition, the Addendum contains a new restoration alternative that contemplates more extensive interior remodeling of the Residence (to better achieve the Project objectives) in light of a recent Court of Appeal decision stating that interior renovations to an historic resource do not trigger CEQA concerns. *Martin v. City and County of San Francisco*, 135 Cal.App.4th 392 (2005).

### **STANDARDS FOR PREPARATION OF AN ADDENDUM**

Once an EIR has been certified for a project, there are relatively limited circumstances under which further CEQA review of that project may be conducted. The relevant standards for when further environmental review may be conducted and the type of subsequent environmental document that may be prepared are discussed below.

CEQA Guidelines (Title 14, California Administrative Code) Section 15162(a) provides as follows:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR ... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR ... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete ... 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.

An agency may not require further environmental review unless one or more of the conditions listed in CEQA Guidelines Section 15162(a) exists. Section 15163 of the CEQA Guidelines states that if any of the conditions requiring a subsequent EIR are met, a supplemental EIR may be prepared instead if “only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.” Section 15164 of the CEQA Guidelines further provides that a lead agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in [CEQA Guidelines] Section 15162 calling for preparation of a subsequent EIR have occurred.”

Although this Addendum will discuss new material that adds to, and in some respects changes, the information contained in the EIR, none of this information meets the standards or discloses conditions that would require preparation of a subsequent or supplemental EIR. Furthermore, an in-depth review has already occurred, the time for challenging the original EIR has expired, and circumstances have not changed enough to require or justify repeating a substantial portion of the process. Therefore, the Town has elected to prepare this Addendum.

It is important to note, however, that the Addendum is based on the information submitted to date by the applicant. This information includes conceptual plans for construction of the new home. While the size of the new home is unlikely to change given the Town's limits on new residential development, items such as the location of the home on the property, the amount of grading, or the construction schedule could change as more detailed Project plans are submitted in connection with the Town's architectural and site review process. If any such changes implicate any significant environmental impacts that were not examined in the EIR, further environmental review will be conducted by the Town as part of the architectural and site review process.

This Addendum will first discuss the new information and its relevance to the Project as well as certain changes to the EIR and then will apply the Section 15162 criteria to show that CEQA does not require a subsequent or supplemental EIR for the Project.

### **NEW INFORMATION**

The new information added to the EIR by this Addendum relates to the Project Description (Section 3.0 of the EIR), Alternatives to the Project (Section 7.0 of the EIR) and Effects Found not to be Significant (Section 9.0 of the EIR). The Addendum also amplifies the requirements in Mitigation Measure Cultural-1. Each referenced section is described in turn

below. In short, the Project would result in the same significant environmental impact to an historic resource that was identified in the EIR and no new or substantially more severe impacts were identified in connection with preparation of this Addendum.

#### **A. Project Description**

The Project consists of demolition of the existing Residence and construction of a new single-family home. The EIR previously stated that separate CEQA review of the new home would require further environmental review. *See, e.g.*, EIR, p. 3.0-9. However, in numerous instances, the EIR did in fact address the impacts of both demolition of the Residence and construction of the new home. For clarity and completeness, this Addendum makes changes to the EIR as necessary to confirm that the EIR fully evaluates both demolition of the existing Residence and construction of the new home. The proposed text changes to the EIR are attached hereto as Exhibit A. As explained above, if further environmental review is warranted due to changes or refinements in the Project plans, it will be conducted in conjunction with the Town's architectural and site review process.

The EIR described the preferred Project objectives as, "Clearance of the primary house and cottage from the site at 460 Mountain Home Road to prepare the site for the construction of a single-family residence." EIR, p. 3.0-1. Since plans have now been submitted for the new residence, as further described below, the Project objectives can more fully be described as the following:

- Demolish the existing main house and cottage;
- Construct a single-family home with a modern floor plan and amenities consistent with current standards and expectations;

- Replace the main house and cottage with a smaller home that is of a scale and character that complies with the current Town Code (e.g., approximately 6,000 square feet);
- Construct a new home that minimizes disturbance of the natural terrain and reduces overall building bulk and height on the Project site.

The EIR assumed that any new residence constructed on the site would meet Town planning and zoning requirements limiting the size of the residence to 6,000 square feet and its height to 30 feet above existing grade. Subsequent events have confirmed the validity of this assumption.

On January 16, 2006, Jobs submitted an application and conceptual design plans to the Town's Architectural and Site Review Board ("ASRB"), proposing construction of a modern 6,000 square foot house in place of the existing Residence.<sup>1</sup> According to the plans, the new home would be located in substantially the same location on the site as the existing Residence. The plans for the new home were prepared by the architectural firm of Bohlin Cywinski Jackson and can be found behind Tab 4 of the document entitled "460 Mountain Home Road – COST COMPARISON REPORT – May 2008" (the "Cost Comparison Report"), which is attached hereto as Exhibit B. The Cost Comparison Report also provides a detailed, professional estimate of the costs of such construction prepared by Baker pre-Construction Company. According to the Cost Comparison report, this firm was selected from a variety of consultants because of their familiarity with high quality residential construction in the Bay Area. Baker

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<sup>1</sup> Due to the conceptual nature of the plans submitted in conjunction with the application for ASRB review of the Project, it is anticipated that Jobs will need to submit more detailed plans and related materials prior to the Town's action on the application.

estimated the total cost of demolishing the existing Residence and constructing the new home to be approximately \$8,269,582.

In addition, Jobs (through his attorney) submitted a document to the Town entitled “Memorandum In Support Of Application For Demolition Permit For 460 Mountain Home Road” (the “Memorandum”) in August 2008. In the Memorandum, Jobs reiterated his intention to build a 6,000 square foot home in accordance with the Town Code and with the plans that he submitted to the Town’s ASRB.

## **B. Alternatives to the Project**

The EIR examined five alternatives to the proposed Project. Alternative 1 considered the impacts of the Project not going forward, i.e., the No Project alternative. Alternative 2 analyzed the impacts of renovating the Residence to allow for upgrades and changes to the kitchens and bathrooms, while retaining all character defining features, finishes and spaces. Alternative 3 examined a renovation scenario similar to Alternative 2 but with modifications to the existing design to create a more conventional floor plan as well as a major addition to the Residence to include a new living area, office suite and fitness area. Alternative 4 considered the impacts of on-site relocation and renovation of the Residence in addition to construction of a new home in the existing location of the Residence. Alternative 5 examined the impacts of an off-site relocation and renovation of the Residence in addition to construction of a new home in the existing location of the Residence.

This Addendum reconsiders the alternatives in light of the Court of Appeal decision, the submitted plans for the new residence and other relevant information contained in the Cost Comparison Report. It also examines a new potentially feasible alternative (Alternative 2A) that involves more extensive remodeling of the Residence and its layout so as to achieve more of the

basic Project objectives than the restoration alternatives examined in the EIR. The Addendum discusses whether the alternatives would avoid or substantially lessen the significant effects of the Project on the Residence, provides updated cost information on the alternatives as relevant, and reaches a preliminary conclusion as to whether each alternative would meet most of the basic objectives of the Project. The ultimate decision as to whether any of the alternatives is “feasible”<sup>2</sup> and would avoid or substantially lessen the significant environmental impacts of the Project shall be made by the Council in connection with its action on the Project.

### **1. Alternative 1**

Alternative 1 (examined in the EIR on pages 7.0-5 to 7.0-6) described the impacts of the Project not going forward, *i.e.*, the No Project alternative as required by CEQA. The No Project alternative would fail to meet the basic Project objectives and may not result in the protection of the historic resource. Specifically, Alternative 1 would fail to achieve the basic Project objectives of demolishing the Residence and replacing it with a single-family home with a modern floor plan and amenities consistent with current standards and expectations. Also, this alternative would fail to meet the basic Project objectives of replacing a larger non-conforming home with a smaller home that comports with the Town Code. Similarly, this alternative would not reduce the overall building bulk and height on the Project site.

Since the Council’s original decision on the Project in December 2004, the Residence has continued to deteriorate. *See, e.g.*, December 16, 2008 memorandum from Project Manager Ken Morrison to Town Manager Susan George, a copy of which is attached hereto as Exhibit C. There is no guarantee that the Residence would be restored and used simply because the Project is not approved. In fact, for more than a decade, the Residence has been vacant. In all other

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<sup>2</sup> Feasible is defined by CEQA as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” Public

respects, the condition described in the EIR with respect to the No Project alternative remains unchanged except for advancement in the process of deterioration of the Residence, as the EIR predicted.

## **2. Alternative 2**

Alternative 2 (examined in the EIR on pages 7.0-6 through 7.0-12) describes restoring the Residence in accordance with the Secretary of the Interior’s Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (“Secretary of the Interior’s Standards”). Under this alternative, all character-defining features, finishes, and spaces would be retained, while allowing for upgrades to the kitchen and bathrooms. The EIR provided a conceptual cost estimate of \$4.9 million. The actual cost of Alternative 2 is likely to be substantially higher since it was based on a conceptual plan as opposed to detailed construction drawings and given the further deterioration of the Residence and the increased costs for materials and labor in the nearly 5 years since the Draft EIR was published. The actual cost of Alternative 2 is likely more comparable to the estimated \$13.3 million cost for Alternative 2A. By comparison, the cost of the new home to be developed as part of the Project is \$8.2 million. The higher cost estimate for Alternative 2 is further supported by Project Manager Ken Morrison, who states in regards to the restoration potential of the Residence:

It has become clear to all who have shown interest in its restoration over the past several years, that this is a reconstruction project rather than restoration. The overall condition of the house, its proximity to the San Andreas Fault and the changes in building codes since it was built clearly require a frame-up reconstruction. All surface materials would be removed and the frame upgraded to current seismic standards, all plumbing, electrical and HVAC systems would be replaced, the frame would be completely waterproofed and new finishes applied. The interior would be remodeled to reflect the current lifestyle of people who could afford the purchase and project as well. The end product would be quite different than the original house.

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Resources Code Section 21061.1.

See, Exhibit C.

Since this alternative would primarily alter the interior of the Residence, and leave the exterior of the Residence (which is only partially visible to the public) intact, the significant unavoidable impact to the historic resource could be avoided by implementation of this alternative. However, it does not appear that Alternative 2 would meet the basic Project objectives of replacing the Residence with a smaller single-family home that comports with the Town Code and contains a modern floor plan and amenities consistent with current standards and expectations. Similarly, this alternative would not reduce the overall building bulk and height on the Project site.

The existing Residence is a sprawling 30 room, 17,250 foot structure designed in the Spanish Colonial Revival style that was popular in the early 1900s. While it served as a residence, it was also designed for entertaining and hosting dignitaries and others, as indicated by its formal layout and by its main hall, dining room, servants' quarters, and 14 bedrooms. By comparison, the Project would replace the Residence with a modern single-family home that comports with the Town Code and facilitates family living in accordance with today's standards and expectations, as shown by the plans submitted for the new home. To accommodate the needs of a typical family, it would contain 4 bedrooms, a kitchen, dining room, and living room. Renovation of the Residence pursuant to this alternative thus does not appear to meet most of the basic objectives to the Project to construct a single-family home with a modern floor plan and amenities consistent with current standards and expectations.

### **3. Addition of Alternative 2A**

The restoration alternatives contained in the EIR (Alternative 2 and Alternative 3) included very limited modifications to the interior of the Residence because, at the time the EIR

was prepared, it was assumed that any modification to the interior of the Residence would need to be minimal in order to avoid any significant unavoidable impact to the historic resource. Since the time the EIR was prepared, the California Court of Appeal has ruled that CEQA does not apply to internal remodeling, i.e., alteration of an historic structure outside of the public view and in private space. *See, Martin v. City and County of San Francisco, supra.* As such, the Addendum examines a new restoration alternative that involves more extensive remodeling of the interior of the Residence so as to achieve more of the basic Project objectives than the restoration alternatives contained in the EIR.

A conceptual plan and preliminary architectural drawings for Alternative 2A were prepared by Andrew Skurman Architects, Stroudwater Landscape Architecture, and Keith Abey, Structural Engineer. According to the Cost Comparison Report (Exhibit B), these professionals have considerable experience developing plans for similar restoration projects within the region. The applicant asked the architect to design an interior that was more compatible with the demands of the current market as opposed to a plan that attempted to preserve the Residence's original floor plan. The architectural plans for Alternative 2A can be found behind Tab 2 of the Cost Comparison Report. A detailed cost estimate for Alternative 2A was prepared by Baker pre-Construction and can be found behind Tab 3 of the Cost Comparison Report. The estimate shows that the cost of restoration under Alternative 2A would be approximately \$13.3 million. By comparison, the cost of the new home to be developed as part of the Project is projected at \$8.2 million.

Like Alternative 2, it appears that this alternative would, in fact, avoid the significant unavoidable impact on the historic Residence. Further, this alternative would not result in any additional impacts compared to the Project or Alternative 2.

This alternative goes considerably further than Alternative 2 and Alternative 3 in attaining at least some of the basic Project objectives. Although this alternative would not meet the Project objective of demolishing the existing Residence, it would result in a more modern home compared to the other restoration alternatives albeit with a less conventional floor plan than the proposed Project. The alternative would modify the floor plan, but the modified home would still be of a scale and character that does not comport with the current Town Code. Similarly, the modified Residence would not reduce the overall building bulk and height on the Project site.

#### **4. Alternative 3**

Alternative 3 (examined in the EIR at pages 7.0-12 through 7.0-18) describes a restoration alternative similar to Alternative 2 but with modifications to the existing Residence (especially to the second floor) to create a more conventional floor plan, as well as a major 16,000 square foot addition to the Residence to include a new living area, office suite and fitness area. The living area would include an entertainment room, which could be used for receptions, large gatherings and parties. In addition to office space, the office suite would include a large conference room and telecommunications center. The fitness area would include a meditation room, private gymnasium/fitness area, sauna, dressing rooms and shower.

Overall, this alternative would not avoid the significant, unavoidable impact to an historic resource. The impact to historic architectural resources would be marginally less than that of the proposed Project because the Residence would be retained and rehabilitated. EIR, pp. 7.0-17 to 7.0-18. However, the new addition would be an alteration that would materially impair the historic significance of the Residence. EIR, p. 7.0-18. Thus, like the Project and unlike

Alternatives 2 and 2A, Alternative 3 would have a significant unavoidable impact to an historic resource.

Based on a conceptual plan, the EIR estimated the cost of Alternative 3 at approximately \$9 million. This estimate appears to be quite low as evidenced by the estimates provided for the Project (\$8.2 million) and Alternative 2A (\$13.3 million). The cost of Alternative 3 would likely surpass that of Alternative 2A, because in addition to restoring the Residence, this alternative would add a major 16,000 square foot addition to the Residence. Based on the estimate provided in the Cost Comparison Report for the new residence of \$933.36 per square foot, the cost of the addition alone could be nearly \$15 million. Even conservatively assuming the \$4.9 million cost of restoration for the Residence assumed in the EIR for Alternative 2, the cost of this alternative could total nearly \$20 million. This would far exceed the estimated Project cost of approximately \$8.2 million.

Further, while this alternative would include some elements of a modern home, overall the alternative would not meet the basic Project objectives of constructing a single-family home with a modern floor plan and amenities. It would also not achieve the objective of demolishing the Residence and replacing it with a smaller (i.e., 6000 square foot) home that comports with the current Town Code. Similarly, this alternative does not appear to comply with the Town Code in terms of minimum lot size and maximum square footage allowed for residential development and would exacerbate the overall building bulk and height on the Project site.

## **5. Alternative 4**

Alternative 4 (examined in the EIR on pages 7.0-19 through 7.0-25) describes construction of a new home and relocation of the existing Residence to another portion of the Project site. The relocated Residence would then be rehabilitated as described in Alternative 2. According to the EIR, relocating the Residence to a location north or west of its present, historic location, coupled with rehabilitation of the Residence would still maintain the Residence's eligibility for listing in the CRHR and thus avoid significant adverse impacts to the historic Residence.

The EIR estimated that the cost of rehabilitating the Residence with additional site work would cost about \$6 million. The costs associated with the actual moving of the Residence on site were estimated to be about \$600,000. Thus, the total costs for the relocation and restoration component of this alternative were estimated to be approximately \$6.6 million. This estimate appears to be quite low as evidenced by the estimates provided for the Project (\$8.2 million) and Alternative 2A (\$13.3 million). Since full implementation of this alternative would involve moving and restoring the existing Residence plus building a new home, the cost of this alternative should encompass the cost of both activities. Since the EIR did not factor in the cost of the new home in its cost estimate and for reasons similar to those outlined in connection with Alternative 2 above, the actual cost of implementing Alternative 4 is likely to be substantially higher than the cost estimate contained in the EIR. In reality, the cost of implementing this alternative could be anywhere between \$14.8 million (estimated EIR restoration cost of \$6.6 million plus \$8.2 million Project cost) and \$21.5 million (estimated \$13.3 million restoration cost for Alternative 2A plus \$8.2 million Project cost). Even the lower estimate would far exceed the estimated Project cost of approximately \$8.2 million.

Under this alternative, the Residence would be moved from its present location and sited on another portion of the Project site. Depending on its specific characteristics, Alternative 4 may meet the basic Project objectives of replacing the Residence with a modern single-family home with a conventional layout. However, this alternative does not appear to comply with the Town Code in terms of minimum lot size and maximum square footage allowed for residential development and would exacerbate the overall building bulk and height on the Project site.

## **6. Alternative 5**

Alternative 5 (examined in the EIR on pages 7.0-25 through 7.0-27) describes construction of a new home and relocation of the existing Residence to an unknown, off-site location. The relocated Residence would then be rehabilitated as described under Alternative 2. The original demolition permit was approved subject to a condition requiring Jobs to “market” the Residence for a one-year period to a buyer willing to remove and restore it offsite. Jobs conducted the marketing campaign that the permit required. According to a September 3, 2008 memorandum to the Town from Howard Ellman, Jobs’s attorney (whose firm oversaw the marketing efforts),<sup>3</sup> Jobs received numerous inquiries but none of them ultimately culminated in a viable offer to remove and restore the Residence at an off-site location. The marketing campaign extended well beyond the one-year period required by the permit condition.

Without a specific site, the EIR acknowledged that the analysis of this alternative is “highly speculative” and depends on factors like the feasibility of moving the Residence (which would have to be accomplished in pieces, due to the narrow driveway leading to Mountain Home Road) on a sloping road with overarching trees and utility lines. EIR, p. 7.0-26. If these issues could be resolved without materially affecting the Residence and assuming the Residence would

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<sup>3</sup> Mr. Ellman’s memorandum is attached hereto as Exhibit D.

be rehabilitated in the same manner as described in Alternative 2, the impacts to cultural resources would be similar to those described under Alternative 4. However, a specific site for relocation has not been identified, and based on the applicant's extensive marketing efforts, such a site may not exist.

As noted previously, it would cost at least \$6 million (and likely more) to rehabilitate the Residence with additional site work. According to the EIR, the costs associated with the actual moving of the Residence off-site would be at least \$700,000, but the exact cost cannot be estimated because there is no specific target site. Thus, the total cost of the relocation and restoration component of this alternative was estimated to be \$6.7 million (not including the cost of constructing the new home). This estimate appears to be quite low as evidenced by the estimates provided for the Project (\$8.2 million) and Alternative 2A (\$13.3 million). Since full implementation of this alternative would involve moving and restoring the existing Residence off-site plus building a new home, the cost of this alternative should encompass the cost of both activities. Since the EIR did not factor in the cost of the new home in its cost estimate and for reasons similar to those outlined in connection with Alternative 2 above, the actual cost of implementing Alternative 5 is likely to be substantially higher than the cost estimate contained in the EIR. In reality, the cost of implementing this alternative could be anywhere between \$14.9 million (estimated EIR restoration cost of \$6.7 million plus \$8.2 million Project cost) and \$21.5 million (estimated \$13.3 million restoration cost for Alternative 2A plus \$8.2 million Project cost). Even the lower estimate would far exceed the estimated Project cost of approximately \$8.2 million.

Under this alternative, the Residence would be relocated to another location. Therefore, the alternative would meet the basic Project objectives of replacing the Residence with a smaller

single-family home that comports with the Town Code and contains a modern floor plan and amenities consistent with current standards and expectations. In addition, this alternative would achieve the Project objective of reducing building bulk and height on the Project site.

## **7. Environmentally Superior Alternative**

The EIR determined that Alternative 2 was the environmentally superior alternative. This Addendum contains a new restoration alternative (Alternative 2A) that includes more extensive interior remodeling of the Residence. Each of these alternatives would eliminate the Project's significant and unavoidable impact on historic resources. In light of the new information in this Addendum, either Alternative 2 or Alternative 2A could be considered the environmentally superior alternative.

### **C. Effects Found Not to be Significant**

Section 15128 of the CEQA Guidelines requires a brief statement of the reasons that various possible significant effects of a project have been determined not to be significant and are therefore not evaluated in the EIR. This section provides such a statement for the Project as proposed replacing, in its entirety for ease of review, Section 9.0 of the EIR.

This section covers those topics listed in the Town's October 2001 Initial Study that were determined to be less-than-significant-effects of the proposed Project, and therefore are not discussed in Section 5.0 of the EIR. The following discussion is based on the Initial Study, other published sources and the Town staff's professional judgment.

In terms of the impacts of the replacement of the larger nonconforming Residence with the smaller energy-efficient Code-compliant home, there is likely to be no impact whatsoever and more likely a decrease in impacts. However, to be conservative, the analysis treats the Residence as vacant and compares the impacts of the proposed Project to the vacant Residence

and assumes that all impacts of use of the new home are new impacts. In reality, the home has been occupied in the past and could be occupied again without any further Town approvals.

### **1. Land Use and Planning**

#### **The Project would not conflict with the site's General Plan or Zoning designations.**

The property is designated as a Residential-Environmentally Sensitive Area ("R/ESA") by the Woodside General Plan. The environmentally sensitive designation is designed to identify areas that contain significant developmental constraints. The site is zoned Special Conservation Planning ("SCP-5"). This zoning district is intended for a minimum lot size of 5 acres or larger that provides reduced human densities for lands with steep hillsides, geologic hazards, difficult road access, or soil and water problems. The Project involves the demolition of the existing Residence and the construction of a new single-family residence on the site. Based on the conceptual plans submitted in connection with the application for ASRB review, the Project as proposed would be consistent with the site's General Plan and zoning designations.

**The Project would not conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the Project.** By replacing the oversized, nonconforming Residence with a smaller home that complies with the Town Code, the proposed Project eliminates the overcrowding of the Project site, reduces overall building bulk and restores the subordination of structures to the site in accordance with General Plan Policies P6, P20 and P23. *See, also*, General Plan, p. 2103. Consistent with General Plan Policies G3, P1 and P3, the Project minimizes the disturbance of natural terrain on the property by situating the new home in substantially the same location as the existing Residence. Consistent with Objective O-15, the Project would allow the Town to review and permit housing with full consideration of the General Plan goals and policies, environmental constraints, service constraints and implementing

ordinances. As such, the Project as proposed would not conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the Project.

**The Project is compatible with the existing land uses in the vicinity.** The property is surrounded by other developed residential properties located in the R/ESA and Residential (“R”) General Plan land use designations and zoned SCP-5 and Rural Residential (“RR”). The demolition of the existing Residence and the construction of a new single-family residence would be compatible with the existing land uses in the vicinity. The Project would continue residential use of the property but at a lower density of development. No impacts related to land use compatibility are anticipated.

**The Project would not affect agricultural resources or operations (e.g., through projects in an undeveloped area or extension of major infrastructure).** The Project site does not include, nor is it within the vicinity of, agricultural resources or operations. As such, no impact is anticipated in this regard.

**The Project would not disrupt or divide the physical arrangement of an established community (including a low-income or minority community).** The proposed Project, which includes demolition of the Residence and construction of a new single-family home on the site, would not disrupt or divide the surrounding community. As such, no impacts are anticipated in this regard.

## **2. Population and Housing**

**The Project would not cumulatively exceed official regional or local population projections.** As previously indicated, the proposed Project entails demolition of the Residence and construction of a new single-family residence. The Project would result in a negligible

increase in the Town's population due to the new single-family home. As such, the Project would not cause the Town to exceed regional or local population projections.

**The Project would not induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).** The Project involves demolition of the Residence and the construction of a new single-family home on a previously developed site. The Project as proposed does not involve any extension of major infrastructure that could induce growth in the area, either directly or indirectly. As such, no impacts are anticipated in this regard.

**The Project would not displace existing housing, especially affordable housing.** The Project would not displace existing housing, including affordable housing. The Project consists of replacing one single-family home with another. The Residence is currently vacant and based on the value of the land would not qualify as affordable housing. As such, no impact is anticipated in this regard.

### **3. Geology and Soils**

**The Project would not expose people or structures to potential substantial adverse effects related to rupture of a known earthquake fault.** The Project site is located within the state defined Alquist-Priolo Special Studies Zone, which relates to the close proximity of the San Andreas Earthquake Fault Trace, located to the immediate west and near the western boundary of the property. The proposed Project includes demolition of the Residence and the construction of a new single-family residence. A visit to the Project site indicated that there were no other unique geologic or physical features. Pursuant to the Town Code, Jobs will be required to submit a geotechnical report that addresses seismic risks, the stability of the soils on site, and related issues concerning landslides, liquefaction, erosion, expansive soils and capability of soils

to support septic and related systems. Jobs will be required to show that the new structure complies with the recommendations of that report prior to final Town approval of the Project. Compliance with these Town codes and standards will ensure that the Project will not result in any significant impacts related to geology and soils.

**The Project would not expose people or structures to potential substantial adverse effects related to strong seismic ground shaking.** Refer to previous response. In addition, unlike the existing Residence, the new home would be built to current seismic standards, thereby enhancing the safety of site residents. As such, there would be no impacts in this regard.

**The Project would not expose people or structures to potential substantial adverse effects related to seismic-related ground failure, including liquefaction.** Refer to previous response.

**The Project would not expose people or structures to potential substantial adverse effects related to landslides.** Refer to previous response.

**The Project would not result in substantial soil erosion or the loss of topsoil.** Construction of a single-family residence will require design-level geotechnical investigations and erosion control plans to address potential erosion and sedimentation impacts. Further, a site development permit will be required for the Project in accordance with Chapter 151 of the Town Code and grading-related issues, such as those pertaining to erosion and the loss of topsoil, will be addressed as part of that permit. Compliance with Town codes and standards will ensure that the Project will not result in any significant impacts related to erosion or the loss of topsoil.

**The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.** Refer to responses above.

**The Project would not be located on expansive soils creating substantial risks to life or property.** Refer to responses above.

**The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.** Refer to responses above.

#### **4. Biological Resources**

**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.** No candidate, sensitive, or special status species are known to occur on the Project site nor does the Project site provide habitat for any such species. As such, no impact would occur in this regard.

**The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.** No riparian habitat or other sensitive natural community occurs on the Project site. As such, no impacts would occur in this regard.

**The Project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.** No wetlands or other areas subject to U.S. Army Corps of Engineers jurisdiction are known to occur on the Project site. As such, no impact would occur in this regard.

**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.** No native or migratory fish or wildlife species are known to occur on the Project site. Similarly, no migratory

wildlife corridors or native wildlife nursery site are known to occur on the Project site. As such, no impact would occur in this regard.

**The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.** The Project site was previously developed and used for residential purposes. Further, based on the conceptual plans submitted with the application for ASRB review, it appears that demolition and construction activities associated with the Project would generally be limited to the portions of the site containing the existing Residence. If the Project would result in the removal of trees, Jobs would be required to comply with the Town's tree preservation ordinance (codified at Section 153.170 et seq. of the Town Code) and obtain a tree removal permit. Compliance with this process will ensure that the Project as proposed will not result in any adverse impacts in this regard.

**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.** None of the referenced conservation plans apply to the Project site. As such, the Project as proposed would have no impacts in this regard.

## **5. Air Quality**

**The Project would not conflict with or obstruct implementation of the applicable air quality plan.** Implementation of the proposed Project would not introduce development or uses that would emit criteria pollutants at levels that would prevent the Bay Area Air Quality Management District's ("BAAQMD") Clean Air Plan from being implemented. Impacts would be limited to temporary construction impacts (see discussion below) and a negligible increase in traffic associated with the Project. There would be no significant impact, and no mitigation is required.

**The Project would not violate any air quality standard or contribute significantly to an existing or projected air quality violation.** The Project involves the demolition of the Residence and the construction of a single-family residence. The proposed demolition of the Residence and construction of a new single-family home could create air-borne particulate matter in the immediate vicinity of the Project site due to the dust associated with demolition and grading activities and emissions from construction equipment. However, due to the limited scope of the Project, such impacts would be temporary and intermittent. The BAAQMD CEQA Guidelines focus on particulate matter as the pollutant of concern during construction activities, and state that as long as feasible control measures are employed, the impact would be less than significant. Consistent with the Town's standard practice and procedure, such measures would be imposed as conditions of approval on the site development permit issued for the Project. Since the Residence is currently vacant, the occupation of a new home on the Project site would lead to a minor increase in air quality emissions primarily associated with the minor increase in the use of motor vehicles. As discussed below, the Project will result in a negligible increase in traffic on local roads. The Project will likewise result in a negligible increase in air quality emissions. Compliance with Town codes and standards will ensure that the Project will not result in any significant impacts related to air quality.

**The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.** The Project would not cause a considerable net increase in any criteria pollutant. Impacts would be short term and would not substantially contribute to a violation of standards. The implementation of the BAAQMD measures will help to minimize construction period impacts. The occupation of a new home on the Project site will

lead to a minor increase in air quality emissions primarily associated with the minor increase in the use of motor vehicles. These emissions will be relatively imperceptible when considered within the context of the region's air basin. Compliance with Town codes and standards will ensure that the Project will not result in any significant impacts in this regard.

**The Project would not expose sensitive receptors to substantial pollutant concentrations.** The Project is bordered by residential development. Such land uses are considered to be sensitive receptors. However, as noted above, the air quality impacts of the Project are limited to construction dust and equipment exhaust and are temporary in nature. With implementation of the recommended BAAQMD measures, the impacts will be reduced to a less than significant level. The occupation of a new home on the Project site will lead to a minor increase in air quality emissions primarily associated with the minor increase in the use of motor vehicles. These emissions will be negligible so as not to expose sensitive receptors to substantial pollutant concentrations. Compliance with Town codes and standards will ensure that the Project will not result in any significant impacts related to air quality.

**The Project would not create objectionable odors affecting a substantial number of people.** The Project involves the demolition of the existing Residence and construction of a new single-family home. Given the nature of the Project, it would not create objectionable odors. As such, there would be no impact in this regard.

## **6. Noise**

**The Project would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.** The Project involves the demolition of the Residence and construction of a new single-family residence on the site. The proposed demolition of the

structure and construction activities would generate temporary noise levels, typical of a single-family residential development project. Equipment noise would be generated by construction worker trucks, trucks used for hauling and tractors. These noise levels would occur intermittently over a limited time period. Consistent with the Town's standard practice and procedure, the Town would require Jobs to submit a staging plan to minimize noise from construction activities on adjacent properties. Per Town Code Section 151.55, hours of construction would also be limited to between 7:30 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. The occupation of a new home on the Project site will lead to a minor increase in ambient noise levels given that the current Residence is vacant. The Project would not result in the exposure of persons to or generation of noise levels in excess of the 55 decibel and 40 decibel standards for exterior and interior residential areas, respectively, set forth in the Town's General Plan. Compliance with the above-referenced Town codes and standards will ensure that the Project will not result in any significant noise-related impacts.

**The Project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.** The Project is not anticipated to involve pile-driving or other construction methods that could expose persons to or generate excessive groundborne vibration or groundborne noise levels. As such, there would be no impact in this regard.

**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.** Refer to previous response.

**The Project is not located within an airport land use plan, within 2 miles of a public airport or within the vicinity of a private airstrip.** As such, the Project would not expose

people residing in the Project area to excessive noise levels due to airport and airport-related activities.

## **7. Water/Stormwater Quality**

**The Project would not violate any water quality standards or waste discharge requirements.** The Project involves the demolition of the existing Residence and construction of a single-family residence. Pursuant to the Town Code, Jobs will be required to submit a geotechnical report that addresses, among others, measures to limit and control erosion and siltation. Jobs will also be required to show that the Project complies with the recommendations contained in that report prior to final Town approval of the Project. A site development permit will be required for the Project in accordance with Chapter 151 of the Town Code and grading-related issues, including those pertaining to runoff and stormwater quality, will be addressed as part of that permit. Further, the proposed area of demolition and construction activities would be less than one acre and thus the Project would not require a National Pollutant Discharge Elimination System (NPDES) construction activities permit. Such permits are intended to regulate projects that may have a significant effect on water quality by requiring preparation of a Stormwater Pollution Prevention Plan. Pursuant to the Town's standard practice and procedure, Jobs would be required to submit a detailed drainage plan and construct any necessary improvements to ensure that there would be no off-site increase in stormwater runoff as a result of the Project. Compliance with the above-referenced codes, standards and regulations will ensure that the Project will not result in any significant impacts related to water quality standards or waste discharge requirements.

**The Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial**

**additional sources of polluted runoff.** The Project involves the demolition of the existing Residence and construction of a new single-family home. Since the new home will have a smaller building envelope and overall development footprint than the current Residence, it is not anticipated that the Project would result in any increase in impervious surface areas over existing conditions and, as noted above, Jobs would be required to submit a detailed drainage plan and construct any necessary improvements to ensure that there would be no off-site increase in stormwater runoff as a result of the Project. Furthermore, a review of area maps and a site visit indicate that no drainages or bodies of water occur on the Project site. Compliance with the Town codes and standards will ensure that the Project will not result in any significant impacts related to stormwater runoff.

**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 groundwater table level.** The proposed Project would not result in the use of groundwater and, as noted above, would not likely increase the impermeable surface areas of the Project site. Thus, the effects on recharge due to development would be less than significant and no mitigation would be required.

**The Project would not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.** As discussed above, it is not anticipated that the Project as proposed will increase impervious surface areas over existing conditions or alter the existing drainage pattern of the site or area. Moreover, as previously discussed, Jobs would be required to submit a detailed drainage plan and construct any necessary improvements to ensure that there would be no off-site increase in stormwater runoff as a result

of the Project. In addition, the Project will not alter the course of a stream or river leading to erosion or siltation on- or off-site. As such, there will be no adverse impacts in this regard.

**The Project would not otherwise substantially degrade water quality.** The Project involves the replacement of the existing Residence with a new single-family home. No future uses are proposed that would introduce pollutants and affect water quality, and, as explained above, Jobs would be required to submit a detailed drainage plan and construct any necessary improvements to ensure that there would be no off-site increase in stormwater runoff as a result of the Project. As such, no adverse impact is anticipated in this regard.

**The Project would not place housing within a 100-year flood hazard area or place within a 100-year flood hazard area structures that would impede or redirect flood flows.** The proposed Project includes demolition of the Residence and construction of a new single-family residence. The Project is not located within a 100-year flood hazard area. The Project would not expose any people or structures to any flood-related hazards. No adverse impacts are anticipated in this regard.

**The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.** See previous response. In addition, there is no levee or dam in the vicinity of the Project site. Thus, the Project is not susceptible to flooding as a result of the failure of such facilities.

**The Project would not be subject to inundation by seiche, tsunami, or mudflow.** A review of area maps indicates that the Project site is not near the San Francisco Bay or Pacific Ocean, or any large enclosed bodies of water. Also, since any new construction would be required to comply with the recommendations of a geotechnical investigation, no impacts would occur in this regard.

## 8. Transportation and Circulation

**The Project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.** The proposed Project includes the demolition of the Residence and the construction of a new single-family home. The Project, once completed, would lead to a minor increase in traffic on local roads. According to the applicant, Project demolition and construction activities would last approximately 24 months. Although intermittent and temporary, traffic levels associated with construction traffic to and from the site would increase on Mountain Home Road during this period of time. Consistent with the Town's standard practice and procedure, the Town would require Jobs to submit a staging plan to minimize congestion from construction vehicles and equipment. Compliance with the Town codes and standards will ensure that the Project will not result in any significant traffic-related impacts.

**The Project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.** As noted above, it is anticipated that construction traffic to and from the site will be intermittent and will be temporary over a 24 month period of time. Further, the applicant will be required to submit a staging plan to minimize congestion from construction vehicles and equipment. The increase of traffic from the new home will be negligible, both individually and cumulatively and will not alter or increase existing levels of service in any meaningful way. Compliance with the Town codes and standards will ensure that the Project will not result in any significant traffic-related impacts.

**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

Project involves the replacement of the existing Residence with a new single-family home. Due to the nature of the proposed Project, no adverse impacts are anticipated with respect to a change in air traffic patterns.

**The Project would not substantially increase hazards due to a design feature or incompatible use.** The Project involves the replacement of the existing Residence with a new single-family home. The Project plans do not contain any design feature that would substantially increase hazards. Moreover, residential use is a permitted and compatible use of the Project site. Based on the conceptual plans submitted in connection with the application for ASRB review, the Project would not substantially increase hazards due to a design feature or incompatible use and thus there would be no impact in this regard.

**The Project would not result in inadequate emergency access.** The Project involves the replacement of the existing Residence with a new single-family home. Adequate emergency access currently exists to the Project site. The Project will not interrupt or interfere with such access. As such, there would be no impact in this regard.

**The Project would not result in inadequate parking capacity.** The Project replaces the existing Residence with a new single-family home. Adequate parking will be provided to serve the proposed use. As such, there will be no impact in this regard.

## **9. Aesthetics**

**The Project would not have a substantial adverse effect on a scenic corridor.** According to the Town's Scenic Corridors Map, the Project site is not located within or in proximity to a scenic corridor or scenic highway. As such, no adverse impacts are anticipated in this regard.

**The Project would not substantially damage scenic resources within a state scenic highway.** See previous response.

**The Project would not substantially degrade the existing visual character or quality of the site and its surroundings.** Construction of the new building would be subject to the Town's ASRB review process, which is designed to, among other things, preserve the rural character and natural beauty of the Town; ensure that the architectural design of structures and their materials and colors are visually harmonious with surrounding development, land forms and vegetation; and ensure the location, configuration and appearance of structures are visually harmonious with their sites and surrounding sites and structures. Woodside Town Code Section 153.220. Compliance with this process will ensure that the Project has no adverse impacts in this regard.

**The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.** Development of a single-family residence on the site would result in light and glare sources similar to those in the site vicinity. Such issues would be addressed as part of the ASRB review process. Compliance with this process will ensure that the Project has no adverse impacts in this regard.

#### **10. Energy and Mineral Resources**

**The Project would not conflict with adopted energy conservation plans.** The Town does not have an adopted energy conservation plan and the Project would not, in any case, increase energy use substantially. Compared to the existing Residence, the Project will likely decrease energy use since the new home will be smaller and contain more energy-efficient appliances and fixtures. Based on the conceptual plans submitted in connection with the application for ASRB review, the Project would not result in any adverse impacts in this regard.

**The Project would not use nonrenewable resources in a wasteful and inefficient manner.** Refer to previous response.

**The Project would not result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state.** The General Plan does not identify any known mineral resources or mineral resource recovery sites in the Project area. As such, there would be no impact in this regard.

## **11. Hazards**

**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 involves the demolition of the Residence and the construction of a new single-family residence. No new uses are proposed that could expose people or structures to hazards. No changes to existing roads in the area (that might serve as evacuation routes) would occur. The structures to be demolished could contain asbestos and lead-based paints. However, the applicant would be required to comply with all state and federal laws to minimize construction worker exposure and ensure the safe use, storage and disposal of any hazardous materials and waste. Compliance with the above-specified state and federal laws will ensure that the Project has no adverse impacts in this regard.

**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.** Refer to previous response.

**The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.** Refer to previous response.

**The Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5.** As such, the Project would not create a significant hazard to the public or the environment.

**The Project would not be located within an airport land use plan, within 2 miles of a public airport, or within the vicinity of a private airstrip.** As such, the Project would not result in any safety hazards for people residing or working in the Project area.

**The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.** Refer to previous response.

**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, where residences are intermixed with wildlands.** The Project would replace the existing Residence with a new single-family home. Unlike the existing Residence, the new home will be built to current building codes and standards, including the provisions of the Uniform Fire Code. As a result, the Project will likely result in a *reduced* risk of injury or harm due to wildland fires compared to existing conditions. The Project would also be served by existing fire service providers who have adequate equipment, materials and capacity to service the proposed Project. As such, there would be no significant impact in this regard.

## **12. Public Services**

**The Project would not result in substantial adverse physical impacts associated with the need for new or physically altered governmental facilities related to fire protection.**

The proposed Project includes the demolition of the Residence and construction of a new single-family home. The demolition activities would not substantially increase demand for public

services. Development of a single-family residence may lead to minor increases in public service demand, but there would be no change in the number of needed employees or facilities for fire, police, schools, parks and other governmental services (the demand for fire services may, in fact, decrease since the new Project home would be built to current codes and standards). In addition, consistent with the Town's standard practice and procedure, the applicant would be required to pay all applicable public service and facility fees to address the Project's incremental demand for public services. Compliance with the Town codes and standards will ensure that the Project has no adverse impacts in this regard.

**The Project would not result in a substantial adverse physical impacts associated with the need for new or physically altered governmental facilities related to police protection.** Refer to previous response.

**The Project would not result in a substantial adverse physical impacts associated with the need for new or physically altered governmental facilities related to schools.** Refer to previous response.

**The Project would not result in a substantial adverse physical impacts associated with the need for new or physically altered governmental facilities related to parks.** Refer to previous response.

**The Project would not result in a substantial adverse physical impacts associated with the need for new or physically altered governmental facilities related to other governmental facilities.** Refer to previous response.

### **13. Utilities and Service Systems**

**The Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.** The Project would replace the existing Residence

with a new single-family home. The proposed domestic residential use of water will meet applicable wastewater treatment requirements. Based on the conceptual plans submitted in connection with the application for ASRB review, the Project would not result in any adverse impacts in this regard.

**The Project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.** As noted previously, the applicant would be required, per the Town's standard practice and procedure, to submit a detailed drainage plan and construct any necessary improvements to ensure that there would be no off-site increase in stormwater runoff. Moreover, the Project will simply replace the Residence with a new single-family home. Compliance with the Town codes and standards will ensure that the Project will not result in any significant impacts related to storm water drainage facilities.

**The Project would have sufficient water supplies available to serve the Project from existing entitlements and resources.** The Project will replace the Residence with a new and smaller single-family home. Based on the conceptual plans submitted in connection with the application for ASRB review, the Project would not result in any adverse impacts in this regard.

**The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.** Since the Project would simply replace the Residence with a new single-family home, the Project would not cause a significant increase in solid waste generation. The Town Code requires the applicant to minimize construction waste disposal by salvaging materials from existing structures and recycling non-salvageable materials to the extent feasible to ensure that at least 60 percent of construction

debris is recycled. Compliance with this process will ensure that the Project has no adverse impacts in this regard.

**The Project would not result in a need for new systems or supplies, or substantial alterations to power or natural gas.** All utilities, including water, gas, electric, sewer and telephone, are available to the site. Gas and electricity service will be provided by Pacific Gas & Electric. The proposed demolition would not result in any substantial increase in demand for gas and electric power. Development of a smaller, more modern single-family home than the Residence could lead to a minor increase in demand for gas and electricity since the Residence is currently vacant. However, the new residence will be smaller and more energy-efficient than the existing Residence. As such, no significant impact is anticipated in this regard.

#### **14. Recreation**

**The Project would not increase the demand for neighborhood or regional parks or other regional facilities.** The proposed Project includes the replacement of the Residence with a new single-family home. Adequate recreation facilities exist to serve the proposed Project and the Project would not require the construction of any new park or recreation facilities. No significant impacts are anticipated in this regard.

**The Project does not include nor would it require the construction of expansion of recreational facilities which might have an adverse effect on the environment.** Refer to previous response.

#### **15. Cumulative Impacts**

The Project involves the replacement of the existing Residence with a new single-family home. Other than the impact to historic resources identified in the EIR, the Project has no project level significant impacts on other environmental resources. No significant cumulative

impacts have been identified in any environmental resource category (e.g., air quality, noise, traffic, utilities, etc.). Even if there were such impacts, the Project's incremental contribution would be so small as to not be cumulatively considerable.<sup>4</sup> As such, the Project would not result in any significant cumulative impacts.

### **APPLYING THE GUIDELINE CRITERIA TO THE FACTS**

Application of the criteria established in CEQA Guidelines Section 15162(a) to the foregoing facts yields the following conclusions:

First, applying subsection (1) of Section 15162(a), there have been no substantial changes in the Project that require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. The preferred Project remains the same: demolition of the Residence and construction of a new, 6,000 square foot home. The effects of demolition also remain the same. None of the new information that this Addendum adds to the EIR implicates new significant environmental effects or substantial increases in the severity of previously identified effects.

Second, applying subsection (2) of Section 15162(a), there are no substantial changes with respect to the circumstances in which the Project is to be undertaken that create additional significant environmental effects or a substantial increase in the severity of previously identified effects.

Finally, none of the criteria stated in subsection (3) of Section 15162(a) apply. New information does not reveal any significant adverse environmental effects beyond those discussed in the EIR, or show that previously discussed effects will be more severe than the EIR disclosed. There is also no new information to suggest that mitigation measures or alternatives

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<sup>4</sup> Cumulatively considerable means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

previously found not to be feasible would in fact be feasible, although the ultimate decision as to feasibility of the alternatives will be made by the Council when acting on the Project. There is also no new information to suggest that new mitigation measures or alternatives considerably different than those analyzed in the EIR would avoid or reduce the Project's significant environmental impact.

In sum, the facts contained herein constitute minor "changes or additions" to the certified EIR (see CEQA Guidelines Section 15164(a)) in the form of (i) information regarding and responding to the decisions of the trial and appellate courts, and (ii) information that brings the EIR current in light of relevant conditions. None of these changes triggers the requirement that a subsequent or supplemental EIR be prepared. Under these circumstances, CEQA Guidelines Section 15164(a) requires that the Town proceed by way of this Addendum.

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projects. CEQA Guidelines Section 15064(h).