

ATTACHMENT 3

**ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION**

for the

**BIJOU PARK CREEK WATERSHED
MANAGEMENT/SOUTHWEST
CORNER PROJECT**

State Clearinghouse Number 2017032059

**City of South Lake Tahoe – Project Lead Agency
California Tahoe Conservancy – Responsible Agency**

Addendum project files may be reviewed at:

1061 Third Street

South Lake Tahoe, CA 96150

Contact: Jen Greenberg

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This Addendum modifies the Bijou Park Creek Watershed Management/Southwest Corner Project Initial Study/Mitigated Negative Declaration. Full consideration of the changes described herein shall be given as part of the California Tahoe Conservancy's decisions on the project.

I. BACKGROUND:

The Bijou Park Creek Watershed Management/Southwest Corner Project (Project) includes private and public ownership, totaling 7.6 acres. A portion of the Project area is currently developed with a tourist accommodation use (Knights Inn) and associated restaurant, pool, and parking lot, along with a conference center and a single-family dwelling unit. The Project area also includes City of South Lake Tahoe (City) right-of-way and unimproved parcels owned by the California Tahoe Conservancy (Conservancy).

An Initial Study/Mitigated Negative Declaration (IS/MND), prepared pursuant to the requirements of the California Environmental Quality Act (CEQA), was circulated for public comment between March 21, 2017 and April 20, 2017 (State Clearinghouse Project #2017032059). The City served as project CEQA Lead Agency, with the City Planning Commission approving the project on May 11, 2017. The City filed a notice of determination with the County Clerk and the California State Clearinghouse the following day.

The IS/MND specifies a Project area that includes six Conservancy-owned parcels: El Dorado County Assessor's Parcel Numbers (APN) 027-112-13, 027-112-14, 027-112-15, 027-112-16, 027-112-17, and 027-112-24. The Conservancy acquired these parcels in order to provide opportunities to create open space and protect and enhance natural resources. The City seeks to utilize these properties, as well as Conservancy parcel APN 027-053-14, for stream environment zone (SEZ) restoration, water quality, and public access improvements.

The City is currently working to acquire all necessary entitlements to implement the Project. The City has applied for long-term license agreements which will provide access rights to construct and maintain improvements on Conservancy-owned properties. A license agreement is necessary to construct various SEZ, water quality, and public access elements of the Project.

The Project will result in ecosystem and watershed benefits while also improving the water quality of runoff discharging to Bijou Park Creek and then eventually Lake Tahoe at Ski Run Marina. The Project will also support the City's Tourist Core Area Plan by promoting sustainable communities through creation of a pedestrian-friendly

environment. Project uses and design features will encourage walking and other alternative methods of transportation. The City is proposing to partner with a developer to complete environmental improvements and redevelopment of the site.

II. PROPOSED MINOR MODIFICATIONS/ CLARIFICATIONS TO THE BIJOU PARK CREEK IS/MND

Since adoption of the Project IS/MND, one minor technical clarification has arisen for which preparation of an Addendum to the IS/MND, pursuant to section 15164 of the CEQA Guidelines, is appropriate.

Specifically, this Addendum clarifies that a Conservancy-owned property (El Dorado County APN 027-053-14) is within the Project Area.

III. ENVIRONMENTAL ANALYSIS

Conservancy staff has determined that this Addendum is required in order to address the clarification described above which has arisen since circulation of the Project IS/MND. CEQA provides for preparation of an addendum if some changes or additions to an IS/MND are necessary, but when the circumstances for preparation of a subsequent or new document are not triggered under CEQA.

The purpose of this section is to determine whether additional project-level impact analyses are required for changed project elements under the Conservancy's discretionary decision making authority. This analysis would be triggered if a potential environmental impact was not considered, or not considered in sufficient detail, in the earlier environmental document or if substantial project changes, changed circumstances, or new information of substantial importance since certification of the original document triggers the requirements of CEQA Guidelines section 15162. All answers take into account the whole of the action involved (on-site and off-site, cumulative and project level, direct and indirect, and construction and operational effects).

Clarification that a Conservancy-owned parcel (El Dorado County APN 027-053-14) is within the Project area.

Since Project inception, the City has contemplated use of several Conservancy-owned parcels for various elements of the Project. The City analyzed the impacts of these proposed improvements on Conservancy lands within the Project IS/MND. In the IS/MND, however, the City only specifically named and mapped six of the seven

Conservancy parcels proposed for the Project (Section 1.4 of the IS/MND; Figure 2.0-1 of the IS/MND). While the City did not specifically name one Conservancy property (APN 027-053-14), the City did intend for it to be used for restoration and public access elements of the Project. Specific improvements on this property may include re-contouring the site to allow for stream bank restoration, water quality basins, re-vegetation or slope stabilization measures, and a pedestrian path from Osgood Avenue to the transit opportunities at U.S. Highway 50.

The IS/MND indicated in Table 2.0-2 that the Project, including both Site 1 and Site 2, would encompass 330,314 square feet of land. Clarification of the one small Conservancy parcel (APN 027-053-14) being within the Project area will increase the total Project area from 330,314 square feet to approximately 333,407 square feet. This is an increase of approximately one percent.

There is no potential for any new significant environmental effects to result from the clarification. Therefore, the clarification does not trigger additional needs from Conservancy-owned lands. This minor change does not contribute to any new significant effects on the environment.

The clarification of the Project area to include a Conservancy-owned parcel, which will receive improvements for which environmental effects were already evaluated, is not substantial and no new information of substantial importance relating to this change was identified. The Project, as modified, is within the scope of the environmental analysis and effects found in the Project IS/MND. No findings or mitigation measures require modification.

IV. CONCLUSION

Based on the above findings, the Conservancy has concluded that preparation of a subsequent IS/MND for this minor clarification to the Project IS/MND is unnecessary and that preparation of an Addendum is consistent with CEQA Guidelines section 15164. The Conservancy has determined, based on substantial evidence in the light of the whole record, that the proposed changes listed in this Addendum are not substantial. None of the conditions described under section 15162 of the CEQA Guidelines requiring preparation of a subsequent document have occurred. The modifications do not involve any new significant environmental effects. In addition, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken. The changes do not involve new information of substantial importance, which show that the project will have one or more significant effects not

discussed in the previous environmental document. (See CEQA Guidelines, § 15162(a)-(d).)

The Conservancy has independently considered the Project IS/MND and this Addendum and concludes:

1. The consideration of the IS/MND and approval of the Addendum for the Project reflect the independent judgment of the Conservancy;
2. The contents of the Project's IS/MND Addendum does not substantially change the project or its circumstances and does not require major Project revisions. The new information added through the Addendum does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts of the project; and
3. Together, the IS/MND and its Addendum satisfy the requirements of CEQA. Preparation of an Addendum is appropriate in accordance with CEQA Guidelines section 15164; no subsequent IS/MND is required.

Accordingly, the Conservancy approves this Addendum and the associated project modifications.

Date

Patrick Wright
Executive Director
California Tahoe Conservancy