LIVERMORE
CALIFORNIA

PLANNING COMMISSION

AGENDA
TUESDAY, NOVEMBER 3, 2026

PLANNING COMMISSION REGULAR MEETING – 7:00 PM

MEETING PARTICIPATION INFORMATION CAN BE FOUND AT THE END OF THE AGENDA

IN PERSON INFORMATION:
CIVIC CENTER MEETING HALL
CITY COUNCIL CHAMBER
1016 S. LIVERMORE AVENUE

Tracy Kronzak, Chair
Charity L Steele, Vice Chair
Yolanda Fintschenko, Commissioner
Jacob M Anderson, Commissioner
Nadine R Horner, Commissioner

1. CALL TO ORDER

ROLL CALL

Commissioner Yolanda Fintschenko
Commissioner Nadine Horner
Commissioner Jacob Anderson
Vice Chairperson Charity Steele
Chairperson Tracy Kronzak

PLEDGE OF ALLEGIANCE

2. OPEN FORUM

- In conformance with the Brown Act, no Planning Commission action can occur on items presented during Open Forum.
- To provide public comment, please submit a speaker card. When your name is called, walk to the lectern to address the Planning Commission.
- Comments are limited to a maximum of 3 minutes per person, per item. The Chair may reduce the amount of time based on the number of persons wishing to speak.
- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene after Matters for Consideration.

3. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the Planning Commission with a single action. Members of the audience wishing to provide public input must submit a speaker card.

3.1 Approval of the September 15, 2026, Planning Commission Draft Meeting Minutes.

Recommendation:
Staff recommends the Planning Commission approve the draft minutes.
Staff Report
Attachments:
1. 09-15-2026 Draft Meeting Minutes

4. PROJECT REVIEW

5. PUBLIC HEARINGS

5.1 **THIS ITEM HAS BEEN CONTINUED FROM THE NOVEMBER 3, 2026 PLANNING COMMISSION MEETING TO THE NOVEMBER 17, 2026 PLANNING COMMISSION MEETING.**

Hearing to adopt a resolution approving a Conditional Use Permit Modification to allow an approximately 3,000 2,998 square-foot drive-through carwash facility with 12 vacuum stations at an existing gas station and food store property. The project proposes landscaping and the carwash exit driveway on City-owned land, subject to a related request for a 30-year lease of adjoining city property will that would be reviewed by the City Council.
Staff Report

5.2 **THIS ITEM HAS BEEN CONTINUED FROM THE NOVEMBER 3, 2026 PLANNING COMMISSION MEETING TO THE DECEMBER 15, 2026 PLANNING COMMISSION MEETING.**

Hearing to consider Development Code Amendment (DCA) 26-001 to amend the standards for temporary signs in the public right-of-way.
Staff Report

5.3 Hearing to adopt a resolution recommending approval of conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC) to ensure consistency with and implement the adopted 2045 General Plan and its policy direction. The amendments provide updates to the Code as necessary to maintain consistency with General Plan land use designations, policies, and implementation actions, including revisions to applicable zoning districts, permitting procedures, and definitions.

Recommendation:
Staff recommend the Planning Commission adopt two separate resolutions recommending the City Council:

1. Find that the conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC) are consistent with and implement the adopted 2045 General Plan and its policy direction, and are within the scope of the General Plan 2045 Environmental Impact Report pursuant to CEQA Guidelines Section 15162 and exempt from CEQA in accordance with Guidelines Section 15061(b)(3);
2. Adopt an ordinance approving Municipal Code Amendment (MUNI) 26-002, conforming amendments to the Livermore Municipal Code (LMC), and Development Code Amendment (DCA) 26-002, conforming amendments to the Livermore Development Code (LDC), to update the City's zoning districts, development standards, permitting processes, and definitions.

These actions are consistent with and implement the goals, policies, and actions of the Livermore General Plan 2045.
Staff Report
Attachments:
1. Resolution - CEQA
2. Resolution - CEQA - SMP 39
3. Resolution - Project
4. Exhibit A

6. MATTERS FOR CONSIDERATION

6.1 Consideration of General Plan Consistency Determination (CD26-004) for the acquisition of real property for open space and conservation purposes.

Recommendation:
Staff recommends the Planning Commission adopt separate resolutions in the following sequence:

1. Find the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15313, acquisition of land for conservation purposes and Direct the Planning Manager to file a Notice of Exemption in accordance with the provisions of CEQA, subject to project approval;
2. Approve Consistency Determination (CD) 26-004, for the acquisition of the Corbett property for open space and conservation purposes, consistent with the General Plan.

Staff Report

Attachments:

1. Property Map
2. Conservation Values Study
3. Parcel Attributes
4. CEQA Resolution
5. Project Resolution

6.2 Consideration of General Plan Consistency Determination (CD) 26-003 for the acquisition and disposition of real property for open space conservation and non-motorized recreation purposes.

Recommendation:

Staff recommend the Planning Commission adopt resolutions:

1. Finding the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15313, acquisition of land for conservation purposes and CEQA Guidelines Section 15301, existing facilities and Direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk and State Clearinghouse in accordance with the provisions of CEQA;
2. Approving Consistency Determination (CD) 26-003, finding the City's acquisition (and ultimate disposition to Livermore Area Park and Recreation District) of the Property for open space, non-motorized recreation, and conservation is consistent with Livermore General Plan 2045.

Staff Report

Attachments:

1. Wente Park Location Map
2. Wente Conservation Values Assessment
3. Wente Project Resolution
4. Wente CEQA Resolution

7. MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

8. SUPPLEMENTAL MATERIALS

8.1 Supplemental materials received prior to the meeting.

Staff Report

Attachments:

1. Supplemental Materials

9. ADJOURNMENT

To a regular Planning Commission meeting on Tuesday, November 17, 2026 at 7:00 pm, Civic Center Meeting Hall, City Council Chamber, 1016 S. Livermore Avenue.

10. HOW TO PARTICIPATE IN THE MEETING

You can participate in the meeting in a number of ways:

Open Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of 3 minutes per person. To address the Planning Commission you must submit a speaker card to the Planning Commission Liaison prior to the start of that item. Please note that the Planning Commission is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the Planning Commission l may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by a presentation by the applicant, and then questions from the Planning Commission. The Chair will then open the hearing to the public and offer an opportunity for public comments. Speakers are limited to a maximum of 3 minutes per person. To address the Planning Commission, you must submit a speaker card to the Planning Commission Liaison prior to the start of the presentation of the item.

Other Agenda Items are also open for public input including Consent Calendar or Matters for Consideration items. These comments are also subject to the 3-minute limit.

Special Meetings, Workshops - The public will have the opportunity to address the Planning Commission regarding the item that is the subject of the special meeting or workshop. Public comments are limited to a maximum of 3 minutes per person.

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the Planning Commission Liaison (planning@LivermoreCA.gov). Items received no later than 12:00 pm on the day of the meeting will be provided to the Commission and available on the City website prior to the meeting. These items will NOT be read into the record.

eComments may be submitted by the public using the eComment link here. Comments may be up to 1000 characters in length and will be accepted up until 6:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by the the Commission and the public upon submittal.

Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the Planning Commission Liaison prior to the start of the item.

Please note that the Planning Commission is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the Planning Commission may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

If you would like to deliver written materials to the Commission as part of your public comments, please provide 8 copies of to the Planning Commission Liaison with your speaker card.

The **Planning Commission Agenda and Agenda Reports** are prepared by City staff and are available for public review on Friday evening, three days prior to the Planning Commission meeting at 1016 South Livermore Avenue, Livermore. The Agenda is also available on the City's website, http://livermoreca.gov/agenda.

Under Government Code §54957.5, any supplemental material distributed to the members of the Planning Commission after the posting of this agenda will be available for public review at City Hall, 1052 South Livermore Avenue, Livermore, and included in the agenda packet available on the City's web site at http://livermoreca.gov/agenda.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CONTACT THE ADA COORDINATOR AT ADACOORDINATOR@LIVERMORECA.GOV OR CALL (925) 960-4170 (VOICE) OR (925) 960-4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 3.1**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Approval of the September 15, 2026, Planning Commission Draft Meeting Minutes.

RECOMMENDED ACTION

Staff recommends the Planning Commission approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. 09-15-2026 Draft Meeting Minutes

Prepared by: Michele Donley
Division Clerk

DRAFT MINUTES

LIVERMORE
CALIFORNIA

PLANNING COMMISSION
SEPTEMBER 15, 2026

REGULAR MEETING

1. CALL TO ORDER – The regular meeting of the Planning Commission was called to order by Chairperson Tracy Kronzak at 7:00 pm, held in person at 1016 S. Livermore Avenue.

ROLL CALL – Present: Chairperson Tracy Kronzak, Vice Chairperson Charity Steele, Commissioner Jacob Anderson, Commissioner Yolanda Fintschenko.

ABSENT - Commissioner Nadine Horner

PLEDGE OF ALLEGIANCE

Chairperson Tracy Kronzak led the Pledge of Allegiance.

2. OPEN FORUM

Chairperson Kronzak opened the public comment period.

There were no speakers, and the public comment period was closed.

3. CONSENT CALENDAR

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY VICE CHAIRPERSON STEELE, AND CARRIED ON A 3-0 VOTE, WITH COMMISSIONER FINTSCHENKO ABSTAINING AND COMMISSIONER HORNER ABSENT, THE PLANNING COMMISSION APPROVED THE CONSENT CALENDAR ITEM 3.1:

3.1 Approval of the August 18, 2026, Planning Commission Draft Meeting Minutes.

Chairperson Kronzak opened the public comment period.

There were no speakers, and the public comment period was closed.

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY VICE CHAIRPERSON STEELE, AND CARRIED ON A 4-0 VOTE, WITH COMMISSIONER HORNER ABSENT, THE PLANNING COMMISSION

APPROVED THE CONSENT CALENDAR ITEM 3.2:

3.2 Approval of the September 1, 2026, Planning Commission Draft Meeting Minutes.

Chairperson Kronzak opened the public comment period.

There were no speakers, and the public comment period was closed.

4. PROJECT REVIEW - NONE

5. PUBLIC HEARINGS

5.1 Hearing to consider a request for a Conditional Use Permit Modification and Site Plan Design Review Modification for a California Water Service (Cal Water) new drinking water well and associated improvements for a treatment facility. The project will include site grading, generator relocation, site piping and a reinforced concrete retaining wall in order to accommodate the proposed facility.

Recommendation:
Staff recommends the Planning Commission adopt resolutions:

1. Finding that the project is categorically exempt from the provisions of CEQA under CEQA Guidelines Section 15301, Existing Facilities.
2. Approving Conditional Use Permit Modification (CUPM) 26-001, and Site Plan Design Review Modification (SPDRM) 25-012.
3. Directing the Planning Manager to file a Notice of Exemption in accordance with the provisions of the California Environmental Quality Act, subject to project approval.

Emily LaDue, Assistant Planner, presented the staff report.

Chairperson Kronzak opened the public comment period.

There were no speakers, and the public comment period was closed.

In response to Commissioner Fintschenko, Assistant Planner LaDue clarified that the existing path was not included in the project and that 25-foot setbacks did not apply.

Vice Chair Steele indicated clarifying questions had been answered via email.

In response to Chairperson Kronzak, Assistant Planner LaDue explained the conditions related to water discharge and post entitlement steps.

Planning Manager Riley noted that the Planning Commission was considering the conditions provided in the supplemental packet.

ON THE MOTION OF COMMISSIONER FINTSCHENKO, SECONDED BY COMMISSIONER ANDERSON AND CARRIED ON A 4-0 VOTE, WITH COMMISSIONER HORNER ABSENT, THE PLANNING COMMISSION ADOPTED THE FOLLOWING RESOLUTIONS:

Resolution 24-26 Finding that the Cal Water Station 23 Project is exempt from the provisions of the California Environmental Quality Act.

Resolution 25-26 Approving Conditional Use Permit Modification (CUPM) 26-001 and Site Plan Design Review Modification (SPDRM) 25-012 For the Cal Water Station 23 Project at 1043 Geneva Street.

6. MATTERS FOR CONSIDERATION - NONE

7. MATTERS INITIATED BY PLANNING COMMISSION STAFF

7.1 Planning Staff request for direction on Matters Initiated by the Planning Commission

Recommendation:
Staff recommends the Planning Commission discuss and give direction to staff regarding Matters Initiated MIP26-004: Changes to the Accessory Structures Standard. For context, please review the attached letter and analysis from Livermore resident, Michael Atkinson, who submitted his request at the September 1, 2026, Planning Commission meeting.

Planning Manager Riley presented the staff report.

Chairperson Kronzak confirmed that consideration was appropriate due to the recent General Plan approval, and that Council was the final deciding body on Development Code updates.

Commissioner Anderson summarized parcel sizes; suggested staff discretion on parcels between 10,000 and 15,000, and the need for clarification on accessory structures; explained that 640 square feet was equal to a three-car garage; and suggested consideration of consistency with detached and attached garages.

In response to Commissioner Fintschenko, Planning Manager Riley confirmed the $6,500 CUP fee and explained the purpose of the fee. Commissioner Fintschenko suggested consideration in the next Development Code update; and importance for simplification and consistency.

In response to Vice Chair Steele, Planning Manager Riley confirmed the need to review the accessory structure section and discussed proposed timing. Vice Chair Steele indicated it would be appropriate to evaluate.

Chairperson Kronzak concurred with direction to staff to consider accessory

structures as part of the overall Development Code revisions.

Michael Atkinson addressed the Commission and suggested proposed revisions.

Planning Manager Riley announced that the October 6, 2026, Planning Commission meeting would be cancelled.

8. ADJOURNMENT – at 7:41 pm to a Regular Planning Commission Meeting on Tuesday, October 6, 2026, at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 5.1**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: **THIS ITEM HAS BEEN CONTINUED FROM THE NOVEMBER 3, 2026 PLANNING COMMISSION MEETING TO THE NOVEMBER 17, 2026 PLANNING COMMISSION MEETING.**

Hearing to adopt a resolution approving a Conditional Use Permit Modification to allow an approximately 3,000 2,998 square-foot drive-through carwash facility with 12 vacuum stations at an existing gas station and food store property. The project proposes landscaping and the carwash exit driveway on City-owned land, subject to a related request for a 30-year lease of adjoining city property will that would be reviewed by the City Council.

RECOMMENDED ACTION

SUMMARY

DISCUSSION

ATTACHMENTS

Prepared by: Ben Murray
Principal Planner

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 5.2**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: **THIS ITEM HAS BEEN CONTINUED FROM THE NOVEMBER 3, 2026 PLANNING COMMISSION MEETING TO THE DECEMBER 15, 2026 PLANNING COMMISSION MEETING.**

Hearing to consider Development Code Amendment (DCA) 26-001 to amend the standards for temporary signs in the public right-of-way.

RECOMMENDED ACTION

SUMMARY

DISCUSSION

ATTACHMENTS

Prepared by: Jesse Garcia
Assistant Planner

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 5.3**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Hearing to adopt a resolution recommending approval of conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC) to ensure consistency with and implement the adopted 2045 General Plan and its policy direction. The amendments provide updates to the Code as necessary to maintain consistency with General Plan land use designations, policies, and implementation actions, including revisions to applicable zoning districts, permitting procedures, and definitions.

RECOMMENDED ACTION

Staff recommend the Planning Commission adopt two separate resolutions recommending the City Council:

1. Find that the conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC) are consistent with and implement the adopted 2045 General Plan and its policy direction, and are within the scope of the General Plan 2045 Environmental Impact Report pursuant to CEQA Guidelines Section 15162 and exempt from CEQA in accordance with Guidelines Section 15061(b)(3);
2. Adopt an ordinance approving Municipal Code Amendment (MUNI) 26-002, conforming amendments to the Livermore Municipal Code (LMC), and Development Code Amendment (DCA) 26-002, conforming amendments to the Livermore Development Code (LDC), to update the City's zoning districts, development standards, permitting processes, and definitions.

These actions are consistent with and implement the goals, policies, and actions of the Livermore General Plan 2045.

SUMMARY

In July 2026, the City Council adopted General Plan 2045, establishing the City's policy framework to guide decision making for land use, economic development, placemaking, open space and conservation, and other community priorities over the next 20 years. The General Plan serves as the City's primary policy document and is implemented through regulatory documents, including the Livermore Municipal Code and Development Code. Staff is proposing amendments to the Livermore Municipal and

Development Codes to align zoning districts, development standards, permitting processes, and definitions with General Plan 2045 and to establish the regulatory framework necessary to implement its goals and policies. Staff recommend the Planning Commission recommend the City Council amend the Livermore Municipal and Development Codes to update the City's zoning districts, development standards, permitting processes, and definitions to conform with and implement of the General Plan.

DISCUSSION

Project Description

The proposed amendments (Attachment 4 - Exhibit A) update the Livermore Municipal and Development Codes to implement the land use vision and policy direction established by General Plan 2045. State law requires the City's zoning regulations to be consistent with the General Plan. Therefore, the proposed amendments are intended to ensure that the City's regulatory framework reflects the land use designations, policies, and actions established by the newly adopted General Plan 2045.

The amendments would update zoning districts, development standards, permitting and review processes, and definitions to support the implementation of the General Plan. Collectively, the amendments are intended to provide a clear and consistent regulatory setting for development while advancing the City's broader goals. The amendments support the General Plan's vision for compact, infill development, mixed-use areas, and complete neighborhoods and employment districts. The amendments promote economic development by providing greater flexibility for businesses by streamlining development processes and supporting workforce-serving uses. Additionally, the amendments reinforce the City's commitment to open space conservation, agricultural sustainability, and agritourism, recognizing the role of open space in providing recreation, protecting habitat and watersheds, and supporting climate adaptation.

Livermore Municipal Code

The Livermore Municipal Code contains the City's local laws and regulations governing matters such as public health and safety, property, businesses, fees, and municipal finances. It provides rules and standards that help the City regulate activities and enforce local requirements, while the Development Code more specifically addresses land use, zoning, and development. Chapter 3.27 Revenues and Fees establishes the Transferable Development Credits (TDC) in-lieu fee.

The proposed Municipal Code amendment would expand the permitted use of the TDC in-lieu fee revenue beyond North Livermore to support the acquisition of agricultural land and other valuable open space in South Livermore and other areas adjacent to Livermore. This amendment would provide greater flexibility to use fee revenue to advance the City's broader agricultural and open space preservation goals consistent with the General Plan and the North Livermore Urban Growth Boundary Initiative.

The North Livermore Urban Growth Boundary Initiative, adopted in 2002, established the North Livermore Urban Growth Boundary and required the creation of a TDC Program. The Initiative was intended to protect agricultural land and other valuable open space in North Livermore and other areas adjacent to Livermore from excessive and irremediably harmful development. The Initiative was subsequently incorporated into the City's General Plan and is further implemented through the Municipal and Development Codes.

General Plan 2045 includes an array of policy direction to support the preservation of open space, agricultural resources and a viable agricultural economy. The proposed amendment is consistent with General Plan Policy LU-12.12 Development Offset for Agricultural Investment, which emphasizes resources generated from urban development within the urban growth boundary be used to support the long-term viability of South Livermore's agricultural economy, including through land acquisition and conservation easements. Expanding the eligible use of TDC in-lieu fee revenue would provide an additional resource to implement this policy and support the preservation of agricultural land and open space in South Livermore.

Currently, Chapter 3.27 of the Municipal Code limits the use of TDC funds to the acquisition of TDCs in North Livermore and costs associated with administering the TDC Program. The City has used approximately $3.5 million in TDC in-lieu fee revenue to contribute toward the acquisition of approximately 300 acres of agricultural and open space land in North Livermore. The proposed amendment would expand eligible expenditures to include preservation opportunities in South Livermore and other areas adjacent to Livermore, better aligning the use of these funds with the broader objectives of the Initiative and General Plan 2045.

Livermore Development Code

To ensure consistency with the General Plan, staff recommend a series of conforming amendments to the Livermore Development Code. These amendments are intended to align the City's zoning districts, permitted uses, and development standards with the General Plan's land use designations and further implement policy direction. Also, these amendments directly implement General Plan actions and require updates to the Development Code to expand housing options, support commercial revitalizations, broaden permitted commercial uses, provide workforce amenities and support business attraction, and facilitate employment generating uses at the Airport.

Conventional Zoning Districts

Chapter 3 of the Livermore Development Code establishes the City's conventional zoning districts. Each zoning district corresponds to a General Plan land use designation and includes a purpose statement that connects the district to the General Plan's vision for the applicable land use designation.

The proposed amendments would update the purpose statements for each zoning district to more directly reflect the General Plan's vision and policy direction. The amendments would also clarify permitted and conditionally permitted uses and update development standards to support the intended form and function of each district.

The proposed changes include the following:

- Residential. Expand flexibility for "missing middle" housing types that provide a greater range of housing options while remaining compatible with the established urban form and character of existing single-family neighborhoods. This amendment implements General Plan Action LU-A-4.1, which calls for Development Code standards and incentives to allow a broader range of small-scale, multi-unit housing types in appropriate residential zones.

- Commercial. Expand the range and flexibility of permitted commercial uses to support the continued vitality and adaptability of existing commercial areas and respond to changing market

conditions. These amendments support Action LU-A-5.1, which calls for a broader range of commercial uses and services, and Action LU-A-4.2, which promotes commercial revitalization and continued investment in neighborhood commercial districts.

- Industrial. Add certain commercial uses as permitted uses to provide workforce-serving amenities within employment areas and support the City's ability to attract and retain businesses and talent. Additional flexibility in industrial districts would allow these areas to adapt to changing market conditions and other external factors while maintaining their intended employment-focused character. These amendments support General Plan Policy LU-4.4, which promotes a range of commercial and industrial uses to strengthen the local economy, and Policy ED-3.1, which supports the attraction and expansion of innovation-oriented businesses.

- Community Facilities - Airport. Leverages the Airport as a City asset to achieve Economic Development objectives by allowing certain manufacturing and similar industrial uses by right, subject to applicable Federal Aviation Administration (FAA) regulations and other requirements governing development and operations within the airport area. These amendments implement General Plan Action ED-A-3.4, which calls for updates to airport-related zoning to accommodate advanced manufacturing, innovation-oriented businesses, and other employment-generating uses.

These amendments are accomplished primarily through the addition of new permitted uses and through revisions to how existing uses are categorized and regulated. In particular, the amendments adjust and clarify which uses are permitted by right, conditionally permitted, or eligible for administrative approval at the staff level. Collectively, these changes are intended to provide greater flexibility and predictability in development review while maintaining appropriate standards and review processes consistent with the General Plan.

Development Standards

Chapter 4 of the Livermore Development Code establishes development standards and regulations, including residential density calculations, special height standards, and the Transferable Development Credit (TDC) Program. The proposed Development Code amendment would update the TDC Program, expanding it to apply to South Livermore and other areas adjacent to Livermore, consistent with the City's Urban Growth Boundary Initiatives and General Plan 2045 policies for agricultural and open space preservation.

The TDC Program is one tool the City uses to support agricultural and open space preservation while facilitating infill development consistent with the Urban Growth Boundary. The proposed amendment implements General Plan 2045 Action LU-A-2.1, which directs the City to amend the Municipal and Development Codes to update the TDC Program to expand opportunities for open space conservation, vineyard protection, continued agricultural sustainability, and prevention of sprawl consistent with the Urban Growth Boundary. Updating the Development Code would provide the regulatory framework necessary to implement the proposed expansion of eligible areas and ensure that the TDC Program can support the conservation of agricultural land, vineyards, and other valuable open space consistent with General Plan 2045.

The proposed Development Code amendment works together with the Municipal Code amendment. The Municipal Code amendment expands the areas in which TDC in-lieu fee revenue may be used, while the

Development Code amendment updates the TDC Program regulations to make the program applicable to South Livermore and other areas adjacent to Livermore. Together, the revised Program would provide the City with greater flexibility to use as a tool for agricultural and open space conservation while remaining consistent with the purposes of the Urban Growth Boundary Initiatives and General Plan 2045.

Permit Review and Application Procedures

Chapter 9 includes recommended amendments to the City's permit review and application procedures to implement General Plan land use, economic development, and health-related policies. The amendments would clarify application requirements, streamline permit processing, provide greater flexibility for businesses and workforce-serving amenities. The proposed amendments include:

- Application Processing Procedures. Amendments add procedures to implement General Plan Policy OS-6.2 related to Health Risk Assessments. Health Risk Assessments evaluate potential health risks associated with a proposed development, including exposure to air pollutants, to help ensure land uses are compatible with surrounding uses and protect public health. This language was originally included in the Draft General Plan 2045; consistent with Council direction, staff recommends relocating the detailed requirements to the Development Code so they are established through a regulatory process.

- Conditional Use Permits and Zoning Use Permits. Under the Livermore Development Code, both a Conditional Use Permit (CUP) and a Zoning Use Permit (ZUP) allow the City to review a proposed use for consistency with applicable zoning and land use regulations and ensure compatibility with surrounding uses.

  Generally, a CUP applies to uses that may have greater potential impacts or compatibility considerations and requires Planning Commission approval. A ZUP is an administrative permit issued by the Director to confirm that a use complies with zoning district requirements when the use is not considered principally permitted. The amendments update the CUP/ZUP review process to provide consistency with the proposed "Other" use category in the nonresidential conventional zoning districts.

  The amendments would clarify which uses require a discretionary permit and provide greater flexibility for businesses and workforce-serving amenities. These minor updates would provide greater predictability in permit review and flexibility for businesses and workforce-serving amenities, supporting General Plan Policy LU-4.4, which promotes a range of commercial and industrial uses to strengthen Livermore's local economy, and Policy ED-3.1, which supports the attraction and expansion of innovation-oriented businesses.

- Time Extensions. Amendments update the time-extension provisions to streamline permit processing and align the Development Code with current staff practice in support of General Plan policy LU-4.4 to provide flexibility and allow for adjustments in the market.

Overall, the proposed amendments are intended to provide clearer and more efficient permit procedures while maintaining appropriate levels of review and ensuring consistency with the General Plan and proposed zoning amendments.

Definitions

Part 12 of the Livermore Development Code includes recommended new and revised definitions to improve clarity and ensure consistency with the proposed zoning amendments.

- Advanced Manufacturing. Add a new definition referencing the definition established in the California Public Resources Code to provide clarity and consistency in the regulation of advanced manufacturing uses.

- Commercial Amusement Facility. Expand the existing definition and establish three facility levels to provide opportunities for smaller-scale commercial amusement uses to locate in commercial zoning districts as a permitted use while distinguishing the permit process for facilities based on their scale and intensity.

- Other Definitions. Revise existing definitions related to Airport Uses and Industrial land uses as needed to improve clarity and maintain consistency with the proposed General Plan and Development Code amendments.

Planned Development – Industrial 22-001 (SMP 39)

In 2024, the City annexed the site known as SMP 39, located south of Jack London Boulevard and west of Oaks Business Park. The site is zoned PD-I-22-001, which facilitates a campus-like environment for modern professional and administrative facilities, research institutions, manufacturing operations, experimental and testing laboratories, and related high-end, employment-generating industrial uses.

The PD zone restricts certain uses to maintain the district's intended purpose; however, these restrictions may have contributed to the lack of development at the site. The proposed amendments would reduce barriers to industrial development, improve project feasibility and financing, and provide flexibility to respond to market conditions. Specifically, the amendments would remove the 20-percent limitation on warehouse and distribution uses and allow advanced manufacturing as a permitted use, while continuing to support the City's goal of attracting quality employment opportunities.

The proposed PD-I 22-001 amendments include the following:

- Advanced Manufacturing. Added as a permitted use to support the attraction and expansion of innovation-oriented businesses and employment opportunities consistent with Policy ED-3.1, which supports innovation-sector growth.

- Warehouse and Distribution. Permitting these types of industrial facilities and removing the existing 20-percent limitation on warehouse and distribution uses to improve development flexibility, support project financing, and allow projects to respond to market demand. This adjustment is consistent with Policy ED-5.3, which encourages flexible zoning strategies responsive to evolving market conditions.

- Additional Uses Similar to SMP 40. Revise to allow uses currently permitted under SMP 40, providing greater flexibility to accommodate compatible businesses and respond to evolving economic needs. This amendment supports General Plan Policies ED-5.1 and ED-5.3 by maintaining capacity for commercial and industrial growth and accommodating emerging and innovative industries that promote economic vitality and employment opportunities.

Collectively, the amendments are intended to reduce regulatory barriers, improve development feasibility, and support the City's long-term land use and economic development objectives consistent with Policy ED-4.4, which promotes alignment between land use regulations and economic development goals.

ENVIRONMENTAL REVIEW

The proposed Livermore Municipal Code and Development Code amendments implement the land use designations and policies of General Plan 2045. As described in Section 2.6.2 of the certified General Plan 2045 Environmental Impact Report (EIR), amendments to the Municipal and Development Codes were contemplated as part of the General Plan update and were identified as components of the proposed project. The proposed amendments are consistent with the regulatory framework and development assumptions evaluated in the certified EIR. The amendments would not result in substantial project changes, changed circumstances, or new information requiring subsequent environmental review under CEQA Guidelines Section 15162.

Specifically, the amendments to PD-I22-001 are consistent with the Addendum to the SMP 39/SMP 40 EIR, as approved by the City Council in July 2024. The amendments would not result in substantial changes to the project, changes in circumstances, or new information of substantial importance that would require subsequent environmental review pursuant to CEQA Guidelines Section 15162.

Further, the amendments qualify for the common sense exemption under CEQA Guidelines Section 15061(b)(3) because there is no possibility that its approval will cause a significant effect on the environment.

Therefore, Staff recommends that the Planning Commission recommend that the City Council find that no subsequent environmental review is required pursuant to Section 15162 and rely on the certified General Plan 2045 EIR, Addendum to SMP39/40 EIR, and CEQA exemption 15061(b)(3).

ATTACHMENTS

1. Resolution - CEQA
2. Resolution - CEQA - SMP 39
3. Resolution - Project
4. Exhibit A

Prepared by: Emily LaDue
Assistant Planner

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THE CITY COUNCIL FIND THAT CONFORMING AMENDMENTS TO THE LIVERMORE MUNICIPAL CODE (LMC) AND LIVERMORE DEVELOPMENT CODE (LDC), TO ENSURE CONSISTENCY WITH AND IMPLEMENT THE ADOPTED 2045 GENERAL PLAN AND ITS POLICY DIRECTION, ARE WITHIN THE SCOPE OF THE GENERAL PLAN 2045 ENVIRONMENTAL IMPACT REPORT PURSUANT TO CEQA GUIDELINES SECTION 15162 AND EXEMPT UNDER CEQA GUIDELINES SECTION 15061(b)(3)

Livermore General Plan 2045 establishes a long-term vision, goals, policies, implementation actions and land use designations to guide future decision making related to growth, development, and resource conservation through horizon year 2045. The General Plan addresses State required elements as well as locally important topics, including land use, housing, mobility, infrastructure, economic development, climate resilience, healthy communities, open space protection, and Downtown and South Livermore vitality.

State law requires that a city's Zoning Map be consistent with the General Plan, and that zoning districts be amended as necessary to maintain consistency with the General Plan Land Use Map.

The City initiated an application to amend the LMC and LDC to implement the Livermore General Plan 2045 and maintain consistency between the City's LMC and LDC and General Plan land use designations and policies (“Amendments”).

The environmental effects of the Amendments have been evaluated in the Livermore General Plan 2045 Environmental Impact Report, prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Livermore City Council on July 27, 2026.

On November 3, 2026, the Planning Commission held a duly noticed public hearing to consider the Amendments and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Amendments, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Amendments, took testimony, and received into the record all pertinent documents related to the Amendments (collectively, the “Record Evidence”). The Planning Commission’s determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Livermore, that based on its independent review of the Record Evidence and considerations, it hereby recommends that the City Council finds that the Amendments are exempt from CEQA pursuant to CEQA Guidelines Sections 15162 and 15061(b)(3). The Planning Commission makes the following findings:

1. Section 15162(a): 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 or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    Response: The certified General Plan 2045 EIR contemplated conforming amendments to the Municipal and Development Codes as part of the General Plan update to maintain consistency with the General Plan, including updates to permitted uses, development standards, definitions, and procedures, and states that the proposed amendments are covered by the EIR. The General Plan 2045 EIR also evaluates anticipated development through 2045 under the General Plan and identifies subsequent Development Code amendments as contemplated implementing actions.

    The proposed Amendments carry out this contemplated implementation by aligning the City's regulatory framework with the land use designations, policies, and implementation actions of the adopted General Plan 2045. They implement the General Plan through conforming regulatory updates rather than a separate land use plan or development proposal. Considered in the context of the scope and intended implementation of the General Plan 2045 EIR, the Amendments do not constitute substantial changes requiring major revisions to the EIR due to 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 or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

    Response: The Amendments implement the adopted General Plan 2045 through conforming updates to the City's regulatory framework. No changes in the circumstances relevant to implementation of the Amendments have been identified that would require major revisions to the General Plan 2045 EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

    (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Response: No new significant effects have been identified, no previously analyzed impacts have become substantially more severe, and no previously infeasible mitigation measures or alternatives have become feasible but unadopted. Additionally, no new feasible mitigation measures or alternatives have been identified that would substantially reduce significant effects.

Because none of the conditions described in CEQA Guidelines Section 15162(a) above have occurred, the General Plan 2045 EIR is adequate, and no further environmental analysis is required.

3. Section 15061(b)(3): The Project qualifies for the common-sense exemption under CEQA Guidelines Section 15061(b)(3), which applies where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

   Response: The proposed Amendments do not authorize any physical development, construction activity, or site disturbance; rather, it provides updates to the Municipal and Development Code as necessary to maintain consistency with General Plan land use designations, policies, and implementation actions, including revisions to applicable zoning districts, permitting procedures, and definitions. The Amendments do not independently adopt a new land use plan but revise the regulatory framework for implementing the adopted General Plan and therefore cannot result in any environmental impacts beyond those already analyzed in that Program EIR. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Amendments ensures that no physical change to the environment will occur as a result of its approval.

   Accordingly, the Project qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3) because there is no possibility that its approval

will cause a significant effect on the environment.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council direct the Planning Manager to file a Notice of Determinationwith the Alameda County Clerk and State Clearinghouse if the Amendments are approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

By Stephen Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THE CITY COUNCIL FIND THAT CONFORMING AMENDMENTS TO PLANNED DEVELOPMENT – INDUSTRIAL (PD-I) 22-001, TO ENSURE CONSISTENCY WITH AND IMPLEMENT THE ADOPTED 2045 GENERAL PLAN AND ITS POLICY DIRECTION, ARE WITHIN THE SCOPE OF THE 2024 SMP 39 & 40 ENVIRONMENTAL IMPACT REPORT AND THE 2025 ADDENDUM AND DO NOT REQUIRE A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT PURSUANT TO CEQA GUIDELINES SECTION 15162

Livermore General Plan 2045 establishes a long-term vision, goals, policies, implementation actions and land use designations to guide future decision making related to growth, development, and resource conservation through horizon year 2045. The General Plan addresses State required elements as well as locally important topics, including land use, housing, mobility, infrastructure, economic development, climate resilience, healthy communities, open space protection, and Downtown and South Livermore vitality.

State law requires that a city's Zoning Map be consistent with the General Plan, and that zoning districts be amended as necessary to maintain consistency with the General Plan Land Use Map.

The City initiated an application to amend Planned Development – Industrial (PD-I) 22-001 to implement the Livermore General Plan 2045 and maintain consistency between the Livermore Municipal Code (LMC), the Livermore Development Code (LDC), and General Plan land use designations and policies (“Amendments”).

The environmental effects of the Amendments have been evaluated in the 2024 SMP 39 & 40 Environmental Impact Report (2024 EIR) and the 2025 Addendum prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Livermore City Council on March 25, 2024 (Resolution 2024-043), and September 8, 2025 (Resolution 2025-154), respectively.

On November 3, 2026, the Planning Commission held a duly noticed public hearing to consider the Amendments and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Amendments, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Amendments, took testimony, and received into the record all pertinent documents related to the Amendments (collectively, the “Record Evidence”). The Planning Commission’s determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Livermore, that based on its independent review of the Record Evidence and considerations, it hereby recommends that the City Council finds that the Amendments do not require preparation of a

subsequent EIR pursuant to CEQA Guidelines Section 15162 because none of the conditions requiring subsequent environmental review are present. The Planning Commission makes the following findings:

1. Section 15162(a): 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 or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    Response: The certified 2025 Addendum contemplated amendments to PD-I 22-001 related to conditionally allowed uses, including the removal of the 20% cap on warehouse and distribution facilities, and evaluated the impacts if the entirety of the SMP 39 site were to develop with these uses. The Amendments include revising permitted uses on the SMP 39 site to allow advanced manufacturing as a permitted use and allow uses currently permitted under SMP 40 (i.e., remove the 20-percent limitation on warehouse and distribution uses). These uses would be most closely represented by the ITE Land Use Code "High-Cube Fulfillment Center Warehouse," would have a lower trip generation rate, including associated with heavy-duty trucks, than that of the Industrial Park ITE Land Use Code, the original use code used in the analysis of the 2024 EIR. The overall trip generation associated with buildout of the SMP 39 site would be reduced as compared to what is anticipated in the 2024 EIR and is the basis for the 2025 Addendum's analysis on Air Quality, Emissions, and Noise. In addition, consistent with the 2024 EIR, the proposed project would be subject to all applicable federal, State, and local policies, regulations, and standards, as well as applicable mitigation measures established in the 2024 EIR. Therefore, the Amendments would not change any of the conclusions of the 2024 EIR. Considered in the context of the scope and intended implementation of the 2025 Addendum, the Amendments do not constitute substantial changes requiring major revisions to the EIR due to 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 or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

    Response: The Amendments are consistent with the impacts that were evaluated in the 2025 Addendum. No changes in the circumstances relevant to implementation of the Amendments have been identified that would require major revisions to the 2024 EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Response: No new significant effects have been identified, no previously analyzed impacts have become substantially more severe, and no previously infeasible mitigation measures or alternatives have become feasible but unadopted. Additionally, no new feasible mitigation measures or alternatives have been identified that would substantially reduce significant effects.

Because none of the conditions described in CEQA Guidelines Section 15162(a) above have occurred, no subsequent EIR is required for approval of the Amendments. The 2024 EIR and 2025 Addendum adequately address the environmental effects of this action and all previously adopted mitigation measures and monitoring requirements remain in effect.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council direct the Planning Manager to file a Notice of Determination with the Alameda County Clerk and State Clearinghouse if the Amendments are approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

By Stephen Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING MUNICIPAL CODE AMENDMENT (MUNI) 26-002, CONFORMING AMENDMENTS TO THE LIVERMORE MUNICIPAL CODE (LMC), AND DEVELOPMENT CODE AMENDMENT (DCA) 26-002, CONFORMING AMENDMENTS TO THE LIVERMORE DEVELOPMENT CODE (LDC), TO ENSURE CONSISTENCY WITH AND IMPLEMENT THE ADOPTED 2045 GENERAL PLAN AND ITS POLICY DIRECTION

Livermore General Plan 2045 establishes a long-term vision, goals, policies, implementation actions and land use designations to guide future decision making related to growth, development, and resource conservation through horizon year 2045. The General Plan addresses State required elements as well as locally important topics, including land use, housing, mobility, infrastructure, economic development, climate resilience, healthy communities, open space protection, and Downtown and South Livermore vitality.

State law requires that a city's Zoning Map be consistent with the General Plan, and that zoning districts be amended as necessary to maintain consistency with the General Plan Land Use Map.

The City initiated an application to amend the LMC and LDC to implement the Livermore General Plan 2045 and maintain consistency between the City's LMC and LDC and General Plan land use designations and policies (“Amendments”).

The environmental effects of the Amendments have been evaluated in the Livermore General Plan 2045 Environmental Impact Report, the 2024 SMP 39 & 40 Environmental Impact Report, and the 2025 Addendum to the SMP 39 & 40 EIR, prepared in accordance with the California Environmental Quality Act (CEQA).

On November 3, 2026, the Planning Commission held a duly noticed public hearing to consider the Amendments and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Amendments, and at a properly noticed public hearing, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Amendments and took testimony, and received into the record all pertinent documents related to the Amendments (collectively, the “Record Evidence”). The Planning Commission’s determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, with respect to the LMC and LDC Amendments, attached hereto as Exhibit A, the Planning Commission of the City of Livermore finds based on the information presented:

1. Findings required for all Municipal and Development Code Amendments.
    a. The proposed amendment is consistent with the General Plan and any

applicable Specific Plan; and

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City

Response: The Amendments implement the Livermore General Plan 2045 by aligning the LMC and LDC with the General Plan Land Use Map designations and associated policies. The proposed amendments provide updates to the Code as necessary to maintain consistency with General Plan land use designations, General Plan policies, and implementation actions, including revisions to applicable zoning districts, permitting procedures, and definitions. The Amendments support orderly development in accordance with adopted citywide policies and applicable State law by directly implementing General Plan actions, which require updates to the Code to expand housing options (General Plan Action LU-A-4.1), support commercial revitalizations (General Plan Action LU-A-4.2), broaden permitted commercial uses (General Plan Action LU-A-5.1), provide workforce amenities and support business attraction (General Plan Policy LU-4.4), and facilitate employment generating uses at the Airport (General Plan Action ED-A-3.4). The Amendments do not introduce new or incompatible zoning designations and instead reaffirm the City's adopted land use framework. For these reasons, the Amendments are consistent with the General Plan and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as it maintains a coherent and implementable regulatory structure for future development.

2. Additional finding for Development Code Amendments. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

Response: The Amendments are internally consistent with all other applicable provisions of the Livermore Development Code. The amendments align zoning district purpose statements, permitted uses, development standards, and permit review procedures with the policy direction of the 2045 General Plan while maintaining consistency with existing regulatory frameworks. No conflicts or inconsistencies have been identified between the Amendments and the other provisions of the Development Code. Therefore, the Amendments are internally consistent with the Development Code as a whole.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the Record Evidence and adopted a resolution recommending the City Council find the Amendments are within the scope of the General Plan 2045 Environmental Impact Report pursuant to CEQA Guidelines Section 15162 and exempt from CEQA in accordance with Guidelines Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based on the Planning Commission's own independent review of the Record Evidence and Considerations, the Planning Commission recommends the City Council adopt an ordinance approving Municipal Code Amendment (MUNI) 26-002, conforming

amendments to the Livermore Municipal Code (LMC), and Development Code Amendment (DCA) 26-002, conforming amendments to the Livermore Development Code (LDC), to ensure consistency with and implement the adopted 2045 General Plan and its policy direction.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____ , seconded by Commissioner _____, the foregoing Resolution was adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

Attachments:

Exhibit A – Amended Sections of the LMC and LDC

Livermore Municipal Code Amendments

LMC § 3.27 - TRANSFERABLE DEVELOPMENT CREDITS IN-LIEU FEE

CHAPTER 3.27
TRANSFERABLE DEVELOPMENT CREDITS IN-LIEU FEE

§ 3.27.010. Intent and purpose.

The purpose of this chapter is to implement the General Plan 2045, including the following Goal and Policy:

Goal LU-2 Establish a coherent and logical pattern of urban uses that protects and enhances open space and agricultural uses by providing a clear and permanent boundary for urban uses within the City's Planning Area. The provisions of the North Livermore Urban Growth Boundary Initiative, and as readopted by the South Livermore Urban Growth Boundary Initiative, shall be amended only by a vote of the people.

Policy LU-2.4 Transferable Development Credits Implement the Transferable Development Credits Program to facilitate development within the city. Baseline residential density shall equal the maximum density permitted prior to adoption of the 2026 General Plan (adopted July 27, 2026). Any subsequent amendments that introduce new residential land use designations or increase residential density shall be required to participate in the Transferable Development Credit Program.

~~policies adopted in the 2003 general plan and the North Livermore urban growth boundary initiative. It is the City's policy, expressed in these documents, that new residential development on TDC receiving areas as identified in the 2003—2025 general plan or any subsequent general plan amendments that allow for new residential land use designations or increases in residential density shall acquire TDCs or pay an in-lieu fee in order to construct any dwelling units beyond that which is permitted by the parcel's baseline density identified in the general plan. (Ord. 1785 § 1, 2006; Ord. 2065 § 1(A), 2018)~~

§ 3.27.020. Findings.

The City Council makes the following findings:

A. The City has a Transferable Development Credits Program to implement the North Livermore Urban Growth Boundary Initiative and the South Livermore Urban Growth Boundary Initiative. The purpose of the TDC Program is to protect agricultural land and other valuable open space of North Livermore, South Livermore, and other areas adjacent to Livermore from excessive and irremediably harmful development. ~~North Livermore urban growth boundary initiative establishes the transferable development credits program~~. The TDC program grants development credits to properties in North Livermore. The development credits may be acquired by properties located with the City boundary and urban growth boundary and designated as TDC receiving areas in the general plan, to exceed the designated baseline density.

B. Development credits shall be provided by either directly acquiring easements from properties in North Livermore or through the payment of the in-lieu fee equal to the number of credits necessary to exceed the baseline density.

C. The in-lieu fee will fund the acquisition of land in fee and/or easements for the permanent protection of agriculture and other open space lands in the North Livermore area, South Livermore area, and other areas adjacent to Livermore. Through agreement, the City may coordinate with a land trust on the use of the fee revenues consistent with the purpose of the fee.

(Ord. 1785 § 1, 2006; Ord. 2065 § 1(A), 2018)

§ 3.27.030. Definitions.

In this chapter:

"Baseline density" means the maximum density allowed in TDC receiving areas and TDC receiving zones when property owners choose not to use the TDC option. When property owners choose to use the TDC option, baseline density shall be calculated as the maximum density allowed under the range of densities in the baseline component of the TDC receiving area general plan designation.

"North Livermore" is the area bounded by the Livermore urban growth boundary, the city of Dublin sphere of influence boundary on June 30, 2002, the Alameda-Contra Costa Counties boundary, Vasco Road, and the north and east boundary of the Vasco-Laughlin specific plan area, east of Vasco Road, on June 11, 2001.

"South Livermore" is the area bounded on the north by the South Livermore Urban Growth Boundary as shown in Exhibit A to the South Livermore Urban Growth Boundary Initiative, east of Isabel Avenue, including the Planning Area depicted in Figure I-1 General Plan Planning Boundaries, in the 2045 General Plan, and south of the northern boundaries of Assessor's Designated Parcels 99A-1625-1-7 and 99A-1625-1-9.

"Transferable development credits (TDCs)" means the credits granted under the initiative that may only be used in compliance with the initiative and this chapter.

"TDC option" means the general plan designation and Livermore Development Code requirements that apply when owners of property in TDC receiving areas and TDC receiving zones apply to exceed baseline density in compliance with all requirements.

"TDC receiving area" means a general plan classification that allows baseline uses and densities when property owners choose not to use the TDC option but provides for higher than baseline density and alternative development regulations when property owners elect to use the TDC option.

"TDC receiving zone" means a zoning district that allows baseline uses and densities when property owners choose not to use the TDC option but provides for higher than baseline density and alternative development regulations when property owners elect to use the TDC option.

"TDC sending area" means the North Livermore area described in the initiative and the 2003 – 2025 general plan in which property owners can choose to record easements, create TDCs and transfer TDCs in compliance with this section.

(Ord. 1785 § 1, 2006; Ord. 1901 § 3 (Exh. A § 6), 2010)

§ 3.27.040. Applicability – Exemptions.

A. Applicability. This chapter applies to each residential development in the City located on a TDC receiving area that elects to exceed the baseline density identified in the 2003 general plan; provided, however, that the City Council may, through adoption of a specific plan and implemented consistently by development agreement, make modifications to the transferable development credits regulations to meet the specific plan's density, design policies, and goals that are not inconsistent with the transferable development credit program established in LDC 4.02.060.

B. Exemptions. This chapter does not apply to:

1. Residential development located within the boundaries of the downtown specific plan planning area, designated as downtown area on the general plan land use map, adopted by the City Council on February 9, 2004, as amended from time to time.

2. Housing units that are covered by an affordable housing agreement with the City including, but not limited to, housing units provided under state law as implemented through LDC 6.02.030, Density bonuses for affordable and senior housing, affordable units provided consistent with other general plan policies, or units provided consistent with the City's inclusionary housing requirements per LDC 10.06.050.

(Ord. 1785 § 1, 2006; Ord. 1901 § 3 (Exh. A § 7), 2010; Ord. 2065 § 1(A), 2018; Ord. 2151 § 7(A), 2023)

§ 3.27.050. Amount of fee.

A. Amount Set by Resolution. The amount of the TDC in-lieu fee shall be established by resolution of the City Council. Once the fee is established, it shall be reevaluated and revised, as appropriate, biannually.

B. Methodology. The City Council shall establish the amount of the in-lieu fee based on the following:

The initial fee shall be based on the following calculation:

Property valuation per TDC (Baseline)	+	Easement Preparatory Cost per TDC	+	Endowment for long-term management of easement per TDC	=	TDC In-Lieu Fee

1. The property valuation per TDC shall be determined through an analysis of recent property sales in North Livermore, or other comparable lands as appropriate, and the valuation of easement acquisitions, as available and appropriate.

2. The easement preparatory costs per TDC shall include costs associated with preparation of an easement, including, but not limited to, staff and administrative time and materials, appraisals, preparation of baseline reports, legal descriptions, title insurance, and other required fees and taxes.

3. The endowment for long-term management of the easement per TDC includes necessary staff and administrative time and material associated with the long-term management of the easement.

(Ord. 1785 § 1, 2006; Ord. 2065 § 1(A), 2018)

§ 3.27.060. Time of payment.

A. When a final subdivision map would create an entitlement to exceed the baseline density in a TDC receiving zone, payment of the corresponding TDC in-lieu fee shall be a condition of approval placed on the tentative map. This condition shall be satisfied prior to final map approval.

B. When site plan approval would create an entitlement to exceed baseline density in a TDC receiving zone, payment of the corresponding in-lieu fee shall be a condition of approval. This condition shall be satisfied prior to issuance of building permits.

C. Deferred Fee Program. The City Council may, by resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes.

(Ord. 1785 § 1, 2006; Ord. 1890 § 1, 2009; Ord. 2065 § 1(A), 2018)

§ 3.27.070. Use of funds.

A. Revenues from TDC in-lieu fees ~~shall~~ may be used for the acquisition of TDCs ~~from~~ in North Livermore. TDC in-lieu fees may be used for the acquisition in fee and/or easements of agricultural land and other valuable open space in North Livermore, South Livermore, and other areas adjacent to Livermore. TDC in-lieu fees may be used in conjunction with other funds available for acquisition and/or preservation of open space and/or agricultural lands in North Livermore, South Livermore, and other areas adjacent to Livermore. When TDC in-lieu fees are used with other preservation funds, TDC credits on the subject property shall be retired.

B. Other than TDC acquisition in North Livermore, acquisition in fee and/or easements of agricultural land and other valuable open space in North Livermore, South Livermore, and other areas adjacent to Livermore, revenue from TDC in-lieu fees shall only be used for costs incurred in administering the TDC program including but not necessarily limited to facilitating TDC transactions, facilitating acquisitions in fee and/or easements of agricultural land and other valuable open space in North

Livermore, South Livermore, and other areas adjacent to Livermore, preparing/recording TDC and/or conservation easements, monitoring/enforcing easements and maintaining records. TDC in-lieu fee revenues may be used to offset the administration costs incurred by the City and/or by a land trust authorized by the City to administer portions of the TDC program.

(Ord. 1785 § 1, 2006; Ord. 2065 § 1(A), 2018)

§ 3.27.080. Accounting.

The City shall deposit the in-lieu fees in a separate fund, and avoid commingling with other funds except for temporary investments. The funds shall be expended only for the purposes set forth in LMC § 3.27.070. Any interest earned by moneys in the fund shall also be deposited in the fund and only used for the intended purposes.

(Ord. 1785 § 1, 2006; Ord. 2065 § 1(A), 2018)

Livermore Development Code Amendments

LDC § 3.02.070 - T3 Neighborhood (T3N) Standards.

LDC § 3.03.040 - Suburban Residential (R-S) Zone.

LDC § 3.03.050 - Residential Low Density (R-L) Zone.

LDC § 3.03.060 - Multiple Family Residential (MFR) Zone.

LDC § 3.03.070 - Suburban Multiple Residential (RG) Zone.

LDC § 3.03.080 - Commercial Service (CS) Zone.

LDC § 3.03.090 - Highway Service Commercial (CHS) Zone.

LDC § 3.03.100 - Neighborhood Business Commercial (CNB) Zone.

LDC § 3.03.110 - Commercial Office (CO) Zone.

LDC § 3.03.120 - Professional Office (CP) Zone.

LDC § 3.03.130 - Research and Development (I-1) Zone.

LDC § 3.03.140 - Light Industrial (I-2) Zone.

LDC § 3.03.150 - Heavy Industrial (I-3) Zone.

LDC § 3.03.180 - Airport (AIR) Zone.

LDC § 3.04.030 - Planned Development (PD) Zone.

LDC § 4.02.060 - Transferable Development Credits Regulations.

LDC § 9.01 - APPLICATION PROCESSING PROCEDURES

LDC § 9.03 - CONDITIONAL USE PERMITS AND ZONING USE PERMITS

LDC § 9.12.070 - Time Extensions.

LDC § 12.01 - DEFINITIONS

3.02.070 T3 Neighborhood (T3N) Standards



General Note: the illustration above is intended to provide a brief overview of the Transect Zone and is descriptive in nature.

A. Purpose

This Zone's primary purpose is to allow additions and new development that respect and protect the integrity and quality of the neighborhoods adjacent to Downtown.

This zone allows new additions~~, and~~ single-family houses, and multifamily units to be built in scale and character with the existing neighborhood~~, subject to a Zoning Clearance~~. Carriage house units provide additional housing opportunities within these walkable neighborhoods.

B. Allowed Building Types [1,3]

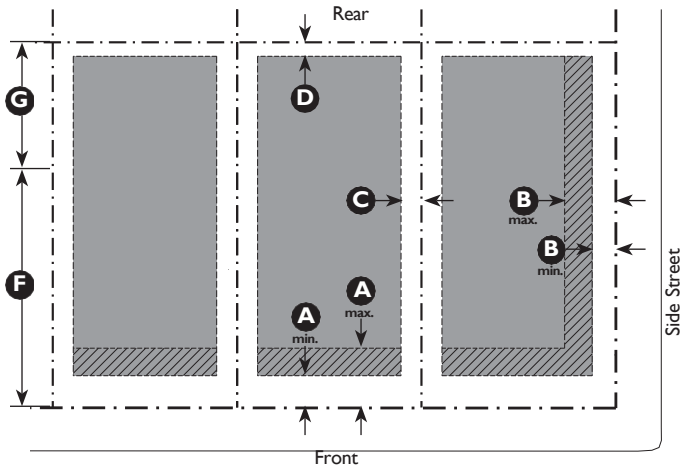
Carriage House	Single-Family House
Duplex, Side by Side [2]	Duplex, Stacked [2]
Duplex, Front and Back [2]	Townhouse
Apartments	

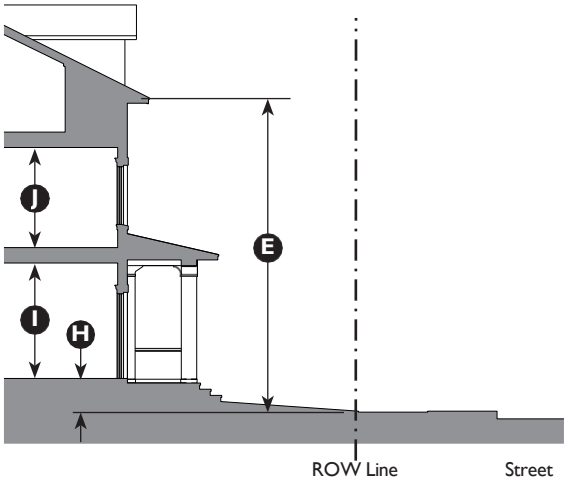
[1] See Part 5 (Building Types) for descriptions and regulations.

~~[2] Permitted only if already legally existing at time of adoption, 05/01/10.~~

[3] See subsection H of this section for allowed land uses. Building types only permitted if allowed in the T3N use table.

T3 Neighborhood (T3N) Standards





Key

----- ROW / Property Line
------- Setback Line
Building Area
Facade Zone

C. Building Placement		
Setback (Distance from ROW / Property Line)		
Front	20' min.[1]; 30' max.[2]	A
Front facade[3] within facade zone	50% min.	
Side Street or Civic Space	10' min.; 15' max.	B
Side	5' min.	C
Rear	5' min.	D

[1] Setback may match an existing adjacent building. The building may be set to align with the facade of the front-most immediately adjacent property, for a width no greater than that of the adjacent property's facade that encroaches into the minimum setback.

[2] No maximum front setback for Carriage Houses.

[3] Garages shall not be counted as part of the front facade.

D. Building Form		
Lot Size		
See Part 5 (Building Types).		
Building Height [3,4]		
Lot depth ≤ 100': Within 75' of street property line or Lot depth > 100': Within 90' of street property line		F
Stories	2-½ stories max	
To Eave or Parapet	24' max.	
Overall	35' max.	
Other lot area		G
Stories	1-½ stories max	E
To Eave or Parapet	15' max.	
Overall	24' max.	
Ground Floor Finish Level: Main Building	18" min. above sidewalk	H
Ground Floor Ceiling	9' min. clear	I
Upper Floor(s) Ceiling	8' min. clear	J

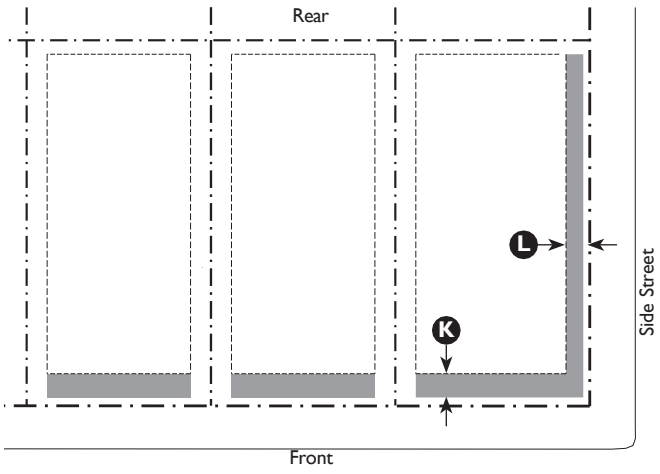
[3] Does not apply to accessory structures. See 4.02.030 (Accessory Structures)

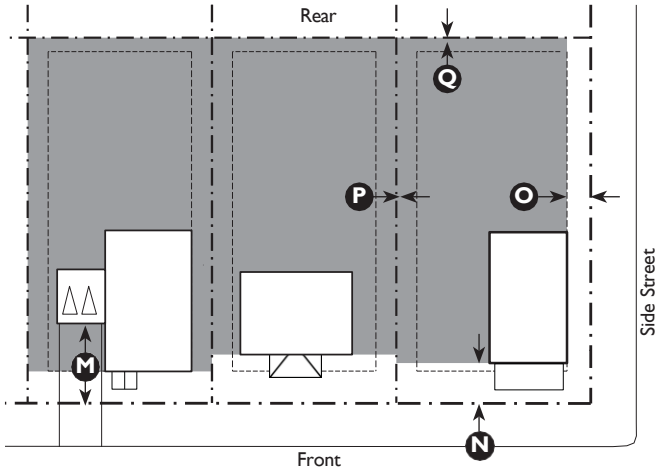
[4] See Part 5 (Specific to Building Types) for additional height regulations.

Miscellaneous
Mansard roof forms are not allowed.

E. Allowed Use Types	
Ground Floor[5]	Residential
Upper Floor[5]	Residential

[5] See 3.02.070.H (T3N Use Table) for specific uses





Key

---- ROW / Property Line

------ Setback Line

Encroachment Area

Key

---- ROW / Property Line

------ Setback Line

Allowed Parking Area

F. Frontage Types and Encroachments		
Encroachments into Setback[1]		
Front	8' max.	K
Side Street or Civic Space	3' max.	L
Side	0' max.	
Rear		
Property Line	0' max.	
Rear Alley	3' max.	

[1] Encroachments are not allowed within a Street ROW. See 4.02.020.B (Encroachments) for complete list of allowed encroachments.

Required Frontage Types[2]
Porch
Stoop

[2] See 4.03 (Frontage Standards) for descriptions and regulations.

G. Required Parking		
Spaces		
Residential Uses		
Studio or 1 Bedroom	1 space/unit min.	
2+ Bedrooms	2 spaces/unit min.	
Location (Setback from Property Line)		
Front		
Covered or Attached	Match front facade + width of garage min.	M
Uncovered	Match front facade min.	N
Side Street	5' min.	O
Side	0' min.	P
Rear	0' min.	Q
Miscellaneous		
Linear feet of front or side facade that may be garage	35% max.	

Tandem parking is allowed for off-street parking only if both spaces are behind the required setback and are for the same residential unit.

See Chapter 4.04 (Parking Standards) for additional general parking requirements.

H. T3N Use Table

Land Use Type [1, 2]	Specific Use Regulations	Permit Required
Agricultural		
Community Gardens		P
Recreation, Education, and Public Assembly		
Park, Playground		P
Public and Quasi-Public	6.02.090	CUP
School, Private		CUP
Residential[2]		
Dwelling: Carriage House		P
Dwelling: Single-Family		P
Dwelling: Duplex[4]		P
Dwelling: Multi-Family		ZUP
Supportive Housing		P
Transitional Housing		P
Home Occupation	6.02.060	HOP
Residential Accessory Use or Structure	4.02.030	P
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP

Land Use Type [1, 3]	Specific Use Regulations	Permit Required
Accessory Dwelling Unit[5]		P
Junior Accessory Dwelling Unit[5]		P
Two-Unit Development and/or Urban Lot Split6		P
Services: General		
Bed & Breakfast	6.02.010	ZUP
Child Day Care Facility	6.02.020	
Small family day care home		P
Large family day care home		P
~~Family day care center~~ Day Care Center		~~CUP~~ ZUP

(Ord. 2082 § 2(B), 2019; Ord. 2018 § 4 (Exh. B), 2015)

Key	
P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

End Notes

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] Uses not listed are specifically prohibited, unless Director determines use is consistent pursuant to the Code.

~~[3] A Zoning Clearance is required for new units and additions.~~

~~[4] Permitted only if already legally existing at time of Code adoption, 05/01/10.~~

End Notes (continued):

[5] Permitted if in compliance with the standards of LDC Chapter 11.30 (ADUs and JADUs).

[6] Permitted if in compliance with the standards of LDC Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

3.03.040 Suburban Residential (R-S) Zone

A. Purpose

The Suburban Residential (R-S) zone is applied to areas of the City that are appropriate for ~~low-density~~ residential dwellings of a single-family dwelling and attached dwelling types. The R-S zone preserves and protects a single-family residential character, but allows flexible subdivision design and development that encourages a variety of lot sizes, housing types, and housing opportunities for all income groups.

B. Building Placement Requirements

Setback	
Front	20' min.
Side Street	15' min.
Garage Along Any Street	20' min.
Rear [1]	
Lots 10,000 sf or less	25' min., 30' avg.
Lots greater than 10,000 sf	25' min., 35' avg.
Side [2,3]	
Lots 10,000 sf or less	10' min.
Lots greater than 10,000 sf	12' min.

[1] 15' min. for attached, single-story screened enclosures.

[2] ~~Along the side yard that is set back 0', any portion of the building that is not built on the property line shall be set back at least 7'.~~

[3] Additional 5' for every story above the first story.

C. Building Form Requirements

Building Height	35' max.
Floor to Area Ratio (FAR)	0.35 max.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Lot Size (sf)	6,000 min.
Lot Street Frontage Width [4,5]	50' min.
Average Lot Width	50' min.
Average Lot Depth	80' min.

[4] Existing lot street frontages smaller than 50' for lots of record as of adoption of this code allowed.

[5] Lots on a cul-de-sac de sac or elbow may be allowed at Director discretion.

~~F. Miscellaneous Requirements~~

~~Any project that has an approved tentative subdivision map shall be permitted to file a final map in conformance with the regulations in effect when the tentative map was approved.~~

~~Since the purpose of this district is to regulate the density of a subdivision or other development rather than lot size, a lot once subdivided and recorded shall not be further divided or significantly reduced in area unless the lot was created as a "remainder lot" under the provisions of the California Subdivision Map Act.~~

Suburban Residential (R-S) Zone

G. R-S Use Table

Land Use Type [1]	Specific Use Regulations	Permit Required
Agricultural		
Animal Keeping Facility:	LMC Title 6	
Limited animal husbandry		CUP
Equestrian Facility		CUP
Community Gardens		P
Recreation, Education & Public Assembly		
Commercial Recreation Facility:		
Private swim club and recreation center	6.03.110	CUP
Public and Quasi-Public	6.02.090	CUP
Residential		
Dwelling: Single-Family		P
Dwelling:		
Couplet[2]		~~CUP~~ ZUP
Townhouse[2]		~~CUP~~ ZUP
Zero Lot Line Unit[2]		~~CUP~~ ZUP
Duplex		ZUP
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
Home Occupation	6.02.060	HOP
Transitional/Supportive Housing		P
Accessory Dwelling Unit[3]		P
Junior Accessory Dwelling Unit[3]		P
Two-Unit Development and/ or Urban Lot Split[4]		P
Retail		
Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP
Services: General		
Child Day Care Facility:	6.02.020	
Small family day care home		P
Large family day care home		P
Day care center		~~CUP~~ ZUP
Lodging:		
Bed & Breakfast	6.02.010	CUP
Transportation, Communications, Infrastructure		

Key	
P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
TUP	Temporary Use Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part II~~ the Definitions Chapter of this Code.

[2] ~~Permitted only if already existing at time of adoption, 05/01/10.~~

End Notes (continued):

[3] Permitted if in compliance with the standards of LDC Chapter 11.30 (ADUs and JADUs).

[4] Permitted if in compliance with the standards of LDC Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

3.03.050 Residential Low Density (R-L) Zone

A. Purpose

The Residential Low Density (R-L) zone is applied to areas of the City that are appropriate for ~~low-density~~ residential dwellings of a single-family, duplex, and multifamily dwelling type on smaller lots than in the R-S zone. Directly related types of uses, such as community services and accessory facilities, may also be allowed. The R-L district provides a variety of lot sizes, and dwelling types, as well as flexibility in development.

B. Building Placement Requirements

Setback	
Front	15' min.
Side Street	15' min.
Garage Along Any Street [1]	20' min.
Rear	
Lots 6,500 sf or less	5' min.
Lots greater than 6,500 sf	10' min.
Side [2,3]	
Lots 5,000 sf or less	5' min.
Lots 5,001 to 7,500 sf	5' and 7 min.
Lots greater than 7,500 sf	5' and 10' min.

[1] Garages may be set back 15' provided there is a minimum distance of 20' between garage and inside edge of a public sidewalk.

[2] Each front, side, and rear yard minimum setback shall be increased five feet at the second story on initial construction of a two-story dwelling or when adding a new second story to an existing single-story dwelling.

[3] ~~Along the side yard that is set back 0', any portion of the building that is not built on the property line shall be set back at least 5'.~~

C. Building Form Requirements

Building Height	35' max.
Lot Coverage [4]	40% max.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Lot Size (sf)	5,000 min.
Lot Street Frontage Width [5,6]	50' min.

[4] Existing lot coverages exceeding 40% allowed if legally existing at time of adoption 05/01/10.

[5] Existing lot street frontages smaller than 50' for lots of record as of adoption of this code are permitted.

[6] Lots on a cul-de-sac de sac or elbow may be allowed at Director discretion.

~~F. Miscellaneous Requirements~~

~~Since the purpose of this zone is to regulate the density of a subdivision or other development rather than lot size, a lot once subdivided and recorded shall not be further divided or significantly reduced in area unless the lot was created as a "remainder lot" under the provisions of the California Subdivision Map Act.~~

G. R-L Use Table

Land Use Type [1]	Specific Use Regulations	Permit Required
Agricultural		
Animal Keeping Facility:	LMC Title 6	
Limited animal husbandry		CUP
Equestrian Facility		CUP
Community Gardens		P
Recreation, Education & Public Assembly		
Commercial Recreation Facility:		
Private swim club and recreation center	6.03.110	CUP
Public and Quasi-Public	6.02.090	CUP
Residential		
Dwelling: Single-Family		P
Dwelling: Duplex, Multi-Family [2]		~~P~~ ZUP
Health Facility: 6.02.050		
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
Home Occupation	6.02.060	HOP
Transitional/Supportive Housing		P
Accessory Dwelling Unit [3]		P
Junior Accessory Dwelling Unit [3]		P
Two-Unit Development and/or Urban Lot Split [4]		P

Land Use Type [1]	Specific Use Regulations	Permit Required
Retail		
Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP
Services: General		
Child Day Care Facility:	6.02.020	
Small family day care home		P
Large family day care home		P
Day care center		~~CUP~~ ZUP
Lodging:		
Bed & Breakfast	6.02.010	CUP
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP

(Ord. 2082 § 2(F), 2019)

Key	
P	Permitted Use
CUP	Conditional Use Permit Required HOP
	Home Occupation Permit Required ZUP
	Zoning Use Permit Required
—	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] ~~Permitted only if already existing at time of adoption, 05/01/10.~~

End Notes (continued):

[3] Permitted if in compliance with the standards of LDC Chapter 11.30 (ADUs and JADUs).

[4] Permitted if in compliance with the standards of LDC Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

3.03.060 Multiple Family Residential (MFR) Zone

A. Purpose

The Multiple Family Residential (MFR) zone is applied to areas of the City that are appropriate for ~~the~~ a ~~highest~~ higher–range of residential densities to accommodate multiple family dwellings. The MFR zone establishes a transition from the residential environment into the commercial core. Housing accommodated in the MFR zone includes townhouses, garden apartments, and apartments.

B. Building Placement Requirements

Setback	
Street Frontage	15' min.
Non-street Frontage	½ height of building
Min. Distance Between Dwellings	
1 story	8'
Over 1 story	8' plus 5' for every story
Front-to-Back Type	
Min. distance between rear of building fronting street and front of building to the rear	20'
Single Row Side-to-Side Group	
Width of Side yard providing access	12' min.
Courtyard Type	
Min. width of court: 1 story buildings	15'
Min. width of Court: 2 or more story Buildings	25'

C. Building Form Requirements

Building Height	
Main Building	3 stories (45') max.
Accessory Structure	15' max.
~~Lot Coverage~~	~~50% max~~.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Size Requirements

Lot Size (sf)	5,000 min.

F. Lot Requirements

Lot Width	50' min.

G. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

Usable Open Space. For each dwelling unit in the MFR zone, there shall be provided a minimum of 300 square feet of usable open space, as defined in Part 11 (Definitions of Terms and Uses).

H. MFR Use Table

Land Use Type [1]	Specific Use Regulations	Permit Required
Agricultural		
Community Gardens		P
Recreation, Education & Public Assembly		
Commercial Recreation Facility:		
Private swim club and recreation center	6.03.110	CUP
Meeting Facility, Public or Private	6.02.070	CUP
Public and Quasi-Public	6.02.090	CUP
Residential		
Dwelling:		
Duplex		P
Multiple Family Units		P
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		P
Home Occupation	6.02.060	HOP
~~Mobile Home Parks~~	~~6.03.080~~	~~CUP~~
Transitional/Supportive Housing		P
Accessory Dwelling Unit[2]		P

Land Use Type [1]	Specific Use Regulations	Permit Required
Retail		
Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP
Services: General		
Child Day Care Facility:	6.02.020	
Small family day care home		P
Large family day care home		P
Day care center		~~CUP~~ ZUP
Lodging:		
Bed & Breakfast	6.02.010	CUP
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP

(Ord. 2082 § 2(G), 2019)

Key	
P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
TUP	Temporary Use Permit Required
ZUP	Zoning Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code~~.~~

[2] Permitted if in compliance with the standards of LDC Chapter 11.30 (ADUs and JADUs).

3.03.070 Suburban Multiple Residential (RG) Zone

A. Purpose

The purpose of the RG zone is to provide areas for the location of ~~low density,~~ multiple-family residential dwellings and to establish regulations for their development. It is intended that the zone be used in ~~higher~~ mid-density areas designated in the General Plan or in other areas when found to be necessary or desirable to achieve good neighborhood design and for purposes of stabilizing land use.

B. Sub-zones

RG-16, RG-14, RG-12, RG-10

C. Building Placement Requirements

Setback	
Front	
RG-10	30' min.
RG-12	25' min.
RG-14	20' min.
RG-16	20' min.
Garage Along Any Street [1]	20' min.
Rear and Side	
One-Story	10' min.
Two- and Three-Story	20' min.
Four-Story [1]	25' min.
Five-Story [1]	30' min.
Six-Story [1]	35' min.

[1] Each rear and side yard setback shall be increased at the second story and above on initial construction of a two-story or more structure or when adding a new second story or more to an existing structure.

~~Development in excess of three stories and/or 45' shall be subject to approval of a Conditional Use Permit.~~

D. Building Form Requirements

Building Height	
Main Building [1]	3 Stories (45') max.
Accessory Structure	15' max.

[1] Development in excess of three stories and/or 45' shall be subject to approval of a Conditional Use Permit.

E. Parking Requirements

See Chapter 4.04 (Parking Standards).

F. Lot Requirements

Average Lot Width	
RG-16	60' min.
RG-14	65' min.
RG-12	75' min.
RG-10	90' min.

G. Density and Lot Size Requirements			
Zone	~~Maximum Density (du/net ac)~~	~~Maximum Dwellings per Structure~~	Minimum lot size (sf)
RG-16	~~--~~	~~No Limit~~	6,000
RG-14	~~14.5~~	~~No Limit~~	6,500
RG-12	~~12.4~~	~~10~~	7,500
RG-10	~~9.7~~	~~6~~	9,000
	Minimum Site Area (sf) Per Dwelling Unit		
RG-16	1-story	2-story	3-story
One Bedroom/DU	2,500	2,200	2,100
Two Bedrooms/DU	3,100	2,700	2,550
Three or more Bedrooms/DU	3,400	2,950	2,800
RG-14	3,000		
RG-12	3,500		
RG-11	4,500		

Area required for off-street parking, which is located under main structures, may be utilized for calculating the number of dwelling units~~, provided the total density of the site does not exceed one dwelling unit per 2,000 square feet~~. A ground story devoted to off-street parking and utility purposes shall not constitute an additional story.

H. Miscellaneous Requirements
Site Plan and Design Review is required for all residential development of ~~two~~ three or more units (Section 9.07).
~~Minimum Zone Size shall be 1 acre; none when adjacent to any C, I, or MFR zone.~~
Open areas, exclusive of required off-street parking areas and developed recreation areas, shall be landscaped and/or developed as common or private recreation areas with surfacing not to exceed 20 percent of such open area.

I. Suburban Multiple Residential (RG) Zone - Use Table

Land Use Type [1]	Specific Use Restrictions	Permit Required
Recreation, Education, & Public Assembly		
Public and quasi-public	6.02.090	CUP [2]
Residential		
Dwelling: Multiple-Family		P
Dwelling: Duplex,		P
Dwelling: Single Family		P
Home Occupation	6.02.060	HOP
~~Mobile Home Parks~~	~~6.03.080~~	~~CUP~~
Accessory Dwelling Unit[3]		P
Retail		
Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP

Land Use Type [1]	Specific Use Restrictions	Permit Required
Services: General		
Health Facility:	6.02.050	
Residential Care, 1 - 6 clients		P
Residential Care, 7 or more clients		CUP
Child Day Care Facility:	6.02.020	
Small family day care home		P
Large family day care home		P
Day care center		~~CUP~~ ZUP
Lodging:		
Bed & Breakfast	6.02.010	CUP
Mortuaries	6.03.040	CUP
Mortuaries	6.03.040	CUP
Telecommunication Facility	6.02.100	CUP

(Ord. 1950 §§ 3 (Exh. A), 4, 5, 2011)

Key	
P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
TUP	Temporary Use Permit Required
ZUP	Zoning Use Permit Required
--	Use Not Allowed

End Notes

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] Use must provide a direct service to residential areas or are otherwise related to residential activities.

[3] Permitted if in compliance with the standards of LDC Chapter 11.30 (ADUs and JADUs).

3.03.080 Commercial Service (CS) Zone

A. Purpose

The Commercial Services (CS) zone is applied to areas of the City that are appropriate for uses of relatively low pedestrian traffic generation, including areas for high land demand, recreational, home improvement, repair services, and auto-related uses.

B. Building Placement Requirements

Setback [1]	
Street Frontage	25' min.
Non-Street Frontage	
Where parcel abuts R zone	25'min.
All Others	0' min.

[1] All required setbacks shall be permanently maintained as a landscaped yard.

C. Building Form Requirements

Building Height [2]	35' max.
Floor to Area Ratio (FAR)	0.30 max.

[2] Any structure may exceed the maximum building height up to 50', with a Conditional Use Permit provided the zoning requirements and General Plan policies~~, such as scenic corridor policies~~, are met.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Minimum Lot Size	No minimum
Minimum Street Frontage	No minimum requirement for street frontage, provided that any lot with street frontage has an unobstructed access easement at least 25' wide.

F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

The minimum zone size for the CS zone shall be two acres.

Outdoor storage shall be screened from the public view by a masonry wall, not less than 6' in height. Storage may not exceed the height of the wall. Walls greater than 8' in height require approval of a ~~Conditional~~ Zoning Use Permit.

G. CS Use Table

Land Use Type [1,3]	Specific Use Regulations	Permit Required
Industry, Manufacturing and Processing		
Contract Construction:		
No outdoor storage		P
Outdoor storage	6.03.100	~~CUP~~ ZUP
~~Construction and Other Large Scale Equipment Rental~~		~~CUP~~
Metal Products Fabrication [2]		P
Recycling Facility [4]:		
Retailed certified		P
Wholesale certified		CUP
Wholesale Trade Warehousing Establishment		CUP
Recreation, Education & Public Assembly		
Cardroom	6.03.030	CUP
Commercial Recreation Facility:	6.03.050	
Level 1 Commercial amusement facility		P
Level 2 Commercial amusement facility		ZUP
Level 3 Commercial amusement facility		CUP
Golf course and country club		CUP
Golf driving range		CUP
Fitness Facility < 3000 sf		~~CUP~~ ZUP
Public and Quasi-Public	6.02.090	CUP
School, Specialty		P

Land Use Type [1,3]	Specific Use Regulations	Permit Required
Commercial		
Drive-In Business (Includes Restaurant with Drive-Through)		CUP
Farm, Construction, and Other Large Scale Equipment Rental ~~Equipment~~ Sales and Service		P
Home Improvement Sales and Services:		
Major/Minor		P
Night club		P
Plant Nursery Sales And Garden Supplies		P
Bar, Pub		P
Restaurant		P
Services: Business, Financial, Professional		
ATM		P
Services: General		
Child Day Care Facility:	6.02.020	
Day care center		~~CUP~~ P
Dog Day Care		CUP
Lodging:		
Hotel, motel		P
Travel trailer park		CUP
Miscellaneous Service Uses:		
No outdoor storage		P
Outdoor storage	6.03.100	~~CUP~~ ZUP
Printing and Processing		P
Rental Shops, Consumer Goods		P
Repair Service: Equipment, appliances, etc., as primary use		P
Communications		
Telecommunication Facility	6.02.100	CUP
Vehicle Services		
Auto Parts Sales		P
Auto Service Stations	6.03.160	CUP
Auto/Vehicle Sales And Rental		P
Car Wash		P
Auto Repair Garage	6.03.160	P [2]/CUP
Other		
Other [3]		ZUP/CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] Permitted on sites not adjacent to a residential zone.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level (ZUP or CUP) determined by the Director upon receipt of application.

[4] Permitted within a building or fully screened from public view by a solid wall or fence.

3.03.090 Highway Service Commercial (CHS) Zone

A. Purpose

The Highway Service Commercial (CHS) zone is applied to areas of the City that are highly visible to major transportation corridors, generally surrounding freeway interchanges, and supports uses that are appropriate for businesses predominantly serving the traveling public and convention trade with lodging, food service, motor vehicle repair and service, motor fuels, and similar activities. Because of the prominent locations involved, the highest degree of excellence in architecture and site design is applied.

B. Building Placement Requirements

Setback [1]	
Street Frontage	25' min.
Non-Street Frontage	
Where parcel abuts R zone	25' min.
All Others	0' min.

[1] All required setbacks shall be permanently maintained as a landscaped yard.

C. Building Form Requirements

Building Height [2]	35' max.
Floor to Area Ratio (FAR)	~~0.30~~ 1.0 max~~[3]~~.

[2] Any structure may exceed the maximum building height up to 50', with a Conditional Use Permit provided the zoning requirements and General Plan policies~~, such as scenic corridor policies,~~ are met.

~~[3] For parcels with an underlying Highway Regional Commercial (HC RC) General Plan land use designation a 0.30 maximum FAR applies. For parcels with an underlying Business Commercial Park (BCP) Industrial Office (IO) General Plan land use designation a coverage of 30-50% applies, as specified in the General Plan BCP land use category.~~

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Minimum Lot Size	No minimum
Minimum Street Frontage	No minimum requirement for street frontage; provided that any lot with street frontage has an unobstructed access easement at least 25' wide.

F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

~~The minimum zone size for the CHS zone shall be two acres.~~

Where a parcel abuts a residential use, there shall be provided a masonry wall having a height of not less that 8'.

G. CHS Use Table

Land Use Type [1,3]	Specific Use Regulations	Permit Required
Recreation, Education & Public Assembly		
Commercial Recreation Facility:	6.03.050	
Level 1 Commercial amusement facility		P
Level 2 Commercial amusement facility		ZUP
Level 3 Commercial amusement facility		CUP
Fitness Facility		~~CUP~~ ZUP
Public and Quasi-Public	6.02.090	
School, Specialty		~~CUP~~ ZUP
Commercial		
Drive-In Business (includes restaurant with drive-through)		~~CUP~~ ZUP
Convenience Retail (for the traveling public)		P
General Retail		P
Supermarket		P
Pharmacy		P
Restaurant		P
Services: Business, Financial, Professional		
ATM		P
Medical Services – Doctor Office ~~(dental and medical offices only)~~		~~CUP~~ P
Office: Business, Service		P
Office: Professional, Administrative		P

Land Use Type [1,3]	Specific Use Regulations	Permit Required
Services: General		
Lodging:		
Hotel, motel		P
Travel trailer park		CUP
Personal Service (for the traveling public):		P
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Vehicle Service		
~~Auto Parts Sales~~		~~P~~
Auto Service Stations [2]	6.03.160	P/CUP
Auto Repair Garage	6.03.160	P
Car Wash		P
Other		
Other [3]		ZUP/CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part II~~ the Definitions Chapter of this Code.

[2] Permitted when located at the intersection of a freeway or public street and major street designated in General Plan, however a Conditional Use Permit is required when not located at a major street intersection.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level (ZUP or CUP) determined by the Director upon receipt of application.

(Ord. 1947 § 3 (Exh. A), 2011)

3.03.100 Neighborhood Business Commercial (CNB) Zone

A. Purpose

The Neighborhood Business Commercial (CNB) zone is applied to areas of the City that are appropriate for low impact commercial service uses and neighborhood shopping centers. The uses of the CNB zone shall be designed in a way so as to be operated completely compatible to and harmonious with the character of surrounding residential areas and shall provide primarily those services that are intended to serve the surrounding neighborhood so as not to compete with the uses in the Downtown Specific Plan Zone. As the city's entry way into the Downtown area from the west, the enhancement of this area is crucial to the orderly development and revitalization of the Downtown commercial areas.

B. Building Placement Requirements

Setback [1]	
Street Frontage	15' min.
Lots adjacent to R use and/or zone	30' min.
All Others	No Minimum

[1] Street frontage setbacks and all setbacks adjacent to residential uses shall be permanently maintained as a landscaped yard.

C. Building Form Requirements

Building Height	35' max.
Floor to Area Ratio (FAR)	0.30 max.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Size Requirements

Minimum Lot Size	No minimum

F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction or expansion of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

~~The maximum CNB zone size shall be 12 acres exclusive of public rights-of-way. There is no minimum zone size.~~

Where a parcel abuts a residential use, there shall be provided a masonry wall having a height of not less ~~that~~ than 6'.

Landscaping and fencing shall be in compliance with development standards established in Chapter 4.05 (Landscape Standards).

Uses in the CNB zone shall be conducted primarily within a completely enclosed structure, except for off-street parking and loading facilities. Parking and loading areas shall be screened or otherwise designed so as not to be visible from public rights-of-way.

Neighborhood Business Commercial (CNB) Zone

G. CNB Use Table

Land Use Type [1, 3,]	Specific Use Regulations	Permit Required
Agricultural		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		~~CUP~~ P[7]
Industry, Manufacturing and Processing		
~~Recycling Facility [4]:~~		
~~Retailed certified~~		~~P~~
~~Wholesale certified~~		~~CUP~~
Recreation, Education & Public Assembly		
Commercial Recreation Facility:	6.03.050	
Level 1 Commercial amusement facility		P
Level 2 Commercial amusement facility		ZUP
Fitness Facility:		
< 3,000 sf		P
> 3,000 sf		~~CUP~~ ZUP
Meeting Facility, Public or Private	6.02.070	CUP
Public and Quasi-Public	6.02.090	CUP
School, Specialty		P
Studio: Art, Dance, Martial Arts, Music, Etc. < 3,000 sf		P
Residential		
Residential Uses [5]		ZUP

Land Use Type [1, 3,]	Specific Use Regulations	Permit Required
Commercial		
Restaurant		P
Drive-In Business (Includes Restaurant with Drive-Through)		~~CUP~~ ZUP
General Retail (Not of a Regional Nature)		P
Home Improvement Sales and Services:		
Minor		P
Pharmacy		P
Plant Nursery Sales and Garden Supplies		~~CUP~~ ZUP
Bar, Pub		CUP
Supermarket		P
Services: Business, Financial, Professional		
ATM		P
Bank, Financial Services		P
Business Support Services		P
Catering Service		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
Services: General		
Child Day Care Facility:	6.02.020	
Day care center		P
Personal service		P
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	P
Vehicle Services		
Auto Service Stations [2]	LDC § 6.03.160	CUP
Other		
Other[3]		ZUP/CUP

Key

P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part II~~ the Definitions Chapter of this Code.

[2] No automotive service station structure or equipment shall be permitted within 75' of a residential zone.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ [1] Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level (ZUP vs. CUP) determined by the Director upon receipt of application.

[4] ~~Permitted within a building or fully screened from public view by a solid wall or fence.~~

[5] For parcels with a Neighborhood Commercial (NC) General Plan Designation. Subject to MFR zone.

End Notes (continued):

standards, limited to 20% of the total site area.

[7] Boarding shall require a ZUP

3.03.110 Commercial Office (CO) Zone

A. Purpose
The Commercial Office (CO) zone is applied to areas of the City that are appropriate for the grouping of professional offices, business offices, medical clinics, and research laboratories. The CO zone provides restrictive commercial areas that are to be non-retail in nature, grouping permitted uses in areas most favorable to those uses and to the community as a transitional area between more intensive commercial zones and residential zones.

B. Building Placement Requirements	
Setback	
Street Frontage	
Lots adjacent to R zone [1]	15' min.
All Others	5' min.
Non-Street Frontage	
Lots adjacent to R zone [2]	10' min.
All Others	0' min.

[1] Street frontage setbacks shall be improved with a sprinkler irrigation system and landscaping. The setback shall not be used for parking.

[2] ~~Lots located in a block that is partially in an R zone and partially in the CO zone, or has street frontage across the street from R zone property.~~

C. Building Form Requirements	
Building Height	35' max.
Floor to Area Ratio (FAR)	~~0.30~~ 0.60 max.

D. Parking Requirements
See Chapter 4.04 (Parking Standards).

E. Lot Requirements[3]	
Minimum Lot Size	5,000 sf

F. Miscellaneous Requirements
Site Plan and Design Review is required for each use involving a new structure or expansion of an existing structure (Section 9.07).
~~The minimum zone size shall be one acre, if surrounded by a residential use. No minimum zone size is required if adjacent to non-residential on at least one side.~~

G. CO Use Table

Land Use Type [1,3,]	Specific Use Regulations [d]	Permit Require
Agricultural		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		~~CUP~~ P[5]
Recreation, Education & Public Assembly		
Public and Quasi-Public	6.02.090	CUP
School, Specialty		CUP ZUP
Fitness Facility		
< 3,000 sf		P
> 3,000 sf		ZUP
Residential		
Residential Uses [2]		~~CUP~~ ZUP
Health Facility:	6.02.050	
Residential care, 7 or more clients		CUP
Commercial		
Pharmacy		P
Restaurant		~~CUP~~ P
Supermarket		P

Land Use Type [1,3,]	Specific Use Regulations	Permit Required
Services: Business, Financial, Professional		
ATM		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
Services: General		
Lodging:		
Bed & Breakfast	6.02.010	CUP
Mortuaries	6.03.040	CUP
Child Day Care Facility:	6.02.020	
Day care center		P
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Other		
Other [3]		ZUP/CUP

[5] Boarding shall require a ZUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] Only for parcels with an Office Commercial (OC) General Plan Designation. Subject to MFR zone standards, limited to 20% of the total site area.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level (CUP vs. ZUP) determined by the Director upon receipt of application.

G. CP Use Table

Land Use Type [1,3]	Specific Use Regulations	Permit Required
Agricultural		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		~~CUP~~ P[5]
Recreation, Education & Public Assembly		
Public and Quasi-Public	6.02.090	CUP
School, Specialty		CUP
Residential		
Residential Uses [2]		~~CUP~~ ZUP
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
Commercial		
Pharmacy		P
Services: Business, Financial, Professional		
ATM		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
Services: General		
Lodging:		
Bed & Breakfast	6.02.010	CUP
Mortuaries	6.03.040	CUP
Child Day Care Facility:	6.02.020	
Day care center		P
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Other		
Other [3]		ZUP/CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] For parcels with an Office Commercial (OC) General Plan Designation. Subject to MFR zone standards, limited to 20% of the total site area.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level (CUP vs. ZUP) determined by the Director upon receipt of application.

[5] Boarding shall require a ZUP

G. CP Use Table

Land Use Type [1,3]	Specific Use Regulations	Permit Required
Agricultural		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		~~CUP~~ P[5]
Recreation, Education & Public Assembly		
Public and Quasi-Public	6.02.090	CUP
School, Specialty		CUP
Residential		
Residential Uses [2]		~~CUP~~ ZUP
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
Commercial		
Pharmacy		P
Services: Business, Financial, Professional		
ATM		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
Services: General		
Lodging:		
Bed & Breakfast	6.02.010	CUP
Mortuaries	6.03.040	CUP
Child Day Care Facility:	6.02.020	
Day care center		P
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Other		
Other [3]		ZUP/CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] For parcels with an Office Commercial (OC) General Plan Designation. Subject to MFR zone standards, limited to 20% of the total site area.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level determined by the Director upon receipt of application.

[5] Boarding shall require a ZUP

3.03.130 Research and Development (I-1) Zone

A. Purpose

The I-1 (Research and Development) zone is applied to areas of the City that are appropriate for professional and administrative facilities, advanced research and development institutions, manufacturing operations, and green technology facilities. The I-1 zone encourages working environments and employment generating activities that are of a "campus" type character, which includes landscaped open space between buildings, screened service areas, uniform sign ads, street lighting standards, and maintenance of a landscape theme throughout. Land uses within the zone should be compatible with adjacent residential uses and buffered from them. High standards of appearance and design will be required and ancillary uses should provide amenities ~~provided will be~~ for employee-oriented activity and the surrounding neighborhood, where problems of product handling, storage and distribution are not of significant concern.

B. Building Placement Requirements

Setback [1, 2]

Front and Side Streets for buildings < 45' in height	
Major streets	~~35~~ 30' min.
All Other Streets	~~30~~ 25' min.
Front and Side Streets for buildings > 45' in height	
Major ~~s~~Streets	35' min.
All Other Streets	30' min.
Rear	
Lots adjacent to R zone	25' min.
All Others [3]	No minimum
Side	
Lots adjacent to R zone	25' min.
All Others [3]	No minimum

[1] All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscape strip abutting the foundation shall be included, allowing for necessary entrances.

[2] A landscaped strip of land, at least 25' wide, shall be maintained along any property line where a I-1 zone abuts a residential area.

[3] 20' min. rear and side setbacks for structures with height greater than 45'.

B. Building Placement Requirements

Setback (continued) [1, 2]

C. Building Form Requirements [4]

Building Height [4, 5]	~~45~~ 60' max.
~~Lot Coverage~~	~~45%~~
Floor Area Ratio (FAR)	1.0 max

[4] The height may be increased to a maximum of 100' with a Conditional Use Permit.

[5] Subject to LDC § 4.02.040C special height limits within 5,000' of an airport runway.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Minimum Lot Size	10,000 sf

F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use (Section 9.07).

No use shall be permitted that creates vibration, heat, glare or electrical disturbance beyond the boundaries of the site.

Research and Development (I-1) Zone

G. I-1 Use Table

Land Use Type [1,2]	Specific Use Regulations	Permit Required
Industry, Manufacturing and Processing		
Fuel Station, Private	6.03.160	ZUP
Laboratory: Experimental, Analytical		P
Manufacturing/Processing		
Advanced Manufacturing		P
Light industrial		P
Medium industrial [3~~4~~]		CUP
Research and Development Facility		P
Recreation, Education & Public Assembly		
Public and Quasi-Public [5]	6.02.090	CUP
Commercial Amusement Facility	6.03.050	
Level 1 Commercial amusement facility		P
Level 2 Commercial amusement facility		ZUP
Level 3 Commercial amusement facility		CUP
Fitness Facility		ZUP
School, Specialty		P
Commercial		
Restaurant~~[5]~~		P
Drive-In Business:		
Restaurant [5]		~~CUP~~ ZUP
General Retail [5]		ZUP
Home improvement sales and services (minor)		P

Land Use Type [1,2]	Specific Use Regulations	Permit Required
Services: Business, Financial, Professional		
ATM		~~CUP~~ ZUP
Bank, Financial Services [5]		~~CUP~~ ZUP
Office:		
Professional, Administrative		P
Medical		P
Business Support Services [5]		P
Services: General		
Child Day Care Facility:	6.02.020	
Day care center		P
Dog Day Care		~~CUP~~ ZUP
Lodging:		
Hotel, motel [5]		CUP
Personal Service [5]		~~CUP~~ ZUP
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Other		
Other [2]		ZUP/CUP

Key

P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses or reasonably required for the convenience and support of occupants of uses in the surrounding I-District.~~

[2] Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level (CUP vs. ZUP) determined by The Director upon receipt of application.

End Notes (continued):

[3] ~~Individual buildings shall not exceed 25 percent lot coverage and individual businesses shall generally be limited to 4,000 sf of storage and one truck delivery door.~~ All activities shall occur within a wholly enclosed building.

[4] ~~Proposed use shall not generate traffic or parking demand, which will negatively impact other uses on the project site or vicinity.~~

[5] Uses are secondary uses and are to be permitted only after the permitted uses have created a demonstrable demand for the ~~CUP~~ use.

3.03.140 Light Industrial (I-2) Zone

A. Purpose

The I-2 (Light Industrial) zone is applied to areas of the City that are appropriate for professional and administrative facilities, advanced research and development institutions, manufacturing operations, and green technology facilities that support employment generating activities ~~not~~ including those proposed to be located in a "campus" type environment. It is intended to provide an optimum ~~general~~ light industrial environment by providing an alternate choice for industrial land uses that are compatible with adjacent residential uses and buffered from them. Commercial uses and other amenities may be allowed where they support primary light industrial activities.

B. Building Placement Requirements

Setback [1,2]	
Front and Side Streets for buildings < 45' in height	
Major streets	~~35~~ 30' min.
All Other Streets	~~30~~ 25' min.
Front and Side Streets for buildings > 45' in height	
Major Streets	35' min.
All Other Streets	30' min.
Rear	
Lots adjacent to R zone	25' min.
All Others [3]	No minimum
Side	
Lots adjacent to R zone	25' min.
All Others [3]	No minimum

[1] All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscape strip abutting the foundation shall be included, allowing for necessary entrances.

[2] A landscaped strip of land, at least 25' wide, shall be maintained along any property line where a I-2 zone abuts a residential area.

[3] 20' min. rear and side setbacks for structures with height greater than 45~~0~~'.

C. Building Form Requirements

Building Height [4]	~~45'~~ 60' max.
~~Lot Coverage~~	~~45%~~
Floor Area Ratio (FAR)	1.0 max

[4] The height may be increased up to a maximum of 100' with a Conditional Use Permit.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Minimum Lot Size	20,000 sf

F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use (Section 9.07).

No use shall be permitted that creates vibration, heat, glare or electrical disturbance beyond the boundaries of the site.

G. I-2 Use Table

Land Use Type [1,2]	Specific Use Regulations	Permit Required
Industry, Manufacturing and Processing		
Fuel Station, Private	6.03.160	ZUP
Laboratory: Experimental, Analytical		P
Manufacturing/Processing		
Advanced Manufacturing		P
Heavy industrial		CUP
Light industrial		P
Medium industrial		P
Recycling Facility		
Processing [4]		P
Wholesale certified [5]		P
Research and Development Facility		P
Storage		
Self-storage facility		P
Contractor storage yard	6.03.100	CUP
Recreation, Education & Public Assembly		
Commercial Amusement Facility	6.03.050	
Level 1 Commercial amusement facility		P
Level 2 Commercial amusement facility		ZUP
Level 3 Commercial amusement facility		CUP
Public and Quasi-Public Uses	6.02.090	CUP
School, Specialty		P
Studio <3000 sf [6]		P
Commercial		
Restaurant		P
Drive-In Business:		
Restaurant [3]		CUP
Farm, Construction, and Other Large Scale Equipment Rental-Sales and Service		P
Retail:		
General [3]		ZUP
Not of a regional nature [6]		P
Home improvement sales and services		P
Services: Business, Financial, Professional		
ATM		~~CUP~~ ZUP
Bank, Financial Services		~~CUP~~ ZUP
Business Support Services [3]		P
Office		
Professional, Administrative		P
Medical		P
Services: General		
Child care center		P
Dog day care		~~CUP~~ ZUP
Lodging: Hotel, motel [3]		CUP
Personal service [3]		~~CUP~~ ZUP
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Other		
Other [2]		ZUP/CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code.

[2] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level determined by the Director upon receipt of application.

[3] Use shall be shown as reasonably required for the convenience or support of occupants of uses in the surrounding I-District.

[4] Permitted when all activities occur within a wholly enclosed building.

[5] Permitted within a building or fully screened from public view by a solid wall or fence.

[6] Only for parcels with Mixed Industrial-Commercial (MIC) General Plan Designation.

3.03.150 Heavy Industrial (I-3) Zone

A. Purpose

The I-3 (Heavy Industrial) zone is applied to areas of the City that are appropriate for a range of industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, and related industrial uses that may be ~~are neither~~ objectionable in other districts. ~~or detrimental to adjacent properties because of hazards, noise, or other disturbance.~~ The I-3 zone also accommodates professional and administrative facilities accessory to research and manufacturing operations. The I-3 zone provides a sound heavy industrial environment by providing and protecting areas within the City for such development.

B. Building Placement Requirements

Setback [1, 2]	
Front and Street Side	
Major Streets	35' min.
All Other Streets	25' min.
Rear	
Lots adjacent to R zone	25' min.
All Others [3]	No minimum
Side	
Lots adjacent to R zone	25' min.
All Others [3]	No minimum

[1] All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscape strip abutting the foundation shall be included, allowing for necessary entrances.

[2] A landscaped strip of land, at least 25' wide, shall be maintained along any property line where an I-3 zone abuts an R zone or any ~~n OS~~ zone designated for future residential use in the General Plan.

[3] 20' min. rear and side setbacks for structures with height greater than 45'.

C. Building Form Requirements

Building Height [4, 5]	~~45'~~ 65' max.
~~Lot Coverage~~	~~60% max.~~
Floor Area Ratio (FAR)	1.0 max

[4] The height may be increased to a maximum of 100' with a Conditional Use Permit.

[5] Subject to LDC § 4.02.040C special height limits within 5,000' of an airport runway.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Lot Requirements

Minimum Lot Size	20,000 sf

F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use.

Landscaping and fencing shall be in compliance with development standards established in Chapter 4.05 (Landscape Standards).

No use shall be permitted that creates vibration, heat, glare or electrical disturbance beyond the boundaries of the site.

G. I-3 Use Table

Land Use Type [1, 3]	Specific Use Regulations	Permit Required
Industry, Manufacturing and Processing		
Fuel Station, Private	6.03.160	ZUP
Manufacturing/Processing		
Advanced Manufacturing		P
Light industrial		P
Medium industrial		P
Heavy industrial	6.02.040	P
Recycling Facility:		
Processing [2]		P
Wholesale certified [4]		P
Research and Development Facility		P
Storage:		
Self-storage facility		P
Contractor storage yard/open storage [2]	6.03.100	P
Warehousing and Distribution Facility		P
E-Commerce/3PL		ZUP
Recreation, Education & Public Assembly		
Commercial Recreation Facility:	6.03.050	
Commercial amusement facility		~~CUP~~
Level 2		ZUP
Level 3		CUP
Fitness Facility		ZUP
Public and Quasi-Public	6.02.090	CUP
School, Specialty [5]		ZUP
Commercial		
Drive-In Business:		
Restaurant [5]		CUP
Restaurant		P
Services: Business, Financial, Professional		
ATM		~~CUP~~ ZUP
Bank, Financial Services [5]		~~CUP~~ ZUP
Business Support Services [5]		P
Office: Professional, Administrative		P
Services: General		
Dog Day Care		~~CUP~~ ZUP
Lodging:		
Hotel, motel [5]		CUP
Personal Service [5]		~~CUP~~ ZUP
Transportation, Communications, Infrastructure		
Telecommunication Facility	6.02.100	CUP
Live Adult Entertainment	LMC Title 5	CUP
Other		
Other [3]		ZUP/CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in ~~Part 11~~ the Definitions Chapter of this Code .

[2] Outdoor storage shall be fully screened.

[3] ~~Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.~~ Other similar and compatible uses that meet the purpose and intent of the Zoning District. Review level determined by the Director upon receipt of application.

Key

[4] Permitted within a building or fully screened from public view by a solid wall or fence.

[5] Use shall be shown as reasonably required for the convenience or support of occupants of uses in the surrounding I-District.

3.03.180 Airport (AIR) Zone

A. Purpose

General

The purpose of the Airport (AIR) zone is to provide the City with a unique area occupied by aviation oriented uses. To encourage a functional and compatible association of uses in identifiable areas, the AIR zone is divided into two subzones, the Airport-Operations subzone (AIR-OP) and the Airport-Services subzone (AIR-SE), as described below.

Airport-Operations (AIR-OP)

The purpose of this subzone is to provide standards for airport operation facilities. The AIR-OP subzone is intended to provide development standards and allow aviation land uses and related structures/facilities necessary for the safe operation of the Livermore Municipal Airport.

Airport-Services (AIR-SE)

The purpose of this subzone is to provide standards for airport support facilities. The AIR-SE subzone is intended to provide development standards and allow aviation-related land uses and related structures/facilities necessary to adequately support the operation of the Livermore Municipal Airport.

B. Sub-zones

AIR-OP (Airport-Operations), AIR-SE (Airport-Service)

C. Building Placement Requirements

Setback [1]	
Front [2,3,4]	
Major Street	25' min.
Non-major Street	20' min.
Side	None
Rear	None

[1] No setbacks required for AIR-OP, except where subject to FAA, State and county regulations.

[2] Setback areas fronting a public street in existence as of December 31, 2008, are considered conforming.

[3] All required setback areas adjacent to a public street shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the site.

[4] Regional trail landscaping located on the same parcel may be included to meet any applicable landscape requirement.

D. Building Form Requirements

Building Height	
AIR-OP	Subject to FAA regulations
AIR-SE [5]	~~40'~~ 65' max.
Coverage [6]	~~60%~~ 1.0 FAR max.

[5] The height may be increased if determined to be necessary to facilitate the storage of aircraft, with a ~~Conditional~~ Zoning Use Permit and subject to FAA regulations and ALUCP standards.

[6] No more than 60% of the Airport area designated Community Facility-Airport (CF-AIR) in the General Plan shall be covered with impervious surfaces, including but not limited to buildings, taxiways, runways, parking areas, fuel areas, and wash areas.

E. Parking Requirements

Spaces	
AIR-OP	None
AIR-SE [1]	
Hangar storage	0.5 spaces/1,500 sf
Aircraft tie-down	1 space/7,000 sf of tie-down area
Restaurant	1 space/three seats
Commercial and Service	1 space/250 sf
Car rental	Space as required for office use, plus spaces sufficient to accommodate rental fleet
Miscellaneous hangar activities	
≤ 5,000 sf	1 space/1,000 sf
> 5,000 sf	5 spaces, plus 0.5 spaces/1,000 sf above 5,000 sf

[1] If a proposed use is not addressed above or in Chapter 4.04, parking shall be provided, at a minimum, to accommodate the estimated number of employees, customers, and visitors, subject to Director discretion.

F. Lot Requirements

None.

G. Miscellaneous Requirements

Any site or property zoned AIR may be developed or utilized in accordance with applicable regulations as established in this zone, plus any additional regulations imposed as a condition of approval. The Airport's Minimum Standards for Commercial Aeronautical Activities establish the minimum facility size required for such activities. Total development shall be limited to 1,418,680 square feet of building space.

In addition to the site development requirements of the zone, all development applications for the AIR zone shall be accompanied by a written statement of authorization signed by the Airport Manager.

All development must meet Federal Aviation Administration (FAA) and State of California airfield design guidelines, including obstacle clearances.

Site Plan and Design Review is required for any site development or expansion of any site, structure or use (Chapter 9.07).

In any case where a building is visible from the public street, a five-foot landscape strip abutting the foundation shall be included, allowing for necessary entrances. In any case where a parking lot is located between a building and a public street, the landscape strip adjacent to the street may be reduced up to 10 feet; provided, that a landscape strip equal to the amount of reduction is added to a landscape planter adjacent to the street-side of the building.

All landscaping shall be carried out in accordance with a landscape plan that shall be submitted with the entitlement application and shall be consistent with the City's Water Efficient Landscape Ordinance (Chapter 13.25 LMC).

H. AIR Use Table

Land Use Type	Specific Use Regulations	Permit Required AIR-OP [1]	Permit Required AIR-SE [2]
Airport			
Aerial Photography/Surveying		--	P
Air Cargo Operations [3]		--	P
Aircraft Charter/Rental		--	P
Aircraft Hangars [4]		--	P
Aircraft Tiedown and Parking		--	P
Air Rescue		--	P
Specialized Aviation Service Operator, ~~specialized~~		--	P
Fixed Base Operator		--	P
Aircraft Fueling		--	P
Emergency Facilities/ Equipment Storage		--	P
Lighting/Signage [5]		P	--
Medical Transport Operations		--	P
Pilot Supply Sales		--	P
Run-up Aprons		P	--
Runways		P	--
Service and Emergency Roads		P	--
Taxilanes		--	P
Taxiways		P	P
24-hour Security Facilities		--	CUP
Commercial			
Aircraft Sales		--	P
Restaurant and other food service.		--	P [6]/ ~~CUP~~
Retail		--	P [6]
Industry, Manufacturing and Processing [7]			
~~Aircraft~~ Aeronautical Manufacturing and Research		--	P
Advanced Manufacturing		--	P
Aircraft and Aircraft Component Testing		--	ZUP
Recreation, Education & Public Assembly			
Aviation Museums		--	CUP
Flight Schools/Training		--	P
Public and Quasi Public	6.02.090	--	CUP
Services: Business, Financial, Professional			
Aircraft Service and Maintenance		--	P
Airport Administrative Offices		--	P
Car Rental		--	P [8]/ ~~CUP~~
Transportation, Communications, Infrastructure			
Communication Equipment		--	P
Control Tower, Terminal and Equipment [9]		--	P
Navigational Antennas [10]		P	--
Meteorological Equipment [10]		P	--

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] Any other uses consistent with Federal Aviation Administration (FAA) regulations and State of California airfield design guidelines including obstacle clearances.

[2] Similar uses permitted or conditionally permitted as determined by the Director and Airport Manager to be of the same general character as the listed uses.

Key (continued)
End Notes: (continued)
[3] Single main gear aircraft up to 45,000 lbs., dual main gear aircraft up to 65,000 lbs., in association with a fixed base operator.
[4] ~~T, box, or corporate configuration.~~
[5] In association with runways, taxiways, and apron operations, as required by applicable federal, State, and County standards.
[6] ~~One restaurant maximum, in association with airport administrative offices or a fixed base operator~~ In association with airport administrative offices, an FBO, or a SASO.
[7] ~~General aviation aircraft~~ Subject to FAA Standards.
[8] ~~In association with a fixed base operator.~~
[9] Necessary for airport operation.
[10] As required by applicable federal, State, and County standards.

(Ord. 1903 § 1 (Exh. A), 2010)

3.04.030 Planned Development (PD) Zone

A. Purpose

The Planned Development (PD) zone is applied to areas of the City appropriate for residential, commercial and industrial planned development projects that require more flexible design standards.

The flexibility allows a developer to address geologic, topographical and environmental factors. A PD zone allows projects to be developed with open space and neighborhood amenities.

A PD zone shall conform to the requirements of the General Plan and the intent of this Code and the Municipal Code in requiring adequate standards necessary to protect the public health, safety and general welfare. The PD zone is divided into ~~four~~ five subzones: Planned Development Residential (PD-R), Planned Development Commercial (PD-C), Planned Development Industrial (PD-I), Planned Development Open Space (PD-OS), and Planned Development Specific/Neighborhood Plan (PD-SP/NP).

The PD zone for commercial and industrial is particularly (but not necessarily) applied to areas near a freeway or freeway interchange, near a major entrance to the City, or adjacent to residential uses. ~~Both the Community Serving General Commercial (CSGC) and the Business and Commercial Park (BCP) General Plan designations require implementation through a PD zone.~~

B. Sub-zones

PD-R, PD-C, PD-I, PD-OS

C. Development Standards

PD-R [1]	
Single-family	≤ 6 du/acre - RS or T3N
Multifamily	≤ 14 du/acre - MFR or T4N
Multifamily	>14 du/acre - T4N
PD-C	Refer to I-1 zone
PD-I	Refer to I-1 zone
PD-OS	Refer to OS-A zone
PD-SP/NP	Develop a Specific/Neighborhood Plan

[1] Density shall conform to the density specified in the General Plan and to the residential zone that is the closest to that density.

D. Parking Requirements

See Chapter 4.04 (Parking Standards).

E. Miscellaneous Requirements

Except as otherwise set forth in the PD ordinance, property in a PD zone is subject to all other applicable regulations of this Code (i.e. sign regulations, secondary dwelling unit standards, etc.) as they exist at the time of a PD ordinance and as they may be amended in the future.

Environmental Design. If there are any geologic, topographical and environmental factors and constraints on the site, the proposed design shall address these in a manner that could not be achieved in a more conventional zone without frontage on a public street may be permitted subject to the following private street requirements:

~~CSGC designated property in the General Plan~~

Property shall meet the requirements set forth in Section 3.04.030.C.

Property shall be located along a major street in the vicinity of a freeway interchange.

F. PD Use Table

PD Zone	Uses Allowed Where No Specific Regulations Are Adopted	
PD-R		
Uses shall conform to the density specified in the General Plan and to the residential zone that is closest to that density	Single-family	Refer to RS
	Multifamily	Refer to MFR
PD-C ~~1,2~~		
Uses allowed in the CNB zone		
PD-I ~~3~~		
Uses allowed in the 1-2 zone		
PD-OS		
Uses allowed in the OS-A zone		
PD-SP/NP		
Develop a Specific/Neighborhood Plan		

~~1 Including property designated CSGC in the General Plan. A proposed PD zone in the CSGC designation shall include any one or a combination of community serving retail, office, service or mixed residential uses. If commercial uses are proposed, they consist of a size, bulk and coverage found in a retail shopping center, including destination oriented large retail tenant, business and commercial services, and professional and administrative offices.~~

~~2 In property designated CSGC in the General Plan superstores are not allowed~~.

~~3 Including property designated BCP in the General Plan~~

G. **Application.**

1. An application for a rezoning to a PD district (a PD ordinance) shall be filed and processed in compliance with Chapter 9.01 (Application Processing and Procedures).
2. The application shall include the information and materials specified in the Department handout for Planned Development (PD) applications, together with the required fee in compliance with the Planning Fee Schedule.
3. It is the responsibility of the applicant to provide evidence in support of the findings required, below.

H. **Review authority.**

1. Planning Commission hearing and recommendation. The planning commission shall hold a noticed public hearing to consider the application. The commission shall recommend to the City Council either approval, conditional approval or disapproval of the application.
2. City Council hearing and decision. The City Council shall hold a noticed public hearing to consider the application and the Commission's recommendation. The Council shall by ordinance approve, approve subject to conditions or deny the application. The Director shall notify the applicant in writing of the Council's decision.

I. **Amendments.** The procedures for amending a PD ordinance are set forth in Chapter 9.14 (Amendments).

J. **Additional design features to justify variation from conventional zoning.**

1. Residential Planned Developments. For each variation from the conventional regulations, the applicant shall describe a design feature which is in proportion to the degree of variation, and shall explain why the variation is appropriate. The City

shall consider only those design features which exceed what is otherwise legally required by the City or by the California Environmental Quality Act.

a. Reservation of open space;

b. Parks, trails, bicycle paths or playgrounds beyond those required under the parkland dedication ordinance;

c. Clustering of homes (in order to provide greater open space, or more parks, trails, neighborhood amenities, etc.);

d. Inclusion of more affordable (low- and very-low-income) housing, above what is required by the General Plan and State law;

e. Provision of public, neighborhood amenities;

f. Diversification of building sizes and types; or

g. Other public features not generally available in the neighborhood of a standard zoning district.

2. **Commercial and industrial planned developments.** For each variation from the conventional regulations, the applicant shall describe a design feature which is in proportion to the degree of variation, and shall explain why the variation is appropriate. The City shall consider only those design features which exceed what is otherwise legally required by the city or by the California Environmental Quality Act.

a. Increased landscaping;

b. Increased landscape setbacks;

c. Provision of open space in excess of what is otherwise required;

d. Pedestrian areas, outdoor benches, fountains, trails, or other outdoor recreation areas;

e. Extraordinary architecture;

f. Employee facilities, such as on-site day care, showers and locker rooms.

K. **Development Agreement.** Any design feature approved under this subsection shall be assured and implemented through a Development Agreement or tentative map condition of approval, or both. Any Development Agreement shall be approved concurrently with the PD ordinance and in consistent with the requirements in Chapter 9.04 (Development Agreements).

L. **Site Plan and Design Review.** The Planned Development ordinance shall include the following provision:

1. Before a building permit is issued for any new structure, or a grading permit for grading, the property owner shall obtain Site Plan and Design Review under Chapter 9.07. In addition to any requirements under Chapter 9.07, the Site Plan and Design Review approval for property within this PD district may include development conditions not limited to building design and arrangement; architectural standards; storage facilities; phasing of improvements; circulation; access; lighting; fencing; landscaping and screening; buffers; hours of operation; regulations of noise, vibration and odors; and property maintenance.

~~M. **Exemption.** The requirements of subsection F, above, do not apply to property which is designated BCP and CSGC in the General Plan by City-initiated action rather than by application of the property owner. (Ord. 2082 § 2(L), 2019)~~

4.02.060 Transferable Development Credits Regulations

The portions of this section in italics are repeated from the North Livermore Urban Growth Boundary Initiative and are not subject to amendment except by voter approval.

A. **References, purpose and definitions.**

1. The ordinance codified in this section, as amended from time to time, may be cited as the "transferable development credits ordinance" or the "TDC ordinance."
2. This section is adopted to implement the land use goals of the City as set forth in the North Livermore Urban Growth Boundary Initiative (initiative) and the City of Livermore 2003-2025 General Plan.
3. This section shall govern and control the allocation, transfer and use of development credits between North Livermore and the City. Any contradiction, inconsistency or ambiguity between the requirements of this section and any other provision of the Livermore Development Code (LDC) shall be governed and controlled by the requirements of this section. If not specifically covered in this section, the provisions of the LDC shall apply.
4. *Purpose.* The transferable development credits ordinance is designed to be part of a multiple-component approach to open space preservation. *The purpose of this section is to protect the agricultural land and other valuable open space of North Livermore and other areas adjacent to Livermore from excessive and irremediably harmful development. This protection will:*
    a. *Maintain existing agriculture and permit more intensive agriculture in North Livermore;*
    b. *Preserve the natural qualities, wildlife, beauty, and peace of the open landscape, hills, and wetlands surrounding Livermore;*
    c. *Prevent further sprawl by completing an urban growth boundary, which will direct permitted development to existing urbanized areas, thereby contributing to their vitality;*
    d. *Reduce traffic congestion and hazard;*
    e. *Limit air pollution and protect public health;*
    f. *Avoid government expenditure of taxes for extended facilities and services;*
    g. *Provide for outdoor recreation for residents of the area; and*
    h. *Generally safeguard the special identity, heritage, and character of Livermore, and preserve the high quality of life in the City.*
5. Definitions.
    a. "Baseline density" means the maximum density allowed in TDC receiving areas and TDC receiving zones when property owners choose not to use the TDC option. When property owners choose to use the TDC option, baseline density shall be calculated as the maximum density allowed under the range of densities in the baseline component of the TDC receiving area general plan designation.
    b. "Baseline zoning" means the zoning in effect on TDC receiving area parcels consistent with the baseline density of the parcels.
    c. "North Livermore" is the area bounded by the Livermore Urban Growth Boundary, the City of Dublin Sphere of Influence Boundary on June 30, 2002, the Alameda-Contra Costa Counties boundary, Vasco Road, and the north and east boundary of the Vasco-Laughlin Specific Plan area, east of Vasco Road, on June 11, 2001.
    d. "South Livermore" is the area bounded on the north by the South Livermore

Urban Growth Boundary as shown in Exhibit A to the South Livermore Urban Growth Boundary Initiative, east of Isabel Avenue, including the Planning Area depicted in Figure I-1 General Plan Planning Boundaries, in the 2045 General Plan, and south of the northern boundaries of Assessor's Designated Parcels 99A-1625-1-7 and 99A-1625-1-9.

e. "Transferable development credits (TDCs)" means the credits granted under the initiative that may only be used in compliance with the initiative and this section.

f. "TDC option" means the general plan designation and LDC requirements that apply when owners of property in TDC receiving areas and TDC receiving zones apply to exceed baseline density in compliance with all requirements.

g. "TDC receiving area" means a general plan classification that allows baseline uses and densities when property owners choose not to use the TDC option, but provides for higher-than-baseline density and alternative development regulations when property owners elect to use the TDC option.

h. "TDC receiving zone" means a zoning district that allows baseline uses and densities when property owners choose not to use the TDC option, but provides for higher-than-baseline density and alternative development regulations when property owners elect to use the TDC option.

i. "TDC-retiring unit" is a dwelling unit that qualifies to receive an allocation under the City's housing implementation program.

j. "TDC sending area" is the North Livermore area described in the initiative and the 2003-2025 General Plan in which property owners can choose to record easements, create TDCs and transfer TDCs in compliance with this section.

B. **TDC sending areas.**

1. The TDC sending area includes all properties within North Livermore. *Property owners may chose to participate in the program, even though their property has not been annexed to Livermore.*

a. Transferable development credits shall be granted by the City to property owners in North Livermore, by rule in accordance with this section, in number and manner to accomplish the objectives of the North Livermore Urban Growth Boundary Initiative (hereafter, the "initiative"). The City Council shall grant credits on the following bases:

(1) One credit for each full five acres;

(2) Eleven credits for an owner forgoing the right to create an additional parcel under the initiative;

(3) Ten credits for an owner forgoing the right to any dwelling units on a parcel, which forbearance shall also include the right to any dwelling units on one of the parcels resulting directly or indirectly from any permitted subdivision of that parcel;

(4) Twelve credits for elimination of existing dwelling units and residential accessory structures on a parcel and for the owner forgoing the right to any dwelling units on that parcel, which forbearance shall also include the right to any dwelling units on one of the parcels resulting directly or indirectly from any permitted subdivision of that parcel.

(5) *Duplicate credits may not be granted with respect to the same acreage or right forgone, regardless of changes in ownership. Credits given under subsections (B)(1)(a)(2), (3), or (4) of this section may be relinquished to the City prior to use or initial transfer and, if no gift is intended, the right to create a parcel, to build or*

rebuild as permitted by the ordinance regained and the corresponding easement conveyed under subsection (e) reconveyed. Credits given under subsection (B)(1)(a)(2) of this section may occur over time and credits may be granted under subsection (B)(1)(a)(2), (3) or (4) of this section at a later time than credits granted under subsection (B)(1)(a)(1) on an individual parcel; provided, that duplicate credits are not granted.

b. Development credits cannot be used in the TDC sending area or in any manner not expressly allowed by this section.

c. Credits may be sold or purchased, or otherwise transferred or received, by any person including the City and other governmental entities. The City may use funds available for that purpose to buy credits, including a revolving fund replenished by the sale of credits. The City may buy and sell credits to establish and maintain an efficacious market for the credits, or to extinguish them. (Extinction of credits may be part of a more general City program to purchase development rights.)

d. Development credits may only be used within TDC receiving zones or to qualify development projects for housing allocations as regulated by this section.

e. As a precondition for the grant of development credits under subsection (B)(1) of this section, the owner shall convey an easement, which runs with the land, to the City and, if available, jointly to an independent land trust that meets the standards of Section 19 of the initiative. As provided in Section 19 of the initiative, the easement shall be negative only. If credits are granted under (a)(1) [of the initiative], the easement shall bar any future land division, development or use not permitted by initiative on the parcel where the acreage is located. If credits are granted for forgoing the right to create a parcel under (a)(2)[of the initiative], the easement shall relinquish that right permanently. If the credits are granted under (a)(3) or (a)(4) [of the initiative] for foregoing all dwelling units on a parcel, the easement shall relinquish the right to any dwelling units or any other development on the parcel, or on one of the parcels resulting directly or indirectly from any permitted subdivision of that parcel, except development under Section 12(2) [of the initiative] for agricultural use and under Section 12(3) [of the initiative] for the packaging, processing, storage or sale of produce or plants as set forth in the Initiative. Easements shall be duly recorded in the county land records.

f. Credits shall not be granted and easements shall not be acquired for properties which are subject to other agricultural or open space easements or similar restrictions that have barred or forgone land division, development or uses substantially the same as that which would be barred or forgone as described in subsection (B)(1)(e) of this section. Conversely, credits may be granted and permanent easements acquired on land that has less restrictive easements.

2. The City shall establish appropriate means to inform persons about the development credits program and to facilitate transfer of credits from transferors to transferees. The City shall have procedures and requirements to ensure that it has accurate records of development credit grants, transfers and use. Administrative procedures shall include but not necessarily be limited to the following: application requirements, easement components, processing steps and documentation of credit issuance, transfer and redemption.

C. **TDC receiving areas.** TDC receiving areas are identified in the 2003-2025 General Plan or any subsequent general plan amendments that allow for new residential land use designations or increases in residential density. When properties are within specific plan areas, the specific plan for that area shall set forth TDC provisions, if any. TDC receiving area general plan designations establish baseline uses and densities. When

properties are within specific plan areas, the specific plan for that area shall set forth TDC provisions, if any. Owners of land with a general plan designation of TDC receiving area who do not choose to exceed baseline density may decline the TDC option and continue to use their property in compliance with existing zoning. (See additional requirements in subsection (E) of this section regarding TDC receiving areas with industrial baseline zoning.)

Alternatively, owners of property with a TDC receiving area general plan designation may choose the TDC option and exceed baseline density when the zoning of their land has been changed to a TDC receiving zone and all requirements of that zoning district including the TDC requirements of Subsection (D) of this section have been complied with. The three types of TDC receiving zones are set forth below.

1. TDC combining district. The TDC combining district is a zoning district that implements the provisions of a TDC receiving area general plan designation when a property owner chooses to use the TDC option.
    a. Owners who elect not to use the TDC option shall comply with all use and development regulations that apply within the zoning district corresponding to the baseline classification of the TDC receiving area general plan designation.
    b. Owners who elect to use the TDC option shall comply with all use and development regulations that apply within the zoning district corresponding to the TDC combining district of the TDC receiving area general plan designation as well as all other requirements of this section including the TDC requirements of subsection (D) of this section.
    c. The TDC option is only available to developments that achieve the density range set forth in the corresponding TDC receiving area general plan designation.
2. Planned development district. Owners of property with a TDC receiving area general plan designation may use the TDC option by applying for a planned development district or PD see Section 3.04.030 (Planned Development Zone). To use the TDC option, the PD shall incorporate all provisions of the corresponding TDC receiving area general plan designation and this section including, but not limited to, adherence to the residential density range called for in the general plan and compliance with the TDC requirements set forth in subsection (D) of this section.
3. Zoning districts incorporating TDC. When the City has created zoning districts that independently implement all provisions of a TDC receiving area, the zoning of a property within a corresponding TDC receiving area may be changed to that TDC receiving zone. Following the change of zoning, owners may decline to use the TDC option and continue to use the property under the baseline zoning and density set forth by the applicable TDC receiving zone. Alternatively, owners may choose to use the TDC option and exceed the baseline density in compliance with all regulations of the TDC receiving zone including the TDC requirements set forth in subsection (D) of this section.

D. **TDC requirements.**

1. To exceed baseline density in a TDC receiving zone, owners shall submit:
    a. One and one-half TDCs for each single-family detached dwelling in excess of baseline density within a density range of one to seven dwelling units per acre (or one and one-quarter TDCs for each single-family detached dwelling in excess of baseline density for developments that have received final map approval by the City Council by June 1, 2013, and obtained building permits and start construction before April 1, 2014);

b. One and one-quarter TDC for each single-family detached dwelling in excess of baseline density within a density range of eight to 14 units per acre; and

c. One-half TDC for each multi-family attached dwelling in excess of baseline density; or

d. Payment of the TDC in lieu fee for each required TDC.

2. The TDC in lieu fee is contained in the City's fee schedule. The TDC in lieu fee shall be reviewed not less than bi-annually. The City Council may amend the TDC in lieu fee as necessary.

3. Revenues from TDC in lieu fees ~~shall~~ may be used for the acquisition of TDCs from North Livermore. Revenues from TDC in-lieu fees may be used for the acquisition in fee and/or easements of agricultural land and other valuable open space in North Livermore, South Livermore, and other areas adjacent to Livermore. Other than TDC acquisition in North Livermore, acquisition in fee and/or easements of agricultural land and other valuable open space in North Livermore, South Livermore, and other areas adjacent to Livermore, revenue from TDC in lieu fees shall only be used for costs incurred in administering the TDC program including but not necessarily limited to facilitating TDC transactions, facilitating acquisitions in fee and/or easements of agricultural land and other valuable open space in North Livermore, South Livermore, and other areas adjacent to Livermore, preparing/recording TDC and/or conservation easements, monitoring/enforcing easements and maintaining records. TDC in lieu fee revenues may be used to offset the administration costs incurred by the City and/or by a land trust authorized by the City to administer portions of the TDC program.

4. The City Council may, through adoption of a specific plan and implemented consistently by development agreement, make modifications to the transferable development credits regulations to meet the specific plan's density, design policies, and goals that are not inconsistent with the transferable development credit program.

E. **Special requirements.** TDC receiving areas with an industrial baseline classification in the TDC receiving area general plan designation shall not be rezoned as a TDC combining district unless all properties within the TDC receiving area are rezoned as a TDC combining district. After the TDC receiving area has been rezoned, an owner of property within this zone may elect to use either the baseline zoning or the TDC option on any single lot. If the first lot to be developed in this TDC receiving zone uses the residential TDC option, all future uses and structures on other lots within the TDC receiving area that are only allowed under the baseline industrial zoning shall be conditional uses and shall require approval of a Conditional Use Permit as provided under Chapter 9.03. If the first lot to be developed in this TDC receiving area uses the industrial baseline zoning, future use of the residential TDC option on other lots within this TDC receiving area shall be conditional uses and shall require approval of a Conditional Use Permit as provided under Chapter 9.03. The City Council shall place conditions on uses, site plans and building design as needed to maximize compatibility between industrial and residential developments pursuant to the findings required by Chapter 9.03.

F. **Satisfaction of TDC requirements.**

1. When a final subdivision map would create an entitlement to exceed baseline density in a TDC receiving zone, submission of the required number of TDCs or payment of the corresponding TDC in lieu fee must be a condition of approval placed on the tentative map. This condition shall be satisfied prior to final map approval.

2. When site plan approval would create an entitlement to exceed baseline density in a TDC receiving zone, submission of the required number of TDCs or payment of

the corresponding in lieu fee must be a condition of approval. This condition shall be satisfied prior to issuance of building permits.

3. City Council may, by resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes.

G. **TDC requirements for affordable housing units.** Housing units that are covered by an affordable housing agreement with the City shall be exempt from the TDC requirements. Affordable housing units may include very low- and low-income units provided under state law as implemented through section 6.02.030 (Density Bonuses), affordable units provided consistent with other general plan policies, or units provided consistent with the City's inclusionary housing requirements in Chapter 10.06 (Affordable Housing).

H. **Housing allocations for TDC-retiring units.** A maximum of 2,000 allocations for TDC-retiring units shall be guaranteed between 2004 and 2016. An additional 1,200 allocations shall be guaranteed between 2017 and 2019. TDC-retiring units granted allocations are not required to participate in the City's annual, competitive HIP process but will be counted as part of the City's overall growth rate. Unused allocations for TDC-retiring units may be carried over into subsequent years beyond 2019.

1. All housing units (both within and in excess of baseline density) in a development approved to exceed baseline density in TDC receiving zones shall be TDC-retiring units and shall qualify for housing allocations. (As set forth in subsection (C) of this section, the TDC option is only available to developments that achieve the density range called for in the General Plan.)

2. Housing developments that do not need TDCs for density bonus shall qualify for housing allocations when the developer nevertheless submits:

   a. One and one-half TDCs for each single-family detached dwelling in excess of baseline density within a density range of one to seven dwelling units per acre (or one and one-quarter TDCs for each single-family detached dwelling in excess of baseline density for developments that have received final map approval by the City Council by June 1, 2013, and obtained building permits and start construction before April 1, 2014);

   b. One and one-quarter TDCs for each single-family detached dwelling in excess of baseline density within a density range of eight to 14 units per acre; and

   c. One-half TDC for each multifamily attached dwelling in excess of baseline density; or

   d. Payment of the TDC in-lieu fee for each required TDC.

I. **Additional TDC program provisions.**

1. The City Council or agencies authorized by the City Council to implement the TDC program may concentrate the use of funds under their control to prioritize TDC acquisitions in selected portions of North Livermore in order to achieve the overall goals of the North Livermore initiative.

2. The City may coordinate with a nonprofit organization to help in implementing the TDC program. Such assistance could include authorizing the nonprofit organization, under City Council direction, to hold and enforce easements, acquire and sell TDCs, create a registry of interested buyers/sellers, maintain records of transactions and advise the City of needed program refinements.

3. Either directly or through an authorized agency, the City may acquire TDCs using funding from settlement agreements, mitigation agreements, general fund, loans, grants and other sources appropriate for the acquisition of open space. (Ord. 2151 § 7, 2023; Ord. 2056 § 1 (Exh. A), 2017; Ord. 1979 § 5, 2013; Ord. 1947 § 3 (Exh.

A), 2011)

4.02.070 Interstate 580 Plan Lines

The City has adopted right-of-way plan lines for Interstate 580 for the purpose of protecting and preserving areas for regional transportation improvements such as Bay Area Rapid Transit (BART), high occupancy vehicle (HOV) lanes, and other future modal options. The amount of land necessary will vary according to the adopted I-580 plan lines.

Plan lines are the boundaries and limits of a planned right-of-way, including the future right-of-way of an existing transportation corridor as it is proposed to be widened. These lines also include all lands necessary for the building, widening, or maintenance of any road, street, highway, or any other type of public way, which planned right-of-way is based on the General Plan of Livermore.

4.02.080 Grading Activities

A. Except as identified in subsection B of this section and specifically identified in the General Plan, the following grading activities are permitted:

1. The on-site filling, movement, excavation or removal of materials for construction activities for which a zoning or subdivision entitlement has been granted and where the environmental document prepared in accordance with the California Environmental Quality Act (CEQA) adequately evaluates the proposed activity.
2. Any excavation less than 10 feet in depth to be held in place by support structures such as foundations, and swimming pools.
3. Any excavation less than five feet in depth either having finished slope less than one and one-half horizontal to one vertical, or held in place by support structures such as a retaining wall.
4. Any fill either less than two feet in height with a slope less than five horizontal to one vertical, or less than 200 cubic yards.

Chapter 9.01 Application Processing Procedures

Sections:

9.01.010 Purpose
9.01.020 Authority for Land Use and Zoning Decisions
9.01.030 Multiple Permit Applications
9.01.040 Application Preparation and Filing
9.01.050 Application Fees
9.01.060 Applicant Indemnification
9.01.070 Initial Review of Application
9.01.080 Environmental Assessment
9.01.090 Burden of Proof

9.01.010 Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Development Code.

9.01.020 Authority for Land Use and Zoning Decisions

Table 9.2 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.

9.01.030 Multiple Permit Applications

A. **Concurrent filing.** An applicant for a development project that requires the filing of more than one application (e.g., Zoning Map amendment and a Conditional Use Permit, etc.), shall file all related applications concurrently, together with all application fees required by Section 9.01.050 (Application Fees), below, unless the concurrent filing requirements are waived by the Director.

B. **Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by this Development Code for any of the applications (i.e., a project for which applications for Zoning Map amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Conditional Use Permit as otherwise required by Table 9.2)

Table 9.1 Permits and Approvals

Name of Permit	Code Chapter/ Section	Applicability of Permit
Permits Required by this Development Code		
Conditional Use Permits	9.03	A Conditional Use Permit is required to authorize proposed land uses specified by Part 3 (Specific to Zones) as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit.
Certificates of Appropriateness	9.02	A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects, of historic significance including, but not limited to, areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.
Home Occupation Permits	9.05	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses, as specified by Part 6 (Specific to Uses).
Sign Permits	4.06	A Sign Permit is required to allow the installation or remodeling of a sign.
Site Plan and Design Reviews	9.07	A Site Plan and Design Review is required before construction of any structure erected in the Zones within Part 3 (Specific to Zones), and as specified in Table 9.3 (Review Authority for Site Plan and Design Review).
Temporary Use Permits	9.09	A Temporary Use Permit is required to allow short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
Zoning Clearances	9.11	A Zoning Clearance is required to verify a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.
Zoning Use Permits	9.03	A Zoning Use Permit is required to authorize proposed land uses specified by Part 3 (Specific to Zones) as being allowable in the applicable zone subject to the approval of a Zoning Use Permit.
Additional Permits and Approvals Available to the Applicant		
Minor Variances	9.10	A Minor Variance may be requested to allow an adjustment from any of the development standards specified in Table 9.4 (Types of Minor Variances Allowed).
Reasonable Accommodations	9.06	Reasonable Accommodations provides a procedure to request a necessary adjustment to the development standards specified in this Development Code in order to accommodate persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.
Variances	9.10	A Variance may be requested to allow an adjustment from any of the development standards required by this Development Code.
Subdivision Maps and Other Approvals		
Tentative Maps, Final and Parcel Maps		See TABLE 10.1 (Subdivision Review Authorities)
Lot Line Adjustments, Mergers, and Approvals		See TABLE 10.1 (Subdivision Review Authorities)

Table 9.2 Review Authority				
Type of Action	Code Chapter/Section	Role of Review Authority [1]		
		Director [2]	Commission	Council
Administrative and Legislative Actions				
Development Agreements	9.04		Recommend	Decision
Development Code Amendments	9.14		Recommend	Decision
General Plan Amendments	9.14		Recommend	Decision
Historic Preservation Designation	9.02		Recommend	Decision
Interpretations	9.19	Decision	Appeal	Appeal
Specific Plans and Amendments	9.08		Recommend	Decision
Zoning Map Amendments	9.14		Recommend	Decision
Planning Permits and Approvals				
Certificates of Appropriateness	9.02	See Section 9.02.030 (Review Authority)		
Conditional Use Permits [3]	9.03		Decision	Appeal
Home Occupation Permits	9.05	Decision	Appeal	Appeal
Minor Variances	9.10	Decision	Appeal	Appeal
Reasonable Accommodations	9.06	Decision	Appeal	Appeal
Sign Permits	4.06	Issuance	Appeal	Appeal
Site Plan and Design Reviews	9.07	See TABLE 9.3 for specified review thresholds		
Temporary Use Permits	9.09	Decision	Appeal	Appeal
Variances	9.10		Decision	Appeal
Zoning Clearances	9.11	Decision	Appeal	Appeal
Zoning Use Permits	9.03	Decision	Appeal	Appeal
Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps		See TABLE 10.1 (Subdivision Review Authorities)		
Lot Line Adjustments, Mergers, and Approvals		See TABLE 10.1 (Subdivision Review Authorities)		

Notes

[1] "Recommend" means that the review authority makes a recommendation to a higher decision making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 9.15 (Appeals).

[2] The Director may defer action and refer the request to the Commission for consideration and final action.

[3] May require Historic Preservation Commission review in conformance with Chapter 9.02 LDC.

9.01.040 Application Preparation and Filing

A. **Pre-application conference.**

1. A prospective applicant is encouraged to request a pre-application conference with the Director (also known as an Advance Team meeting) before completing and filing a land use permit application.
2. The purpose of this conference is to generally:
   a. Inform the applicant of City requirements as they apply to the proposed project;
   b. Review the City's review process, possible project alternatives, or modifications; and
   c. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.
3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by any City staff.
4. Failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those studies or requirements.

B. **Application contents.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Department handout for the specific type of application and/or as specified by the Director.

C. **Eligibility for filing.**

1. The application shall be signed by the owner of record or by an authorized agent.
2. Authorized agents shall provide written authorization signed by property owner.

D. **Without scope.**

1. In cases where the Director considers the reasons and conditions specified in the application not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed.
2. If the application is filed and the required fees are accepted, the application shall be signed by the applicant and the owner of record if not the owner, to the effect that the applicant was so informed.
3. Acceptance of the application does not constitute an indication of support or approval.

E. **Report by Expert Consultants.** The City may require of the applicant additional evidence and clarification as may be necessary to establish that the proposed use will conform to the applicable regulations and standards specified in this Development Code.

9.01.050 Application Fees

A. **Fee schedule.**

1. The Council shall establish a schedule of fees for the processing of the applications

required by this Development Code, hereafter referred to as the Planning Fee Schedule.

2. The Planning Fee Schedule shall be adopted by resolution of the Council which may be evaluated and/or amended as often as determined to be necessary by the Council.

3. Projects subject to time and materials charges.

   a. Projects which do not fit any category in the Planning Fee Schedule or which are otherwise extraordinary may be charged on a time and materials basis at the Director's sole discretion.

   b. Staff time required on a project, post entitlement, and not part of another formal application (e.g., Final Map, Site Plan and Design Review, etc.) will be recovered on a time and materials basis at the Director's sole discretion.

   c. The fees specified in the Planning Fee Schedule reflect standard processing time. Projects requiring excessive review time will be recovered on a time and materials basis.

B. **Timing of payment.**

1. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid.

2. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.

C. **Refunds and withdrawals.**

1. No refund due to denial shall be allowed.

2. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

9.01.060 Initial Review of Application

A. **Review for completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional information determined by the Director to be necessary to determine project conformance to all applicable policies (see Section 9.01.040 [Application Preparation and Filing], above).

1. Notification of applicant. As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.

2. Submittal of additional information. The Director's review of the any information resubmitted by the applicant shall be accomplished in compliance with Subparagraph A. 1., above, along with another 30-day period of review for completeness.

3. Expiration of application.

   a. If an applicant fails to provide the additional information specified in the

Director's letter within 180 days following the date of the letter, or shorter time frame as determined by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown.

b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

4. Environmental information. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the City's CEQA guidelines, and Section 9.01.080 (Environmental Assessment), below.

B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

9.01.070 Environmental Assessment

A. **CEQA review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines in order to determine whether:

1. The proposed project is exempt from the requirements of CEQA;
2. The proposed project is not a project as defined by CEQA;
3. A Negative Declaration may be issued;
4. A Mitigated Negative Declaration may be issued;
5. An Environmental Impact Report (EIR) shall be required; or
6. An addendum and/or supplemental information and materials are required in compliance with the (CEQA).

B. **Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and the City's CEQA guidelines.

C. **Compliance with NEPA.** Where applicable, projects shall also comply with the requirements of the National Environmental Policy Act.

D. **Special studies required.** At the applicant's expense, special study(ies) may be required by the City; and consultant selection may be done at City's sole discretion.

9.01.080 Burden of Proof

The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this Development Code is the responsibility of the applicant.

9.01.090 Health Risk Assessment

A. **Health Risk Assessment review.** A Health Risk Assessment shall be required for the project when it is:

1. Within 500 feet of a freeway, urban roads with over100,000 vehicles per day, or rural roads with over 50,000 vehicles per day;
2. Within 1,000 feet of a distribution center that accommodates more than 100 trucks per day, more than 40 trucks per day with operating transport refrigeration units, or more than 300 hours of transport refrigeration unit operation per week;
3. Within 1,000 feet of a major service and maintenance rail yard;
4. Adjacent to and downwind of petroleum refineries;
5. Within 1,000 feet of chrome plating facilities;
6. Within 300 feet of gas stations or other gasoline-dispensing facilities with a throughput of 3.6 million gallons per year or greater; or
7. Within 50 feet of gas stations or other gasoline-dispensing facilities with a throughput of less than 3.6 million gallons per year.

B. **Waiver of Requirement.** If the project has been sufficiently evaluated, as determined by the Director, for impacts caused by the above criteria through an alternative means of review (e.g., environmental review or site plan design review), or if the project incorporates design features or other measures that achieve a comparable reduction in health risk, the above requirement may be waived at the Director's discretion.

Chapter 9.03 Conditional Use Permits and Zoning Use Permits

Sections:

9.03.010 Purpose
9.03.020 Applicability
9.03.030 Review Authority
9.03.040 Application Requirements
9.03.050 Project Review, Notice, and Hearing
9.03.060 Findings and Decision
9.03.070 Conditions of Approval
9.03.080 Use of Property before Final Action
9.03.090 Modification of Permit
9.03.100 Periodic Review
9.03.110 Permit to Run with the Land
9.03.120 Post Decision Procedures

9.03.010 Purpose

A. **Purpose.** The purpose of a Conditional Use Permit or Zoning Use Permit is to provide sufficient flexibility in the use regulations in order to further the objectives of this Development Code.

B. **Process for reviewing uses.** A Conditional Use Permit or Zoning Use Permit provides a process for reviewing uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

C. **Special consideration.** Certain types of land uses require special consideration in a particular zone or in the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as allowed uses either impractical or undesirable.

9.03.020 Applicability

A. **Uses listed in Part 3.** A Conditional Use Permit or Zoning Use Permit is required to authorize proposed land uses specified by Part 3 (Specific to Zones) as being allowable in the applicable zone subject to the approval of a Conditional Use Permit or Zoning Use Permit.

B. **Applicability of CUP and ZUP procedure.**

1. Applicable zones. The Conditional or Zoning Use Permit procedure shall be utilized within zones where it is specified that other unlisted uses may be allowed subject to the granting of a Conditional or Zoning Use Permit.

2. Allowability of unlisted uses. It shall mean that unlisted uses might be allowed by the applicable review authority approving the Conditional or Zoning Use Permit, when the uses are ~~necessary~~ beneficial, compatible, and consistent to the development of the community and are in no way detrimental to existing uses or to those allowed in the zone

C. **Applicability of CUP procedure – private and quasi-public uses.**

1. Uses of a regional nature. Uses of a regional nature may be allowed in any zone subject to the granting of a Conditional Use Permit where found to be essential and/or desirable for the public convenience and welfare, and where the uses are in compliance with the objectives and policies of the General Plan.
2. Allowed uses. Uses shall include, but not be limited to the following:
   a. Airport or aircraft landing field (private or public);
   b. Cemeteries, columbariums, crematories, and mausoleums;
   c. Commercial radio and television antennas and/or transmitters;
   d. Development of natural resources together with the necessary structure apparatus or appurtenances thereto;
   e. Golf courses, driving ranges, parks and similar commercial, quasi-public, public and private recreation facilities requiring extensive use of land;
   f. Health facilities and places of assembly (e.g., places of worship);
   g. Public utilities facilities including electric generating plants, substations, and overhead and underground transmission and distribution lines having a capacity over 50 KV; gas and oil transmission lines; and water wells pumping treatment and storage facilities and major transmission pipes and viaducts; and
   h. Other uses as the review authority approving the Conditional Use Permit may deem to be similar and equally essential to service the public welfare.

D. **Modification of use regulations.**

1. Modification of regulations to use**.** The Conditional Use Permit procedure shall be utilized wherever it is specified in this Development Code that regulations to use may be modified through approval of a Conditional Use Permit.
2. Subject to findings. It shall mean that the modification may be granted provided the findings specified in Section 9.03.060 (Findings and Decision), below, can be made.

9.03.030 Review Authority

A. **Conditional Use Permits.** Conditional Use Permits shall be approved or denied by the:

1. Commission. Commission, when not considered concurrently with another application that requires Council approval; or
2. Council. Council when considered concurrently with another application that requires Council approval.

B. **Zoning Use Permits.**

1. Zoning Use Permits shall be approved or denied by the Director.
2. The Director may choose to refer any Zoning Use Permit application to the Commission for review and final decision.

9.03.040 Application Requirements

A. **Filing.** An application for a Conditional Use Permit or Zoning Use Permit shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).

B. **Required data.** The application shall include the information and materials specified in the Department handout for Conditional Use Permit and Zoning Use Permit applications and any additional information for a specific use required by the Development Code, together with the required fee in compliance with the Planning Fee Schedule.

C. **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.03.060 (Findings and Decision). (Ord. 1927 § 3 (Exh. C), 2011)

9.03.050 Project Review, Notice, and Hearing

Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

A. **Conditional Use Permits.**

1. Conditional Use Permits. The Commission (or Council when considering a concurrently filed application) shall conduct a public hearing on an application for a Conditional Use Permit before a decision on the application.

2. Notice. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).

3. Appeals. The Commission's decision is appealable to the Council in compliance with Chapter 9.15 (Appeals).

~~B.~~ **Zoning Use Permits.** A public notice and hearing shall not be required for the Director's decision on a Zoning Use Permit application. A public hearing will be required in compliance with Chapter 9.17 (Public Hearings) if the Director chooses to refer the ZUP to the Commission per Section 9.03.030.B above. ~~Before a decision on a Zoning Use Permit, the City shall provide notice in compliance with Chapter 9.17 (Public Hearings), and as follows:~~

~~1. Notice.~~

~~a. The notice shall state that the Director will decide whether to approve or deny the Zoning Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.~~

~~b. The written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings specified in Section 9.03.060 (Findings and Decision)).~~

~~c. If the Director determines that the evidence has merit and can be properly addressed by a condition(s) added to the Zoning Use Permit approval, the Director may consider the permit in compliance with subsection B.3 of this section (If No Hearing is Requested).~~

~~2. If Hearing Is Requested. If a public hearing is requested and the provisions of subsection B.1.c of this section do not apply the Director shall schedule the hearing~~

~~that shall be noticed and conducted in compliance with Chapter 9.17 (Public Hearings).~~

~~3. If No Hearing Is Requested. If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in subsection B.1.a of this section.~~

1. Appeals. The Director's decision is appealable to the Commission in compliance with Chapter 9.15 (Appeals).

9.03.060 Findings and Decision

A. **Review authority's action.**

1. All applications. An application for a Conditional Use Permit or Zoning Use Permit may be approved subject to conditions or denied by the review authority, based on the findings identified in Subsection B. (Required findings), below.
2. Where Council is review authority. After the public hearing where the Council is the review authority in compliance with Section 9.03.030.A., the Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or deny the application, based on the findings identified in subsection B of this section (Required findings).

B. **Required findings.** The review authority may approve a Conditional Use Permit or Zoning Use Permit only after first making all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable Specific Plan;
2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
4. The subject site is:
    a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
    b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.
5. The site's suitability ensures that the type, density, and intensity of use being proposed will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located; and
6. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Conditional Use Permit or Zoning Use Permit.
7. That any other findings prerequisite to approval of a Conditional Use Permit or Zoning Use Permit ~~states~~ stated elsewhere in the Development Code can be made. (Ord. 1927 § 3 (Exh. C), 2011)

9.03.070 Conditions of Approval

In approving a Conditional Use Permit or Zoning Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 9.03.060 (Findings and Decision).

9.03.080 Use of Property before Final Action

Permits or approvals shall not be issued for any use involved in an application for a Conditional Use Permit or Zoning Use Permit until and unless the same shall have become final, in compliance with Section 9.17.070 (Effective Date of Decision).

9.03.090 Modification of Permit

~~An approved Conditional Use Permit or Zoning Use Permit may be modified in compliance with Section 9.12.080 (Changes to an Approved Project).~~

A. Application.

1. A new land use allowed through a permit or approval granted in compliance with this Part shall be in substantial compliance with the approved use and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.
2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.
4. Changes shall not be implemented until first approved by the applicable review authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and hearing. If the matter originally required a noticed public hearing, the review authority shall hold a public hearing, except for the physical changes outlined below (See Subsection C), and shall give notice, in compliance with Chapter 9.17 (Public Hearings).

C. Physical changes. Physical changes to a site under an approved Conditional or Zoning Use Permit shall be processed in conformance with the provisions of Chapter 9.07 (Site Plan and Design Review) and all other applicable provisions of this Development Code if the changes are consistent with the scope and uses authorized under the original approval.

D. Changes in Use. A change in use or changes to the uses authorized under the original Conditional or Zoning Use Permit shall only be approved by the original review authority through a new application, processed in compliance with the provisions of Chapter 9.03 of this Development Code.

9.03.100 Periodic Review

The City may conduct a periodic review of the permit to ensure proper compliance with this Development Code and any developmental or operational conditions imposed by the review authority.

9.03.110 Permit to Run with the Land

A Conditional Use Permit or Zoning Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter and the provisions of Chapter 9.16 (Nonconforming Provisions).

9.03.120 Post Decision Procedures

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Conditional Use Permit or Zoning Use Permit application. Section 9.12.080, changes to an approved project, shall not apply following the decision of a Conditional Use Permit or Zoning Use Permit because section 9.03.090 above, Modifications of Permit, shall apply to Modifications of a Conditional Use Permit or Zoning Use Permit.

manner in compliance with the subject Building Permit; or

d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval; or

e. Met all of the applicable requirements as determined by the Director.

B. **Effect of expiration.** Where the permit or approval, except for Conditional Use Permits, has expired and/or has been deemed void:

1. No further action is required by the City;

2. No further reliance may be placed on the previously approved permit or approval;

3. The applicant shall have no rights previously granted under the permit or approval;

4. The applicant shall file a new application(s) along with all required fees and obtain all required approvals before construction can commence or an allowable use may be implemented; and

5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development.

9.12.070 Time Extensions

A. **Director's action to extend.**

1. The Director shall have the authority to extend the period specified in Section 9.12.060 (Expiration), above, for up to one additional one-year period. The Director may instead refer the matter to the Commission for review and final decision.

2. The applicant's written request for an extension of time shall be on file with the Department before expiration of the permit or approval, together with the filing fee required by the Planning Fee Schedule.

3. Public hearing not required.

a. A public hearing shall not be required for the Director's decision on an extension of time.

b. However, the Director may conduct a public hearing in compliance with Chapter 9.17 (Public Hearings) if deemed appropriate by the Director.

c. The Commission shall conduct a public hearing on a referral from the Director in compliance with Chapter 9.17 (Public Hearings).

B. **Suspension of expiration.**

1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director.

2. Building or Grading Permits shall not be issued in compliance with the permit or approval during the period of the suspension.

C. **Applicable review authority's action on further extension.**

1. Upon good cause shown, a further extension may be approved, approved with modifications, or denied by the applicable review authority (e.g., Director, Commission, and/or Council) which originally granted the permit or approval, subject to the findings identified in Subsection D (Required findings), below.

2. The permit or approval may be extended for up to one additional one-year period, up to a maximum of four ~~three~~ years following the original date of approval, unless otherwise allowed by State law.
3. A public hearing shall not be required for the Director's decision. However, the Director may conduct a public hearing in compliance with Chapter 9.17 (Public Hearings) if deemed appropriate by the Director.
4. The Commission or Council shall conduct a public hearing in compliance with Chapter 9.17 (Public Hearings).

D. **Required findings.** An extension of the permit or approval may be granted only if the applicable review authority first finds that there have been no changes in circumstances, law, or General Plan or Development Code policies that would preclude the review authority from making the findings upon which the original approval was based.

E. **Further extensions.** An application for an extension of the permit or approval in excess of four ~~three~~ years following the original date of approval shall be treated as a new application which shall be filed in compliance with Chapter 9.01 (Application Processing Procedures).

9.12.080 Changes to an Approved Project

A. **Application.**

1. A development or new land use allowed through a permit or approval granted in compliance with this Part shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.
2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.
4. Changes shall not be implemented until first approved by the applicable review authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

B. **Notice and hearing.** If the matter originally required a noticed public hearing, the review authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C), and shall give notice, in compliance with Chapter 9.17 (Public Hearings).

C. **Minor changes by Director.** The Director may authorize minor changes to an approved permit or other approval only if the changes:

1. Are consistent with all applicable provisions of this Development Code and the spirit and intent of the original approval; and
2. Do not involve a feature of the project that was:
   a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
   b. A basis for conditions of approval for the project; or

Part 12
Definitions

LDC CHAPTER 12.01
DEFINITIONS

LDC § 12.01.010. Purpose.

This part provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this part conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this part, or in other provisions of the City of Livermore Municipal Code, the Director shall determine the correct definition.
(Formerly 11.01.010; Ord. 2178, 7/14/2025)

LDC § 12.01.020. Definitions of Specialized Terms and Phrases.

All terms used in Part 11 (Housing) are now defined in LDC Chapter 11.20 (Definitions). For the purpose of this section, the following terms shall be defined as follows:

A. A Definitions.

Abandoned sign. A sign in place for a period of at least 90 days which no longer advertises an ongoing business, lessor, owner or activity on the premises where the sign is displayed.

Abutting. Having a common property line or district boundary or separated by a private or public street or easement.

Access frontage or service road or street. A public or private street or right-of-way of not less than minimum requirements as specified in Part 10 (Subdivisions) of this Code, affording means of access to property.

Access or service drive. A public or private way of paving or right-of-way of not more than 30 feet affording means of access to property.

Accessory building. See "Accessory structure."

Accessory structure. A structure or building subordinate to the primary dwelling on the same residential lot, serving a purpose customarily incidental to the principal use of the main use, structure and/or building, and which does not change the character of the principal use. See also "Agricultural accessory structure" and "Accessory structure or use, residential."

Accessory structure, major (major accessory structure). An accessory structure with a footprint greater than 120 square feet.

Accessory structure, minor (minor accessory structure). An accessory structure with a footprint of 120 square feet or less.

Accessory structure or use, residential. Any use and/or structure that is customarily

a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property: garages; gazebos; greenhouses (noncommercial); spas and hot tubs; storage sheds; studios; swimming pools; tennis and other on-site sport courts; workshops. See also "Agricultural accessory structure."

Acreage. A parcel of land which is not a parcel, as defined in Part 10 (Subdivisions), and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared the parcel as acreage.

Advanced Manufacturing. A process as defined by Section 26003 of the California Public Resources Code.

Advisory Agency. The City staff member or City policy-making or review authority responsible for acting on an application, as specified in LDC Section 10.01.050 (Advisory Agency).

Aeronautical Manufacturing. The design, production, and quality-controlled fabrication of aircraft, airframe components, engines, and related parts in accordance with FAA certification rules and airworthiness standards.

Agent of owner. A person authorized in writing by a property owner to represent and act for that property owner in contacts with City employees, committees, Commissions and the Council regarding matters regulated by this Development Code.

Aggregate sign area. The total area of all signs and/or all messages located on a parcel.

Agricultural accessory structure. A structure for sheltering animals, agricultural equipment, hay, feed, etc. Examples of these structures include barns, noncommercial greenhouses, coops, corrals, and pens.

Agriculture. The use of the land for purposes including farming, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating or storing the produce, provided that any such accessory uses shall be secondary to that of normal agricultural activities. Does not include the raising of animals or fowl for commercial purposes, or sale of any products at retail on premises, unless otherwise specified.

Agriculture processing. The processing of harvested crops to prepare them for on-site marketing, or processing and packaging elsewhere. Examples of this land use include the following: alfalfa cubing; corn shelling; custom grist mills; custom milling of flour, feed and grain; dairies (not including feedlots); grain cleaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits or vegetables; tree nut hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay, fruits and vegetables; sorting, grading and packing fruits and vegetables.

Agriculture roadside stand. Retail sales of products grown on the premises from roadside stands, including the sale of hay, grain and feed.

Air cargo operation. An operation that involves the carriage of property under the appropriate Federal Aviation Regulation (FAR) and operates aircraft that are within the weight limitations established for the airport.

Air charter operation. An operation that involves on-demand, non-scheduled passenger services and operates under the appropriate FAR (14 CFR Part 135 for common carriage or 14 CFR Part 125 for private carriage) with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the airport.

Aircraft. Any device that is used or intended to be used for flight in the air (Federal Aviation Administration 14 CFR Part 1).

Aircraft and Aircraft Component Testing. The systematic evaluation of an entire aircraft, its systems, or individual parts, assemblies, components, propulsion units, or materials to verify performance, safety, and durability. and compliance with airworthiness, design, and environmental standards.

Aircraft Fueling. The process of delivering any type of liquid or non-liquid fuels or energy sources to an aircraft for the purpose of powering its propulsion system(s). Fuels may include traditional jet fuel, green or sustainable fuels, electric charging, etc.

Aircraft hangar. An enclosed structure to hold aircraft in protective storage. Such hangars may include office space, restroom facilities as well as maintenance and parts storage areas.

Aircraft maintenance. The repair, adjustment or inspection of aircraft. Major repairs include major alterations to the airframe, power plant, propeller and accessories. Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories.

Aircraft sales. The sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by it.

Airport hazard. Any obstruction or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off.

Airport reference point. The point at which the mean elevation is established for an airport.

Alley. A public or private way to be used primarily for vehicular access to the back or side of a parcel of real property that otherwise abuts a street.

Alter. To create physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Animal-keeping facility.

1. Animal husbandry. The use of land for dairying, animal raising and pasturage and the necessary accessory uses; provided, that such accessory uses shall be secondary to that of normal animal husbandry activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

2. Animal husbandry, limited. The use of land for poultry, rabbit, turkey, frog, and other small-animal raising, not including kennels for dogs or cats.

3. Equestrian facility. A commercial facility for horses, donkeys and/or mules, including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys and/or mules.

4. Veterinary clinic, animal hospital. Office and indoor medical treatment facilities used by veterinarians, including large- and small-animal veterinary clinics and animal hospitals.

Antenna. A fixed-in-place device used to transmit and/or receive radio or electromagnetic waves, including but not limited to reflecting discs, panels, microwave dishes, whip antennas, parabolic, directional and non-directional antennas consisting of one or more wires or elements, and similar electromagnetic wave transmission and/or reception devices.

Applicant. Any individual, firm or any other entity that applies to the City for the applicable permits to undertake any construction or development project within the City.

Apron. Pertaining to the airport, those paved areas of the airport within the AOA designated by the airport for the loading and unloading of passengers, servicing, or parking of aircraft.

Architectural features. An exterior building feature including roofs, windows, doors, cornices, canopies, eaves, or similar design elements.

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development (Civil Code Section 1351).

Attached building or structure. Any building or structure which is structurally a part of, or has a common wall and/or continuous roof with a main building or structure, except where such connection is a breezeway or walkway incidental to and not a necessary part of the construction of the main building.

Automated teller machine (ATM). A computerized self-service machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance

with this Development Code.

Automobile and vehicle sales and rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines (bicycle sales are included under "General Retail"). May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include: businesses dealing exclusively in used parts, auto wrecking and salvage; the sale of auto parts/accessories separate from a vehicle dealership, see "Auto parts sales" or "Auto service stations," which are separately defined.

Automobile disassembly or wrecking. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Automobile parts sales. Stores that sell new or re-manufactured automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle services – Automobile repair garage." Does not include businesses dealing exclusively in used parts, auto wrecking and salvage, or tire recapping establishments, which are found under "Vehicle services – Automobile repair garage."

Automobile repair. See "Vehicle services." Automobile repair, major/minor.

1. Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

2. Minor. Incidental minor repairs to include replacement of parts and service to passenger cars, but not including any operation defined as "automobile repair, major," or any other operation similar thereto.

Automobile service station. A building and/or lot or use having pumps and storage tanks where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where deliveries are made directly into motor vehicles, including greasing and oiling on the premises and car washing; and where repair services is incidental to the use. Incidental accessory retail sales are limited to a maximum of 2,500 square feet of convenience market.

Awning. A roof or cover which projects from a wall of a building over a window or door, made of canvas, aluminum or similar material, which may be fixed in place or be retractable.

B. B Definitions.

Bank, financial services. Financial institutions including: banks and trust companies; credit agencies; holding (but not primarily operating) companies; lending and thrift institutions; other investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies.

Banner sign. A sign made of a flexible material that projects or hangs from a building, structure, pole or wire. A banner sign includes flags, but does not include pennants.

Basement. A story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar," which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

Bathroom. A room that contains all of the following features: a bathtub or shower, a washbowl, and a toilet.

Bay window. An architectural projection from a wall, cantilevered from the house with no foundation directly under the projection. A bay window shall have a minimum glass area of 60% and may extend from the floor level of the ground floor up to the roof of the main structure.

Beacon. A light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel as the light source; also, a light with one or more beams that move.

Bed & Breakfast (B&B). A use of sleeping units, where one unit equals one room, for the rental accommodation of transient guests on an overnight basis. Sleeping units are limited to two to six units, plus accommodations for the owner, per residential structure. The term Bed & Breakfast (B&B) does not include short-term rentals regulated by Chapter 5.90 LMC that are limited to the use of a single residential dwelling unit for dwelling, lodging, or sleeping purposes.

Billboard sign. An off-site sign which is supported by one or more uprights, poles, or braces in or upon the ground, other than a freestanding sign, monument sign, or pole sign.

Block. An area of land separated from other areas by adjacent streets, railroads, rights-of-way, public areas or the subdivision boundary.

Build-to-line. A line parallel to a property line where a structure is required to be located.

Building frontage. Pertaining to signs, the lineal length of a building facing a public street; or

1. The lineal length of a building facing an open area where all of the following circumstances exist:

    a. The open area has a width (measured perpendicular from the wall to which the sign is to be affixed) of not less than 30 feet,

    b. The open area is improved and is in use for off-street parking,

    c. The open area is in the same ownership as the building to which signs are to be affixed; or

2. The lineal width of any alley, driveway, arcade, mall or similar open space which measures less than 30 feet and which provides public access to uses other than those fronting the public street; or

3. In the case of an open land use, other than off-street parking, driveways, alleys and similar areas, half the lineal distance of the open land use abutting the street; or

4. The width of a building exclusive of roof overhang and canopies, attached or unattached, or ornamental features which cause a protrusion from the walls of a building. Where the wall of a building is not vertical, the frontage shall be measured at ground level.

Building site. The ground area of a building or buildings together with all open spaces required by this code, and which site has its principal frontage upon a street.

Building, main or principal. A building in which is conducted the principal use of the building site upon which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which the same is located.

Bulb-out. A curb extension intended to shorten the crossing distance for pedestrians and slow the speed of traffic.

Business support services. An establishment within a building that provides services to other businesses. Examples of these services include: blueprinting; computer-related services (rental, repair); copying and quick printing services; film processing and photo finishing (retail); mailing and mail box services. Does not include sales, storage or rental of heavy equipment.

C. C Definitions.

C district. Any CS, CHS, CNB, CO, CP, or the DSP district as set forth in this code. Where certain uses in "any C district" are subject to certain regulations as contained herein, such regulations may apply in any of the above districts.

Cafe. See "Restaurant, cafe or coffee shop."

California Environmental Quality Act. The California Environmental Quality Act (CEQA) and its implementing guidelines.

Camping and picnicking areas. This land use is intended for picnicking and camping areas, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites.

Canopy sign. A sign under an awning or arcade perpendicular to a pedestrian walkway.

Car wash. A place where motor vehicles are vacuumed, cleaned, washed and/or waxed. Does not include the retail sale of motor vehicle fuels.

Cardroom. A space, room or enclosure furnished or equipped with a table used or intended to be used for the playing of cards and similar games, and the use of which is available to the public or any portion of the public; does not apply to a

nonprofit society, club, fraternal, labor or other organization as defined in LMC Section 5.20.015.

Caretaker's residence. A temporary dwelling consisting of a modular building set on an engineered pier block foundation for persons employed in the agricultural use of the property and the families of those persons, and/or living quarters for farm workers when necessary for onsite farming operations. Such uses shall be reviewed for compliance with the temporary nature of the use every three years. Inspections of the units for compliance with health and safety standards shall be conducted every three years. Subject to a noticed public hearing, the building shall be removed if it no longer meets this definition or at the end of any three-year permit period.

Carriage house. A second permanent dwelling or living space that is accessory to a primary dwelling on the same site. A carriage house may provide complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. A carriage house may be located on an upper floor above the detached garage of a single dwelling.

Catering service. A business that prepares food for consumption on the premises of a client.

Cellar. A story, the floor of which is more than one-half of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than a janitor or caretaker employed on the premises.

Cemetery. Interment establishments, engaged in subdividing property into cemetery lots and offering burial plots or air space for sale.

Certificate of compliance; conditional certificate of compliance. A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.), and Part 10 (Subdivisions). A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

Child day care. Facilities for nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. Day care center. Commercial or nonprofit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.

2. Large family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

3. Small family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day care facility.

City. The City of Livermore.

City Council. The Livermore City Council, referred to in this Development Code as the "Council."

City Engineer. The Engineer of the City. The land surveying functions of the City Engineer may be performed by the City Engineer if that person was registered as a civil engineer before January 1, 1982 (R.C.E. No. lower than 33,966), or is a registered land surveyor, by a City Surveyor if that position is created by the City, or by another person authorized by State law to perform land surveying and designated by the City Engineer (Government Code 66416.5).

City project. New construction or renovation primarily funded by the City, conducted on City-owned property, or managed by City personnel from design through construction, and any buildings constructed for the City's use under a build-to-suit program. "City project" shall not include traditional public works projects (defined below) or joint ventures between the City and a private developer.

City Surveyor. The official surveyor of the City, or authorized designee, who is assigned by the City Engineer. The City Surveyor shall be a civil engineer licensed to do surveying or a licensed surveyor.

Coffee shop. See "Restaurant, cafe or coffee shop."

Collector street. A public street which is identified as a Major ~~c~~Collector ~~street~~ by the General Plan. It is a street which, because of its location with reference to other streets or other sources of traffic, carries or will carry traffic from local streets to the system of major streets. It includes the principal entrance streets of residential subdivisions and streets for circulation of traffic within the subdivisions.

Commercial amusement facility. Establishments providing amusement and entertainment services for a fee or admission charge. This use does not include adult oriented businesses, which are separately defined in Chapter 5.08 LMC. ~~Examples of commercial amusement facilities include, but are not limited to the following:~~

~~1. Bowling alleys;~~

~~2. Coin-operated amusement arcades;~~

~~3. Dance halls, clubs, and ballrooms;~~

~~4. Electronic game arcades (video games, pinball, etc.);~~

~~5. Children's gyms and recreation facilities;~~

~~6. Ice skating and roller skating;~~

~~7. Pool and billiard rooms;~~

~~8. Go karts;~~

~~9. Waterslides;~~

~~10. Miniature golf courses.~~

The examples below are illustrative and may fall into any level based on square footage and impacts, at the Director's discretion. Examples of commercial amusement facilities include, but are not limited to the following:

1. Level 1. Commercial amusement or recreation uses not exceeding 5,000 square feet and contained entirely within the building. Examples of level 1 commercial amusement facilities include, but are not limited to the following:

    a. Bowling alleys;

    b. Amusement arcades;

    c. Electronic game arcades (video games, pinball, etc.);

    d. Pool and billiard rooms;

    e. Escape rooms

    f. Laser tag

2. Level 2. Minimally impactful commercial amusement uses exceeding 5,000 square feet of space OR involving ancillary outdoor uses that do not generate excessive noise, traffic, light, dust, odors, or other significant impacts to the surrounding area. Examples of level 2 commercial amusement facilities include, but are not limited to the following:

    a. Children's gyms and recreation facilities;

    b. Ice skating and roller skating;

    c. Dance halls, clubs, and ballrooms;

    d. Pickleball facilities

3. Level 3. Commercial amusement uses exceeding 5,000 square feet of space OR involving primarily outdoor uses that generate impacts such as noise, traffic, light, dust, odors, or other significant impacts to the surrounding area. Examples of level 3 commercial amusement facilities include, but are not limited to the following:

a. Miniature golf courses.

b. Go-karts;

c. Waterslides;

d. Driving Range

Commercial complex. A collection of three or more commercial uses.

Commercial signage. Any sign sponsored by a commercial entity and whose prevailing message proposes a commercial transaction.

Commercial recreation facility. A category of land uses to include the following subcategories (which are individually defined in this part):

1. Camping and picnicking;
2. Commercial amusement facility;
3. Golf course and country club;
4. Golf driving range;
5. Private swim club and recreation center.

Common interest development. As defined by Civil Code Section 1351, common interest development means any of the following: a condominium project; a planned development; a stock cooperative.

Community apartment project. A common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located on it (Code of Civil Procedure Section 1351(d), Business and Professions Code Section 11004).

Community development director. See "Director."

Condominium. An estate in real property consisting of an undivided interest in common in a portion of the property together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The condominium may be commercial, industrial, residential, or any combination (Civil Code Sections 783, 1351(f)).

Condominium conversion. The conversion of an existing structure into separately owned commercial, industrial, or mixed-use units.

Contract construction. Includes electrical; heating and air conditioning; flooring; plumbing and fire sprinkler; insulation; drywall; painting; landscaping, swimming pool installation; roofing; concrete and masonry; glass and glassing; similar contractors as determined by the Director. An establishment providing contract construction related services includes auto impoundment yards, building construction, general contractors and subcontractors. Outdoor construction vehicle storage is only permitted at contract construction facilities when outdoor storage is permitted.

Convenience market. A food store limited to 2,500 square feet of gross floor area

which carries a limited inventory of food, beverages, and convenience retail items.

Convenience retail (for the traveling public). Stores and shops selling merchandise for the convenience of the traveling public, including commuters. Examples of these stores include but are not limited to convenience stores, bakeries, ice cream and frozen yogurt stores, coffee shops, retail florists, cellular telephone stores, and card and gift shops.

Corporate hangar. An enclosed structure to hold corporate style aircraft in protective storage. Such hangars may include office space, rest room facilities as well as maintenance and parts storage areas.

Court or open space. An open, unoccupied and unobstructed space, other than a required yard, on the same lot with a building or group of buildings, but not including any off-street parking or loading area, street or road right-of-way.

Coverage.

1. Building. The floor area of the largest story of a building divided by the total site area.

2. Accessory Structures. The sum of the footprint area of all structures on a lot.

County. Alameda County.

County Recorder. The Alameda County Recorder.

Cul-de-sac. A street which connects to another public street only at one end and is not planned for later extension.

Crop production, horticulture, orchard, vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site: field crops; flowers and seeds; fruits; grains; melons; ornamental crops; tree nuts; trees and sod; vegetables; wine and table grapes. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop harvesting, and sales in the field not involving a permanent structure.

Cultural resource, potential. A property or structure with a Historic Preservation (HP) Overlay designation, or over 50 years of age, or on or potentially eligible for listing in a local, State or national historic register.

D. D Definitions.

Dance club. Any dance open to the general public, whether or not a fee is charged for admission, but where such activity is in connection with any commercial activity.

Dangerous or objectionable elements. Any land or building structure used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or elements in such manner or in such amount as to adversely affect the surrounding

area or adjoining premises.

Days. Calendar days unless this part or State law specifies otherwise.

Declaration. The document (covenants, conditions, and restrictions (CC&Rs), or however titled) which contains the restrictive covenants of the development, consistent with California Civil Code Section 1353.

Dedication. The transfer by a subdivider to a public entity of title to real property or an interest therein, or of an easement or right in real property, the transfer of facilities, the installation of improvements, or any combination of these (Government Code 66475.4(a)).

Department. The City's Community Development Department.

Design. Pertaining to subdivisions, design shall include all of the following:

1. Drainage and sanitary facilities and utilities, including alignments and grades;
2. Fire roads and firebreaks;
3. Grading;
4. Land to be dedicated for park or recreational purposes;
5. Location and size of all required easements and rights-of-way;
6. Parcel size and configuration;
7. Street alignments, grades and widths;
8. Traffic access; and
9. Other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan (Government Code Section 66418).

Designated public right-of-way. The area within 10 feet of the face of curb and any backing lot landscaped easement areas.

Development. The uses to which the land which is the subject of a map shall be put, the structures to be constructed on it, and all alterations of the land and construction incidental to the uses, structures, and land (Government Code Section 66418.1).

Development Code. The Development Code of the City.

Development cost of a housing unit. The construction valuation of the Building Permit, on and off-site costs including site development, design costs, and project administration costs, other than profit, and the cost of all permits, fees, and impact fees charged by the City, plus a percentage for the cost of the land.

Dilapidated sign. A sign that is no longer in a good state of repair or constitutes a health or safety hazard.

Director. The Community Development Director or his or her designee.

Display. An item or arrangement of items indoors that is not attached to a window, door or wall.

District. A portion of the territory of the City of Livermore within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

Drive-in business. Any business that either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations.

Dwelling group. A lot with more than one unit. Dwelling group types include:

1. Front-to-back group: Series of units in which the rear of the building which faces the street is faced by the front of a building to the rear.
2. Single row side-to-side group: Series of units that are so located on the lot that the rear thereof abuts upon one side yard and the front thereof abuts upon the other side yard.
3. Courtyard houses: Series of units that are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court.

Dwelling, group living. Dwellings designed for occupancy of groups living together and having a central dining facility.

Dwelling unit. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

E. E Definitions.

Electric sign. A sign containing electrical circuits, but not including signs illuminated by an exterior light source.

Engineering geologist. A geologist who is certified in the State of California to practice engineering geology. Engineering geology is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

Environmental analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Essential services. The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities

or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or high transmission power lines.

F. F Definitions.

Family. A person living alone, or two or more persons living together as a single housekeeping unit, including necessary servants, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

Farm, construction, and other large equipment sales and service. The retail sale, rental, or repair of ~~agricultural~~ machinery, equipment, and supplies, including those for use in construction, agriculture, soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes ~~pertaining to farming and ranching~~. Includes, but is not limited to, commercial farm equipment sales, rental and repair; farm and dairy supply and equipment repair; and feed sales.

Fast-food business. A restaurant with a drive-through facility providing food service directly to occupants of a motor vehicle.

Final map. A map showing a subdivision of five or more parcels prepared in compliance with the provisions of this part and the Subdivision Map Act (Government Code Section 66410 et seq.) and in a manner to be filed in the office of the County Recorder.

Financial services. See "Bank, financial services."

Finding. A statement that explains the analysis of the facts, regulations, and policies to support a decision.

Fitness facility. A fitness center, gymnasium, or health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball; archery and shooting ranges; and other indoor sports activities. Does not include adult entertainment businesses.

Fixed base operator (FBO). ~~A business operating at the airport that provides aircraft services to the general public, including but not limited to: aircraft sales, rental, maintenance, and repair; parking, tiedown, or storage of aircraft; flight training; air taxi/charter operations; and specialty services such as instrument and avionics maintenance, painting, overhaul, aerial application, and aerial photography. A "Full Service" FBO is engaged in the retail sale of aviation fuels and provides full fuel and line services to all based and transient general aviation aircraft.~~ A person, partnership, corporation, unincorporated association, their assignees or sub-lessees which perform a commercial aeronautical activity upon the airport pursuant to an agreement between the City and the individual or entity.

Flag lot. A lot having access from the building site to a public street by means of a private right-of-way strip that is owned in fee.

Flood Control District. The Alameda County Flood Control and Water Conservation District, Zone 7.

Flood hazard. Is the threat of overflow stormwaters having the capability to flood

lands or improvements, transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of channels.

Floor area. The sum of the gross areas of all stories of a building, measured from the exterior faces of the exterior walls. The floor area shall include any building that has a roof and is enclosed so as to provide shelter from the elements on three or more sides.

Floor area ratio. The floor area of the building divided by the total site area. Floor coverage. See "Coverage."

Food store. A business establishment exceeding 2,500 square feet of gross floor area principally intended to provide retail food sales and related products and services otherwise permitted within the zoning district in which the business is located.

Footprint. The area under an accessory structure as seen in plan view, measured horizontally from the outside of all exterior walls or supporting columns or posts at floor level (e.g., excluding eaves).

Freestanding sign. A sign supported entirely or in part by the ground, including but not limited to a monument, pole, or similar sign.

Freeway-oriented use. A use which is located within an I-580 quadrant, and is zoned highway service commercial (CHS).

Frontage types. The transition area between the building facade and the lot line. See LDC Chapter 4.03 for a complete list of frontage types.

Fuel station, private. A private motor fuel dispensing facility exclusively serving the business occupying the subject property and not involving either wholesale or retail sales of motor vehicle fuels to other individuals or businesses.

G. G Definitions.

Gallery. A one or two-story structure enclosed by one wall and a roof that covers a sidewalk.

Garage, public. A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, minor or major repair, or refinishing of self-propelled vehicles or trailers; except, that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

General Plan. The City of Livermore General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq. and referred to in this Development Code as the "General Plan."

General retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: bicycle sales, service, and rental; bookstores, except adult bookstores; apparel and accessories; bakeries; food stores (including convenience markets); furniture, home furnishings and appliances sales, service, and rental; miscellaneous retail (including candy or ice cream stores, drug

stores, hobby or craft shops, liquor stores, jewelry stores, newsstands, specialty shops, variety stores, pet stores, or computer stores).

General retail (not of regional nature). Locally-based stores or small scale shops selling various lines of merchandise. Includes the same type of stores and lines as "General retail," however, does not include large retail sale establishments (especially those which generate large amounts of vehicle trips such as a national retailer).

General Zones. See "Non-Transect zones."

Golf course and country club. This land use consists of golf courses and accessory facilities and uses including: clubhouses with bar and restaurant; locker and shower facilities; "pro shops" for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

Golf driving range. An outdoor golf practice facility where fees are charged. Typically, a large, open field with teeing ground at one end. The landing area may be an empty field or target greens and yardage markers. May have practice putting greens and areas for chipping, pitching, and bunker practice.

Grazing. The raising or keeping of cattle or other animals of similar size where feed is provided primarily by grazing when on-site resources are available.

Guest house. A detached structure accessory to a single dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. H Definitions.

Hazardous material. Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant potential hazard to human health and safety or to the environment if accidentally released into the environment.

Health facility. Residential and community care facilities for the elderly, alcoholism recovery, and homes for mentally disordered, handicapped, dependent and neglected children.

Hearing officer. An impartial person, designated by the City Manager for the administrative citation hearing, see LMC Section 1.20.090.

Height.

1. Sloping Lot. In any district on lots that slope, the maximum height of the structure shall be as set forth in the district and measured vertically from ground level at the front yard setback line, or if no yard is required, at the center of the lot.

2. Transect Zones, Primary Structure. Height is determined in two ways: 1) number of stories and 2) maximum overall height.

    a. Number of stories. The number of stories in a structure allowed above grade. See "Story."

    b. Overall. The vertical distance between grade and the highest

part of the structure directly above.

3. Non-Transect Zones, Primary Structure. Height is the vertical distance from the average contact ground level at the front of the wall of the building to highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof.

4. Accessory Dwelling Units. For a detached, single-story accessory dwelling unit, the height shall be measured as the vertical distance between grade and the highest part of the structure directly above.

5. Accessory Structure. For the purpose of establishing required setbacks, height shall be defined for every point within the footprint area of an accessory structure, including a treehouse, as the vertical distance between grade and the highest part of the structure directly above. Height in all cases shall include any slab, platform, pad, mound or similar elevated base above pre-existing grade.

Heritage resource. See "Cultural resource, potential."

Historic Landmark, designated. Any property with a Historic Preservation (HP) Overlay designation.

Historic Preservation Commission. The City's Historic Preservation Commission, as described in LDC Section 9.13.050.

Home improvement sales and services.

1. Major. Home improvement services that include building materials (lumberyards); building materials and hardware; paint, glass and wallpaper; floor and window coverings; carpentry shop or custom woodworking or custom furniture; food lockers, rental for individual households; spa and pool sales, supplies, service and repair; and nursery sales (garden supply).

2. Minor. Home improvement services that include building materials and hardware, excluding lumber yards, paint, glass, wallpaper and floor covering; and miscellaneous repair services, including only establishments engaged in the repairing and servicing of household and business equipment, machines and furnishings.

Home occupations. Any use conducted entirely within a dwelling and conducted only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and is not evidenced beyond the limits of the property by noise, light, smoke, odor, vibration, electrical interference, storage of material or equipment, abnormal human activity, or vehicular traffic or other exterior evidences.

Hotel or motel. Any building ~~or portion thereof~~ containing seven or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients.

Housing development. One or more groups of projects for residential units constructed in the City.

I. I Definitions.

I district. Any I-1, I-2, or I-3 district as set forth in this code. Where certain uses in "any I district" are subject to certain regulations as contained herein, such regulations may apply in any of the above districts.

Icon sign. A nonelectric sign with a message exclusively conveyed by an image/ graphic form, placed perpendicular to a pedestrian walkway and attached to a building or wall. Registered trademarks/logos are not considered icon signs.

Illegal sign. A sign constructed in violation of the standards set forth in LDC Chapter 4.06.

Illuminated sign. A nonelectric sign illuminated by an exterior light source provided specifically for the purpose of sign illumination.

Improved. An area which has been paved or planted and is permanently maintained as such.

Improvement plan. An engineering plan submitted by a registered civil engineer showing the location and construction details of the streets, roads, drainage facilities, sanitary sewers, water mains and the pertinent structures and other on-tract and off-tract improvements required for a subdivision, as specified in LDC Section 10.05.040 (Improvement Plans).

Improvements. Includes all of the following:

1. Bridges, curbs, driveways, flood control or storm-drainage facilities, freeways, gutters, interchanges, lighting facilities, overcrossings, public utilities, sanitary sewers and facilities, sidewalks, street work, traffic controls, water facilities, landscaping and fences to be installed by the subdivider on the land to be used for public rights-of-way, private streets and easements as a condition of map approval; and

2. Any other improvements necessary to implement the General Plan or a specific plan and as defined by Government Code Section 66419 (Government Code Sections 66419, 66452.6(a)(3)).

Incentive. As applies to density bonuses, a regulatory or financial concession, grant, refund, or waiver which reduces or avoids project costs.

Industrial complex. A collection of three or more industrial uses.

J. J Definitions.

Joint sign program. An instance in which two or more freeway-oriented uses utilize one sign structure for display of signs.

Junk yard. A place where waste, discarded or salvaged materials are bought, sold, exchanged, packed, baled, disassembled or handled, including

auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable conditions, or salvaged materials incidental to manufacturing operations.

K. K Definitions.

Kennel. A commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or in animal hospitals. Includes pet day care.

Kitchen. A room that is utilized for the preparation of food and contains a kitchen sink.

L. L Definitions.

Labor camp. A camp established in agricultural areas for transient labor.

Laboratory. A facility for testing, experimenting, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

Legal nonconforming sign. A sign which was legally constructed under laws or regulations in effect at the time of construction which does not conform.

Live adult entertainment. Refer to Chapter 5.08 LMC.

Live/Work. A commercial land use with an integrated residential unit and work space, may be occupied and utilized by a single household or may be occupied and utilized separately.

Livermore Area Recreation and Park District. A multifaceted agency that was created to provide recreation and parks. Also referred to as "LARPD."

Loading spaces, off-street. Permanently improved and maintained areas contiguous to the site, not less than 12 feet in width, 25 feet in length, with a clearance height of not less than 16 feet.

Lodging. See "Bed & Breakfast," "Hotel or Motel" or "Travel trailer park."

Lot. See "Parcel."

Lot area. The computed area contained within the lot or property lines.

Lot, corner. A lot bounded on two or more adjacent sides by street lines at their intersection; provided, that the interior angle of intersection does not exceed 135 degrees, or a width not greater than 75 feet. The point of intersection is the corner.

Lot coverage. See "Coverage."

Lot, interior. A lot other than a corner lot.

Lot, irregular. Any lot where the requirements of this Code cannot be clearly applied and must be established by the Director.

Lot line. Any recorded boundary of a lot.

Lot line adjustment. A shift or rotation of an existing lot line between four or fewer existing, adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed are not created, as provided in LDC Section 10.04.030 (Government Code Section 66412(d)).

Lot line, rear. A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

Lot line, side. Any lot line that is not a front or rear lot line.

Lot line, street. A lot line separating the lot from a street.

Lot width and depth. Lot width is the shorter average horizontal dimension, generally perpendicular to the longer average horizontal dimension, which is the depth.

M. M Definitions.

Major street. A public street which is identified as a major or minor arterial ~~street~~ by the General Plan. It is a street which carries the major flow of traffic passing through or adjacent to a subdivision and for which the traffic entering or crossing from intersecting roads and streets may be controlled.

Major subdivision. The subdivision of land into five or more parcels.

Major thoroughfares. A roadway designated as expressway, major arterial, minor arterial, or collector ~~arterial, major, or secondary highway~~, as identified in the ~~Circulation~~ General Plan Mobility Element, whose primary purpose is to carry through traffic and provide a network connecting to the State Highway System.

Mansard roof. A roof characterized by two slopes, a steeply sloped roof that transitions to either a flat roof or roof sloped just enough to shed water. The steeply sloped roof often contains within an additional story of floor area/development.

Manufacturing/processing – heavy industrial. [Code reviser's note: the definitions for heavy, light and medium industrial manufacturing/processing were amended by Ord. 2151 but the text used in that ordinance was based on a version prior to being amended by Ord. 2143. The amendments of Ord. 2143 have been editorially preserved at the direction of the City.] Uses in this category are distinguished by a tendency to create noise, odors, vibration, glare or hazards that may be objectionable in other areas. They often include the manufacturing/processing and/or outdoor storage of substantial amounts of raw materials or bulky items. Examples include, but are not limited to, metal products fabrication, truck terminals, saw and planing mills, and the manufacture of major utility components, construction and farm equipment, and/or heavy building materials. Examples also include the manufacturing, processing, storage, or packaging for distribution, or wholesaling of chemicals, petroleum, heavy agricultural products such as pesticides or fertilizers or

other similar hazardous materials. Up to 15% of a use's floor area may be used for commercial retail purposes, selling products produced, manufactured or stored on site, as long as the commercial retail is clearly ancillary and subordinate to the primary use.

Manufacturing/processing – light industrial. [Code reviser's note: the definitions for heavy, light and medium industrial manufacturing/processing were amended by Ord. 2151 but the text used in that ordinance was based on a version prior to being amended by Ord. 2143. The amendments of Ord. 2143 have been editorially preserved at the direction of the City.] Any manufacturing, processing, and storage that does not include hazardous wastes or resulting large truck usage/parking on the site. The use shall be accomplished entirely inside of the building except for incidental movement of products or materials into and out of the building to a delivery vehicle. Up to 15% of a use's floor area may be used for commercial retail purposes, selling products produced, manufactured or stored on site, as long as the commercial retail is clearly ancillary and subordinate to the primary use.

Manufacturing/processing – medium industrial. [Code reviser's note: the definitions for heavy, light and medium industrial manufacturing/processing were amended by Ord. 2151 but the text used in that ordinance was based on a version prior to being amended by Ord. 2143. The amendments of Ord. 2143 have been editorially preserved at the direction of the City.] The manufacturing, assembling, processing, storage or packaging of products except: 1) uses manufacturing, processing, storage or packaging chemicals, petroleum, and heavy agricultural products or other hazardous materials, 2) vehicle-dismantling yards, scrap and waste yards. Medium intensity manufacturing and processing includes:

1. The manufacturing of electric and electronic circuits and instruments and devices, such as, but not limited to, radio and television, phonographic equipment, calculators, computers, semi-conductors and transistors, and similar uses.

2. The manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth, plastic, paper, leather, and precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials and similar uses.

3. The manufacturing of pharmaceutical products.

Up to 15% of a use's floor area may be used for commercial retail purposes, selling products produced, manufactured or stored on site, as long as the commercial retail is clearly ancillary and subordinate to the primary use.

Master sign program. A program which establishes sign development regulations and specifies an integrated sign design concept for commercial and industrial complexes and/or establishes a special sign design criteria for a specific type of sign for a zoning district.

Medical services – doctor office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes dental, medical, optical, x-ray laboratory offices. Counseling services by other than medical doctors or psychiatrists are included under "Offices – Professional/Administrative."

Medical services – extended care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; and skilled nursing facilities.

Medical services – urgent care, clinic. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these include:

1. Medical offices with four or more licensed practitioners and/or medical specialties;
2. Outpatient care facilities;
3. Urgent care facilities;
4. Other allied health services.

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices – Professional/Administrative."

Meeting facility, public or private. A facility for public or private meetings, including community centers, civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients and occupy less floor area on the site than the offices they support. Does not include commercial entertainment facilities (see "Commercial amusement facility") or convention centers (see "Convention center").

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel, as provided in LDC Section 10.04.040 (Parcel Mergers).

Metal products fabrication. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: blacksmith and welding shops, sheet metal shops, plating, stripping, and coating shops, machine shops and boiler shops.

Minimum standards for commercial aeronautical activities. Otherwise referred to as "Minimum Standards," means those qualifications, standards, and criteria set forth as the minimum requirements established as a condition for the right to engage in commercial aeronautical activities at the airport, and as they may be amended from

time to time.

Minor subdivision. The subdivision of land into four or fewer parcels.

Miscellaneous service uses. Includes, but is not limited to, cleaning and janitorial service and supplies; locksmith; water purification and filtration; machine and welding shops; saw sharpening; stone cutting and products; glass and glass products; sheet metal.

Mobile home park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Monument sign. A sign whose supporting structure is 100% of the sign face, length and width, and whose supporting structure does not exceed the approved sign face area.

Mortuary. A funeral home or parlor where deceased are prepared for burial or cremation and funeral services may be conducted. Does not include on-site cremation.

Motor fuel price sign. A sign as specified in California Business and Professions Code Section 13530 et seq., with a message limited to that required by State law.

Multiple-use sign. A sign used by two or more users.

N. N Definitions.

Neighborhood market. A neighborhood serving retail store which carries a range of merchandise, including food products, oriented to daily convenience shopping needs.

Neighborhood serving retail. Retail services that accommodate daily convenience shopping needs of the surrounding neighborhood, not including food products.

New construction. The placement of uses or structures on a property upon which no existing construction has taken place. New construction shall include requests for new development under the provisions of a site plan approval, conditional use permit, subdivision, variance, zoning use permit, or building permit.

New use. Any purpose for which land or premises, or a building or structure thereon, is improved, occupied, utilized, built or constructed for said purpose, which has not before existed on said land or premises, or any purpose for which a building or structure is rebuilt or reconstructed more than 60% of its then assessed value.

Night club. A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

Noncommercial signage. Any message which is determined not to be commercial (i.e., campaign signs or nonprofit signs).

Nonconforming parcel. A parcel that was legally created before the effective date of this Development Code or amendment, and does not comply with the minimum area, depth, width, or other applicable requirements of this Development Code.

Nonconforming site improvements. A site improvement (e.g., fences, landscaping, parking, walls, etc.) that conformed to the requirements of the previous Development Code that lawfully existed before the effective date of this Development Code or amendment, and does not conform to the present requirements of the zone in which it is located.

Nonconforming structure or building. A structure or building that lawfully existed before the effective date of this Development Code or amendment, and does not conform to the present requirements of the zone in which it is located.

Nonconforming use. A use of land and/or a structure (either conforming or nonconforming) that lawfully existed before the effective date of this Development Code or amendment, but which is no longer allowed in the zone in which it is located.

Non-street frontage. Building facades that do not face a street or civic space.

Non-street frontage yard. The space between a building facade that does not face a street.

Non-Transect zones. Zones not conforming to any single band of the Transect and not starting with T.

O. O Definitions.

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical services – doctor office").

1. Business, service. An establishment providing direct services to consumers. Examples of this use include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include financial and business institutions, which are separately defined (see "Bank, financial services").

2. Government. An administrative, clerical, or public contact and/or service office of a local, state, or federal government agency or service facility. Offices are located on publicly owned land and necessary for the administration of federal, State, county, and city governments or local agencies as defined in the Government Code. Includes post offices, but not bulk mailing distribution centers, which are under "Warehousing and Distribution Facility."

3. Professional, administrative. An office facility occupied by a business that provides professional services, or is engaged in the production of intellectual property. Examples of this use include: accounting, auditing and bookkeeping services; advertising

agencies; attorneys; business associations, chambers of commerce; commercial art and design services; construction contractors (office facilities only); court reporting services; detective agencies and similar services; design services including architecture, engineering, landscape architecture, urban planning; educational, scientific and research organizations; financial management and investment counseling; literary and talent agencies; management and public relations services; media postproduction services; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; writers' and artists' offices.

Off-site hazardous materials storage facility. A facility, as defined in California Health and Safety Code Section 25117.1, that accepts hazardous wastes that are generated at another location (off-site) and serves more than one producer of hazardous waste.

Off-street parking. An area located on private property available for public use for the short-term temporary storage of passenger vehicles, with or without the specific permission of the owner, including a public or private parking lot where parking is the principal use of the property.

Olive mill.

1. Boutique. Olive mill of 100 to 5,000 gallons, including indoor retail sales of processed products produced on-site and related products provided the retail sales portion shall not exceed 20% of the olive mill building area.

2. Large. Larger olive mills (greater than 5,000 gallons), including indoor retail sales of processed products produced on-site and related products, provided the retail sales do not exceed a maximum of 20% of the building area. Includes olive mill related uses, including on-site food preparation and sales, restaurant or delicatessen, non-olive-related retail sales, outdoor facilities for commercial food service or entertainment.

Open space easement. See "Scenic easement or open space easement."

Open structure. An accessory structure having a roof constructed of lattice or other roof material which allows light and air to pass through a minimum of 50% of the roof surface. Additionally, the sides of an open structure consist only of support posts and decorative or functional elements such as braces and railings such that light and air can pass through a minimum of 75% of each side. Open structures include but are not limited to trellises, trellis-like patio covers, and other shade structures. Play structures do not qualify as open structures, but are regulated as minor or major accessory structures.

Outdoor advertising structure, billboard or signboard. Any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes or products not appurtenant to the use of the

premises. This definition shall not include any sign used to display any official notices or bulletin boards wherein such bulletin boards used to display announcement of meetings to be held on premises wherein such bulletin boards are used to display announcement of meetings to be held on premises wherein such bulletin boards are located, nor shall it be held to include real estate signs advertising for sale or rent the property upon which it stands, name plates, or signs appurtenant to any use.

Outdoor sales display. An area where customers are encouraged to examine and/or experience merchandise in their typical configuration and/or manner of use.

Outdoor storage building. A building under 120 square feet, used primarily for storage of goods and materials, and is uninhabitable.

P. P Definitions.

Palm readers, psychics. Businesses primarily engaged in providing personal services including, but not limited to, the practice of reading a person's character or future by studying the conformation of the physical structure of the body, a person's birth date, stars, planets, or by similar means.

Parcel. A portion of land separate from others and delineated or described as a single integral unit on a subdivision map or by other map approved under the Subdivision Map Act.

Parcel map. A map prepared for the purpose of dividing a legal parcel into four or fewer parcels and prepared in compliance with the provisions of this part and the Subdivision Map Act (Government Code Section 66426 et seq.) and in a manner to be recorded in the office of the County Recorder.

Park and recreational area, public. Include playgrounds, public gardens, outdoor sports grounds, indoor sports structures within a park area, tot lots, passive park areas, and other areas of use to the general public for recreation or outdoor diversions, not including commercial recreation facilities (see "Commercial recreation facility").

Parlor, funeral home. A room or chapel from which funeral services may be conducted.

Pedestrian orientation. A physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians that typically includes most of the following elements:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Visibility into buildings at the street level;
3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few

interruptions in the progression of buildings and stores;

5. Signs oriented and scaled to the pedestrian rather than the motorist;

6. Pedestrian orientation may also include: design amenities related to the street level, such as awnings, paseos, and arcades; landscaping and street furniture.

Pedestrian oriented use. A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

Pedestrian shed. An area that is centered on a common destination, typically a one-quarter mile radius or 1,320 feet. Its size is related to average walking distances for the applicable neighborhood node. Pedestrian sheds are applied to structured communities. Subcategories of pedestrian sheds include:

1. Linear. A pedestrian shed that is elongated along an important mixed-use corridor such as a main street. A linear pedestrian shed extends approximately one-quarter mile from each side of the corridor for the length of its mixed-use portion.

2. Long. A pedestrian shed that is an average one-half mile radius or 2,640 feet, used when a transit stop (bus or rail) is present or proposed as the common destination. A long pedestrian shed represents approximately a 10-minute walk at a leisurely pace.

3. Network. A pedestrian shed adjusted for average walk times along thoroughfares.

Pennant. Any lightweight flexible plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, in a series of three or more, designed to move in the wind.

Performance standards. Regulations for the control of dangerous or objectionable elements.

Permanent sign. A sign for which a sign permit is required and may be issued with no time limit.

Personal service (for the traveling public). Establishments providing nonmedical services for the convenience of the traveling public, including commuters. Examples of these services include but are not limited to dry cleaners, barbers, beauty salons, printing and photocopying establishments, and mailing and shipping services.

Personal service shops. Establishments providing nonmedical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; garment pressing, repair and alteration; laundering, dry cleaning, laundromats; cleaning pickup stations; shoe repair shops; printing, limited to letterpress and duplication machines; therapeutic massage; vending machines. These uses may also include accessory retail sales of products related to the services

provided.

Pharmacy. Establishment that sells prescription drugs, over-the-counter medications, and other related products.

Places of assembly with fixed seating. Gathering places furnished with permanent seating, including auditoriums, theaters, assembly hall, sports arenas, and stadiums.

Places of assembly without fixed seating. Gathering places not furnished with permanent seating, including dance halls, exhibition halls, and gymnasiums.

Planned unit development permit. A special permit regulated by the South Livermore Valley Specific Plan, approved by the City Council, authorizing buildings, structures, or uses, where a unit site development of large areas may allow a variation from exact site requirements of this code.

Planning Commission. The City's Planning Commission, referred to in this Development Code as the Commission.

Plant factor. A factor that when multiplied by reference evapotranspiration estimates the amount of water used by plants.

Plant nursery sales and garden supply. Establishments engaged in the production and sale of ornamental plants and other garden products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Agriculture."

Pole sign. A sign wholly supported by a sign structure consisting of poles or posts in the ground.

Portable sign. A temporary sign which is not fastened to its supporting surface, such as an A-frame or sandwich board.

Primary dwelling frontage. See "Building frontage."

Printing and processing. Establishments engaged in heavy print shop, typesetting, lithograph, silk screening (of printed materials only); graphics and art services; sign company; blueprinting; nonretail photographic processing and printing; art services.

Private street. Any street not a public street.

Private swim club and recreation center. A private facility for swimming and other recreational activities. A swimming pool shall be any pool, pond, lake or open tank located within or outside of a building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet.

Projecting sign. A sign, other than a wall sign, which projects from and is supported by a wall, building or structure.

Pub. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities.

Public and quasi-public. Includes public, semi-public, and private elementary schools, high schools, civic buildings, community buildings and uses, and public utility uses including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals and similar uses, any of which may have additional requirements to use set forth herein. Emergency shelters and supportive housing associated with one of the above public or quasi-public uses are included in this definition.

Public property. Any property publicly owned outside of the designated public right-of-way.

Public street. A street for which the right-of-way is owned by or offered for dedication to the public and accepted by the City.

Q. Q Definitions.

Quadrant. Any of the four or fewer divisions around which an interchange of Interstate 580 is divided, where Interstate 580 is intersected by a cross street and connected by on- and/or off-ramps. The radius of a quadrant extends no further than 1,500 feet from the centerline of Interstate 580 and the interchange cross street.

R. R Definitions.

R district. Any RS, RL, MFR, or RG district as set forth in this code. Where certain uses in "any R district" are subject to certain regulations as contained herein, such regulations may apply in any of the above districts.

Readerboard. A nonelectrical sign announcing events taking place on-site, the message of which is periodically changed, not including time-temperature devices.

Recreational area. Areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

Recycling facility.

1. Processor. A State-certified receiver of redeemable recycle materials providing either collection, storage, separation, distribution or primary reprocessing of recycled materials.

2. Retailed certified. A State-certified recycler providing convenient locations for consumers to redeem beverage containers pursuant to AB 2020.

3. Wholesale certified. A State-certified recycler providing both consumer redemption of beverage containers and collection of redeemable containers from other certified recyclers.

Registered civil engineer. A civil engineer registered by the State and doing work consistent with the engineer's authority under the California Business and Professions Code and the State Board of Registration for Professional Engineers and Land Surveyors (Business and Professions Code Sections 6700, 8700).

Remainder or designated remainder. That portion of an existing parcel which is designated on the required map as not a part of the subdivision. It is that portion not divided for the purpose of sale, lease, or financing. The remainder is not counted as a parcel for the purpose of determining whether a final or parcel map is required. A remainder of five acres or more need not be shown on the map, and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder (LDC Section 10.01.060C, Designated Remainder) (Government Code Section 66424.6).

Remodeling. A change in the exterior of an existing structure by 25% or more of the current assessed value of the structure.

Renovation.

1. A structural change to the foundation, roof, floor, or exterior of load-bearing walls of a facility, or the extension of an existing facility to increase its floor area.

2. Alteration of an existing facility such as to significantly change its function, even if such renovation does not include any structural change to the facility.

Repair service – equipment, appliances, etc. Miscellaneous repair services including only:

1. Business equipment and furnishings repair and service;

2. Household yard equipment and appliance repair and service; and

3. Audio, video and computer repair and service.

Research and development facility. A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include laboratories for the testing of soil and other materials (see "Laboratory").

Restaurant, cafe or coffee shop. Any room, building, place or portion thereof intended to provide seated and/or take-out service of food selections, prepared on the premises, typically appropriate for a complete breakfast, lunch or dinner meal, but excluding bakeries, specialty coffee and similar retail establishments providing incidental seating/table accommodations for the convenience of the retail customer. Does not include fast-food or drive-in facilities (see "Restaurant, fast food" and "Drive-in business").

Restaurant, fast food. A restaurant with a drive-through facility providing food service directly to occupants of a motor vehicle.

Restricted unit. A unit which is affordable to very-low- or low-income households as defined in the housing element of the City of Livermore General Plan and

approved pursuant to this section.

Review Authority. The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Part 9 (Permits and Approvals).

Roof sign. A sign erected upon or above any part of a roof or parapet of a building or structure.

Rooming and/or boarding. A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence.

Run-up. Aircraft engine operation above normal idle power for purposes other than initiating taxi or takeoff.

S. S Definitions.

Scenic easement or open space easement. An easement granted to the public whereby the owner relinquishes or limits the right to construct improvements on the land (Government Code Section 51051, Civil Code Section 815.1).

School. Public-supported, private or parochial institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels. Includes the following facilities:

1. Elementary, Middle, Secondary. A public or private academic educational institution, including elementary (kindergarten through 5th or 6th grade), middle and junior high schools (6th or 7th and 8th grades), secondary and high schools (9th through 12th grades). May also include any of these schools that also provide room and board.

2. Specialty. A school that provides education, tutoring, and/or training, including vocational training, in limited subjects. Examples of these schools include: art schools; ballet and other dance schools; business, secretarial and vocational schools; drama schools; driver education schools; establishments providing courses by mail or electronic; language schools; martial arts; music schools; professional schools (law, medicine, etc.); seminaries/religious ministry training facilities. Does not include preschools and child day care facilities (see "Child day care"). See also the definition of "Studio – photography, art, martial arts, music, etc." for smaller-scale facilities offering specialized instruction.

School, private. See "School," above.

School, specialty. See "School," above.

Senior housing. Housing developed for residents aged 62 years or older, or 55 years or older in a senior citizen housing development of 35 units or more (Civil Code Section 51.3(c)).

Service facilities. On-site facilities that support grounds maintenance, landscaping, and minor repair service relative to a mobile home park.

Set aside unit. A dwelling unit set aside for sale or rental at an affordable price, which conforms to the requirements of LDC Chapter 10.06.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline.

Shopping center. A group of retail stores and/or service establishments on a site of at least three acres where restaurant uses do not occupy more than 25% of the building floor area. The establishments must provide a diversity of services that are designed to serve the neighborhood or the community.

Sign. A device, fixture, placard, structure or painting that uses any color, form, graphic, illumination, symbol, or writing to advertise or announce the purpose of a person or entity, or to communicate information of any kind to the public.

Sign area. The total area of any portion of a structure to which any message is affixed.

Sign copy. The actual area of any words, letters, numbers, designs, figures or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign face. The portion of a sign that is used for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate such sign copy from any wall or background against which it may be placed. Those portions of the supports, uprights or base of a sign that do not function as a sign shall not be considered as part of a sign face.

Sign permit. A type of permit required before the City may grant a Building Permit for a sign, in compliance with LDC Chapter 9.07 (Site Plan and Design Review).

Site identification sign. A sign, other than a readerboard, which serves to inform only of the name, address and lawful uses of the premises upon which the sign is located (and which may include a trademark or symbol of a business).

Site plan. A base sheet that includes the basic information that will appear on all plans, such as natural features, roads, buildings, or other structures to remain on-site.

Soil engineer. A State-registered civil engineer whose field of expertise is soil mechanics.

Special architectural elements. Church spires, belfried cupolas and domes, monuments, corner or entry towers on residential units, and other similar architectural elements.

Special event permit. In general, any organized activity involving the use of or having an impact upon public property and as regulated by Chapter 12.45 LMC.

Specialized aviation service operator (SASO). A commercial operator engaged in ~~providing a single aeronautical service, or a combination of~~ specialized aeronautical services, including, but not limited to, aircraft maintenance, avionics or instrument maintenance, aircraft rental and/or flight training, air taxi, aircraft charter or aircraft management, aircraft sales, and/or aircraft storage terminal, lounge, lobby, and check in space, and non-liquid fueling/ charging of aircraft. A SASO is not permitted to engage in aeronautical activities involving aviation fuel.

Specific Plans. A detailed plan for the systematic implementation of the General Plan, for all or part of the area covered by the General Plan, as authorized by Government Code Sections 65450 et seq.

Stake sign. A sign constructed of paper or plastic mounted on one or more stakes, sticks, or rods made of wood or metal, or rigid wire pushed or hammered into the ground, and the top of which is less than 36 inches above the ground.

Standard engineering specifications. Those standard specifications and standard details for public improvements prepared by the City Engineer and adopted by Council resolution.

State. The State of California.

Stock cooperative. A common interest development in which a corporation is formed primarily for the purpose of holding title to improved real property, and substantially all of the shareholders receive a right of exclusive occupancy in a portion of the property (Civil Code Section 1351(m), Business and Professions Code Section 11003.2).

Storage. Includes:

1. Contractor storage yard. Outdoor storage facilities operated by or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business. May also include truck terminals and buildings or structures for uses such as repair facilities. Does not include vehicle dismantling yards, scrap and waste yards. May include an accessory office. A contractor's office located away from a storage facility is included under the definition of "Office – business, service."

2. Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

3. Self-storage facility. A structure containing generally small, individual compartments, stalls, or lockers rented as individual storage spaces and characterized by low parking demand.

Storefront use. Ground level walk-in retail activity.

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the space between the floor and the ceiling above.

Story, first. The lowest story or the ground story of any building, the floor of which

is not more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

Story, half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his or her family, shall be deemed a full story.

Story, mezzanine. A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath said mezzanine story.

Street. A strip of land which provides direct access to parcels. Street includes a public or private street, alley, avenue, court, crossing, highway, intersection, lane, road, or square.

Street frontage. Pertaining to signage, the lineal length of that portion of a parcel abutting a street.

Structural alteration. Any change in the structural members of a building or structure, such as walls, columns, beams or girders.

Studio – photography, art, martial arts, music, etc. A small-scale facility, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools – specialty."

Examples of these facilities include: individual and group instruction and training in the arts, martial arts, music, photography and the processing of photographs produced only by users of the studio facilities. Also includes production studios for individual painters, sculptors, photographers, and other artists.

Subdivider. An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers (Government Code Section 66423).

Subdivision. The division of land for the purpose of sale, lease, or financing, whether immediate or future. The land may be improved or unimproved and is that land shown on the latest equalized County assessment roll as a unit or as contiguous units. Property is considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights-of-way. Subdivision includes condominium projects, community apartment projects, and stock cooperatives (Government Code Section 66424).

Subdivision Map Act (the Act). Government Code Division 2, Subdivisions, Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this part as the Act.

Subdivision or sales office, equipment and material yard. A temporary subdivision or building construction office, including sales office, equipment and material yard,

and other temporary appurtenant uses.

Superstore. A store that typically offers diverse products and customer services, centralized cashiering, and a full-service grocery store under the same roof that shares entrances and exits. Such stores meet the following criteria regarding gross floor area and sales floor area: (1) such stores exceed 90,000 square feet of gross floor area; and (2) such stores devote a portion of their sales floor area to the sale of nontaxable merchandise in an amount equal to or exceeding 10% of the sales floor area or 10,000 square feet, whichever is less. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. These stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking area. The superstore definition does not include a discount club store, where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances, and many items sold in large quantities or bulk.

Swimming pool, public or private. Any pool, pond, lake or open tank located within or outside of a building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. If applicable, see also "Private swim club and recreation center."

T. T Definitions.

Tavern. See "Pub."

Temporary sign. A sign intended to be displayed for a limited period of time only.

Temporary use permit. A type of discretionary permit which, if approved, would allow the use of land that is properly designed, operated and occupies a site for a limited time, typically less than 12 months, in compliance with LDC Chapter 9.09 (Temporary Use Permits). Examples of temporary uses include: art shows, charitable functions, seasonal sales lots.

Tentative map. A map showing the design and improvement of a proposed division of land and the existing conditions in and around it. The tentative map is the first step in the preparation and filing of a final or parcel map. Whenever the term tentative map is used in this part, it also includes a vesting tentative map.

Theater, cinema or performing arts. A facility for group entertainment, other than sporting events. Examples of these facilities include: civic theaters, facilities for live theater and concerts, and movie theaters.

Tract map. See "Final map."

Trailer. A vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. The term "trailer" shall also include, but not be limited to,

vehicles designed for use as mobile homes or other sleeping quarters; for the conduct of any business, trade, or occupation; for advertising, exhibition, or sales purposes; and for the storage or conveyance of animals, goods, tools, machinery, boats and other equipment. For purposes of this section, the term shall include an unmounted camper top, boat, or similar device which is designed to be or is usually carried or mounted on a trailer or other vehicle.

Transect zones. All zones starting with a T Unit. Transect zones focus on the physical intensity of the built form and the complexity of uses.

Travel trailer park. A site where one or more lots are used, or are intended to be used, by travel trailers. Travel trailer parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher-density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve travel trailer park patrons only.

U. U Definitions.

Usable open space. Common or private open space, excluding the following:

1. Required front yards;
2. Areas devoted to parking, driveways, and maneuvering areas;
3. Open space at grade less than 10 feet in its minimum dimension;
4. Patios, balconies, or decks less than seven feet in their minimum dimension.

Used merchandise stores. Sale of nonspecialty used goods consisting of primarily household items. Does not apply to specialty goods including but not limited to books, antique merchandise, jewelry, stamps or coins.

Use, principal. The main or primary use or uses conducted on a parcel or located within a building or within a portion of a building which is separated structurally from other uses within the same building, not to include an accessory use as defined herein or a subordinate department of a main or primary use.

Use, temporary. The use of land or premises or a building thereon for a limited period of time which does not change the character of the site, premises, or uses therein.

V. V Definitions.

Variance. See LMC Chapter 9.10 (Variances and Minor Variances).

Vehicle services.

1. Automobile repair garage. A service for general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; towing service, collision service including body or frame, straightening or repair, overall painting, or paint shop. Includes businesses dealing in used parts; auto wrecking and salvage; and tire recapping

establishments.

2. Automobile service center. Vehicle services in conjunction with a department store or as part of a shopping center or mall development.

Veterinary clinic, animal hospital. See "Animal-keeping facility."

Vesting tentative map. A tentative map for a subdivision that has printed conspicuously on its face the words "vesting tentative map" at the time it is filed with the City, and is processed in compliance with LDC Section 10.02.100 (Vesting on Approval of Vesting Tentative Map) (Government Code Section 66424.5).

W. W Definitions.

Wall sign. A sign attached to or constructed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.

Warehousing and distribution facility. An establishment engaged in selling of their own products or merchandise to retailers, also known as business-to-business distribution, such as to contractors, industrial, commercial, institutional, farm, or professional business users; or to other wholesalers. Warehousing and distribution facilities may also be accessory to permitted manufacturing/processing uses. Does not include warehousing and distribution facilities – e-commerce/third-party logistics, which is defined separately below.

Warehousing and distribution facility – e-commerce/third-party logistics (3PL). An establishment engaged in storing, processing, packaging, shipping, and distributing goods and merchandise to consumers from e-commerce, online, and mail order retail, also known as business-to-consumer distribution. Facilities include fulfillment/distribution, sorting, and delivery centers. Winery.

1. Boutique. Winery which annually produces 100 to 5,000 cases, including indoor retail sales of processed products produced on-site and related products provided the retail sales portion shall not exceed 20% of the facilities building area. A boutique winery shall provide at least two of the following four activities on-site: crushing, fermentation, bulk aging/storing, and bottling.

2. Small. Winery which annually produces 5,000 to 10,000 cases. Maximum site area of three acres, with up to 10,000 square feet of building area, including space allocated bottling/crushing activities, lab and office space, tasting room, storage, indoor events rooms, and a small outdoor event or picnic area. A small winery shall provide two of the following four activities on-site: crushing, fermentation, bulk aging/storage, and bottling.

3. Medium. Winery which annually produces 70,000 to 100,000 cases. Maximum site area of eight acres, with up to 50,000 square feet of building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, storage, an indoor events room, and a small

outdoor event or picnic area. A medium winery shall provide at least two of the following four activities on-site: crushing, fermentation, bulk aging/storage, and bottling.

4. Large. Wineries which annually produce greater than 100,000 cases. No minimum site area is required.

X. X Definitions. No specialized terms beginning with the letter X are defined at this time.

Y. Y Definitions.

Yard, front. An actual or required open space extending across the front of a lot and bounded by side or rear lot lines, a public right-of-way, and the actual setback of a building or that setback required for the district in which the lot is located.

Yard, non-street frontage. Any side or rear yard not contiguous to a public right-of-way. Such yard shall be measured laterally from the nearest part of that portion of a main building facing said side or rear yard toward the nearest point of the lot line.

Yard, rear. An actual or required open space bounded by one or more yards, the actual setback of a building or that setback required for the district in which the lot is located, and a property line.

Yard, side. An actual or required open space bounded by the required front yard setback line, the actual setback of a building or that setback required for the district in which the lot is located, and a property line.

Yard, street frontage. Any front, side, or rear yard contiguous to a street. Such yard shall be measured laterally between any part of the street side of the building and the street right-of-way line; provided, however, that if any future right-of-way line has been established for the street upon which the lot faces, then such measurement shall be taken from such future width line to the nearest line of the building.

Z. Z Definitions.

Zero lot line. A building or structure that is placed on the property

line. Zoning districts. See "Districts."

Zoning map. The zoning map(s) of the City of Livermore, California, together with all amendments.

Zoning use permit. A permit issued by the Director determining that any proposed building, structures, or uses are consistent with the terms of this code and to ensure a means for carrying out and enforcing its requirements.

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 6.1**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Consideration of General Plan Consistency Determination (CD26-004) for the acquisition of real property for open space and conservation purposes.

RECOMMENDED ACTION

Staff recommends the Planning Commission adopt separate resolutions in the following sequence:

1. Find the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15313, acquisition of land for conservation purposes and Direct the Planning Manager to file a Notice of Exemption in accordance with the provisions of CEQA, subject to project approval;
2. Approve Consistency Determination (CD) 26-004, for the acquisition of the Corbett property for open space and conservation purposes, consistent with the General Plan.

SUMMARY

Government Code Section 65402(a) requires that if a General Plan has been adopted, no real property shall be acquired by dedication for public purposes or disposed of until the location, purpose, and extent of such acquisition or disposition have been reported upon by the planning agency as to conformity with its adopted General Plan. The role of the Planning Commission is to determine whether the acquisition of the Corbett parcels (hereon referred to as the "Property") is consistent with the General Plan.

The property is approximately 817 acres (see Attachment 1), spanning north and south of I-580 in the Altamont Hills east of the city limits. The property contains suitable biological habitat and has the potential to function as a critical wildlife linkage, including a potential over/under crossing of the I-580 freeway, within the region. Staff recommend the Planning Commission find the acquisition of the Property consistent with the General Plan.

DISCUSSION

BACKGROUND

The City of Livermore actively pursues the acquisition of land for open space preservation and

conservation, utilizing a range of dedicated funding sources for open space acquisition. Staff works collaboratively with willing property owners on the open market to purchase land and secure it as open space in perpetuity. The City coordinates these acquisitions with partner agencies, including Tri-Valley Conservancy (Conservancy), Livermore Area Recreation Park District (Park District), Alameda County Resource Conservation District (Resource Conservation District) and other organizations, to establish conservation easements and ensure long-term stewardship of the land.

The City has acquired or facilitated the protection of over 1,000 acres of land surrounding Livermore. These acquisitions support the City's strategic goals, which include:

- Maintaining and enhancing biological diversity
- Securing land for agricultural conservation
- Supporting climate resilience and mitigation programs
- Providing non-motorized recreational opportunities
- Preserving scenic value
- Managing watersheds and addressing flood control

Following the acquisition of open space land, the City prioritizes stewardship to ensure proper management for conservation values. This is accomplished by encumbering the land with a conservation easement (held by the Conservancy, for example) and establishing a non-wasting endowment to fund ongoing land and natural resource management in perpetuity.

On April 27, 2026, the City Council authorized staff to enter negotiations with Corbett property owners to acquire fee title for open space and conservation purposes. The Planning Commission's role is to determine whether the acquisition is consistent with General Plan Policy. The City Council is responsible for authorizing a Purchase and Sale Agreement and appropriation of funds.

SITE CONTEXT

The subject property is generally situated south of Altamont Pass Road and lies outside and east of City boundaries. The site comprises approximately 817 acres of vacant land, divided into eight irregularly shaped parcels.

Parcels North of I-580	**Parcels South of I-580**
099B-6300-003-01 (68 acres)	099B-5650-001-04 (79.03 acres)
099B-6300-003-02 (16.1 acres)	099A-1785-001-14 (204.79 acres)
099B-6300-003-03 (26.6 acres)	
099B-6500-002-01 (230.6 acres)	
099A-1780-001-05 (16.44 acres)	
099B-6425-002-04 (174.64 acres)	

Two parcels, totaling roughly 284 acres, are located along the south side of I-580, while six parcels, encompassing approximately 533 acres, are positioned along the north side of I-580. Access to the northern parcels is provided via Altamont Pass Road, and access to the southern parcels is available from Flynn Road. The property features rolling hills and is currently zoned Agricultural under the jurisdiction of Alameda County (see Attachment 1 - Property Map).

Municipal water, gas, electricity, sanitary sewer, telephone, and other commonly used services are not currently available to the property. Water service is provided by a solar-powered well. The Property is not classified as prime farmland and only passive agricultural uses, such as cattle grazing, occur on the Property.

SITE CHARACTERISTICS

Topography

The Property ranges in elevations from 740 feet to a high of 1,560 feet. The parcels south of I-580 are extremely steep with elevations ranging from approximately 900 feet in the northwest corner (adjacent to I-580) to 1,560 feet at the peak in the southeast corner of the property. The parcels to the north of I-580 have a more diverse topography, with elevation ranging from 1,240 feet in the northwest corner to approximately 740 feet on the southern edge of the property adjacent to I-580.

Improvements

The Property contains existing windmills and telecommunications facilities. The property owner has requested to retain ownership of the area containing these facilities; therefore, these areas would be excluded from the acquisition and the owner will maintain access, ownership, and management of the existing facilities. The total site area to be purchased will be in the range of approximately 700 to 750 acres, which excludes the area containing the windmills and telecommunication facilities from the total of 817 acres. The purchase and sale agreement will reflect the accurate site area and purchase price for the acquisition once the boundaries are finalized by a surveyor.

Biological and Natural Resources

A Conservation Values Assessment was completed for the Property, identifying several significant natural resource attributes (see Attachment 2). The assessment found that the site contains critical habitat for special-status species, supports important watershed functions, and provides key wildlife connectivity and conservation linkages. The Property is also recognized as a regional conservation priority within the Altamont Pass, where open landscapes connect Mount Diablo and the East Bay hills to the broader Diablo Range. The Property is an important wildlife movement corridor in the region, functioning as a pinch point constrained by I-580.

The Property contains essential habitat features for the California red-legged frog (CRLF) and California tiger salamander (CTS), including on-site and nearby ponds that serve as breeding habitat necessary to complete their life cycles. In addition, the site supports open grasslands with active burrows used by the western burrowing owl, a candidate species under the California Endangered Species Act. Other species of concern observed or potentially present include the American badger, tricolored blackbird, and loggerhead shrike, as well as three rare alkali associated plant species: caper-fruited tropidocarpum, California alkali grass and long-styled sand-spurrey. Cattle grazing in defined areas will be compatible with the sensitive habitat on site.

Hydrologically, the Property is situated within the headwaters of drainages that flow west toward Livermore, offering opportunities for stream restoration, channel stabilization, and protection of riparian corridors, wetlands, and ponds that support CRLF and CTS populations.

The California Department of Fish and Wildlife (CDFW) assigns the Property a Level 5 ranking (its highest designation) as an Irreplaceable and Essential Corridor. Level 5 areas are defined as priority movement corridors where wildlife movement is funneled into narrow pathways with no viable alternative routes. Most of the Property carries this Level 5 designation, with the remaining areas ranked Level 4. These rankings underscore the Property's role as one of the most critical wildlife movement areas within the Altamont Pass. Acquisition of the Property would strengthen the existing network of protected lands in the Altamont Corridor and provide meaningful opportunities to expand regional connectivity and long-term conservation outcomes.

The University of California Agriculture and Natural Resources (UCANR) mapping database, assigns parcel rankings on a scale from 0 to 1 based on various conservation attributes. The subject property receives the highest possible rating for Bird Areas, Red-legged Frog, Critical Linkage, Connectivity, Recreation, and View Shed. Habitat and species data from the California Natural Diversity Database indicate that the property may contain critical and upland habitat for the California red-legged frog (see Attachment 3). The property owners have an existing grazing agreement which would transfer to the City at the close of escrow. The City would continue cattle grazing to support biological resource objectives and continue working with partner agencies to pursue enhancements for wildlife movement.

Future Use and Partnerships

Future use of the property would be limited to open space and conservation related purposes. Having site control of both sides of I-580 could help to facilitate:

- Habitat conservation and enhancement
- Climate resilience and carbon sequestration activities
- Non-motorized recreation
- Grazing and land management
- Wildlife crossings and habitat connectivity

Staff would collaborate with conservation, cultural, and recreational organizations to bring expertise in habitat conservation, land management, and recreation. The goal would be to successfully acquire the property and facilitate the transfer of ownership and management responsibilities to another entity better equipped to own and manage the land, while still achieving the City’s policy objectives. An example list of agencies that could fill this role is shown below:

Tri-Valley Conservancy	Land conservation and easement monitoring.
LARPD	Non-motorized, passive recreational opportunities.
Alameda County Resource Conservation District	Wildlife connectivity and monitoring along a major freeway; grant opportunities.
Confederation of Ohlone	Cultural ceremonies; education opportunities.

General Plan Consistency Determination

Assembly Bill 1889 (Room to Roam Act) amends Section 65302 of the Government Code to require consideration of wildlife, habitat connectivity, and fish and wildlife resources in local general plans beginning January 1, 2028. Although not yet mandatory, staff have incorporated policies supporting

wildlife movement into the General Plan in anticipation of these forthcoming requirements.

Staff recommends the Planning Commission find the proposed land acquisitions consistent with the Livermore General Plan 2045 goals and policies outlined below.

Open Space and Conservation Element

- Goal OS-1 - Conserve the value and function of Livermore's open space for natural resource protection, recreation and scenic value.
    - Policy OS-1.1 Diverse Open Space System
      Foster an open space system that supports the natural function of the land, protects sensitive wildlife and plant species, preserves important viewscapes, and creates opportunities for recreation.
    - Policy OS-1.2 Greenbelts
    - Secure and maintain a greenbelt of nonurbanized land surrounding Livermore to serve as a buffer between communities and to preserve, enhance, and expand an integrated network of open space.
    - Policy OS-1.3 Open Space Preservation and Restoration
      Prioritize opportunities to preserve, restore, rewild, and enhance natural landscapes to support environmental and community health.
    - Policy OS-1.4 Open Space Acquisition and Connection
      Prioritize land acquisition efforts that would result in the creation and expansion of permanent open spaces or corridors that link existing or create new protected natural resource areas.
    - Policy OS-1.6 Open Space Easement Designation
      Work with local stakeholders and agencies to use open space easements to preserve sensitive habitat and resources.
    - Policy OS-1.8 Open Space Preservation Agency Coordination
      Coordinate with the County of Alameda, East Bay Regional Park District, Livermore Area Recreation and Park District, Tri-Valley Conservancy, and other partner organizations to preserve and protect important resources inside and outside the urban growth boundary.
    - Policy OS-1.10 Preservation of Natural Amenities
      Preserve and enhance, or work with other agencies, as appropriate (e.g., with joint grant applications, sharing of staff resources and legal services), to preserve and enhance natural amenities.

- Goal OS-2. Preserve and enhance biological resources
    - Policy OS-2.1 Biodiversity Preservation
      Preserve biodiversity within the Planning Area, with special emphasis on species that are sensitive, rare, declining, unique, or represent valuable biological resources.
    - Policy OS-2.10 Wildlife Linkage
      Coordinate with Caltrans, the California Department of Fish and Wildlife, and other partners to plan for wildlife linkages to allow for the safe travel of wildlife across Interstate 580.

ENVIRONMENTAL DETERMINATION

The Property acquisition is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15313, which exempts acquisitions of lands for wildlife conservation purposes including where

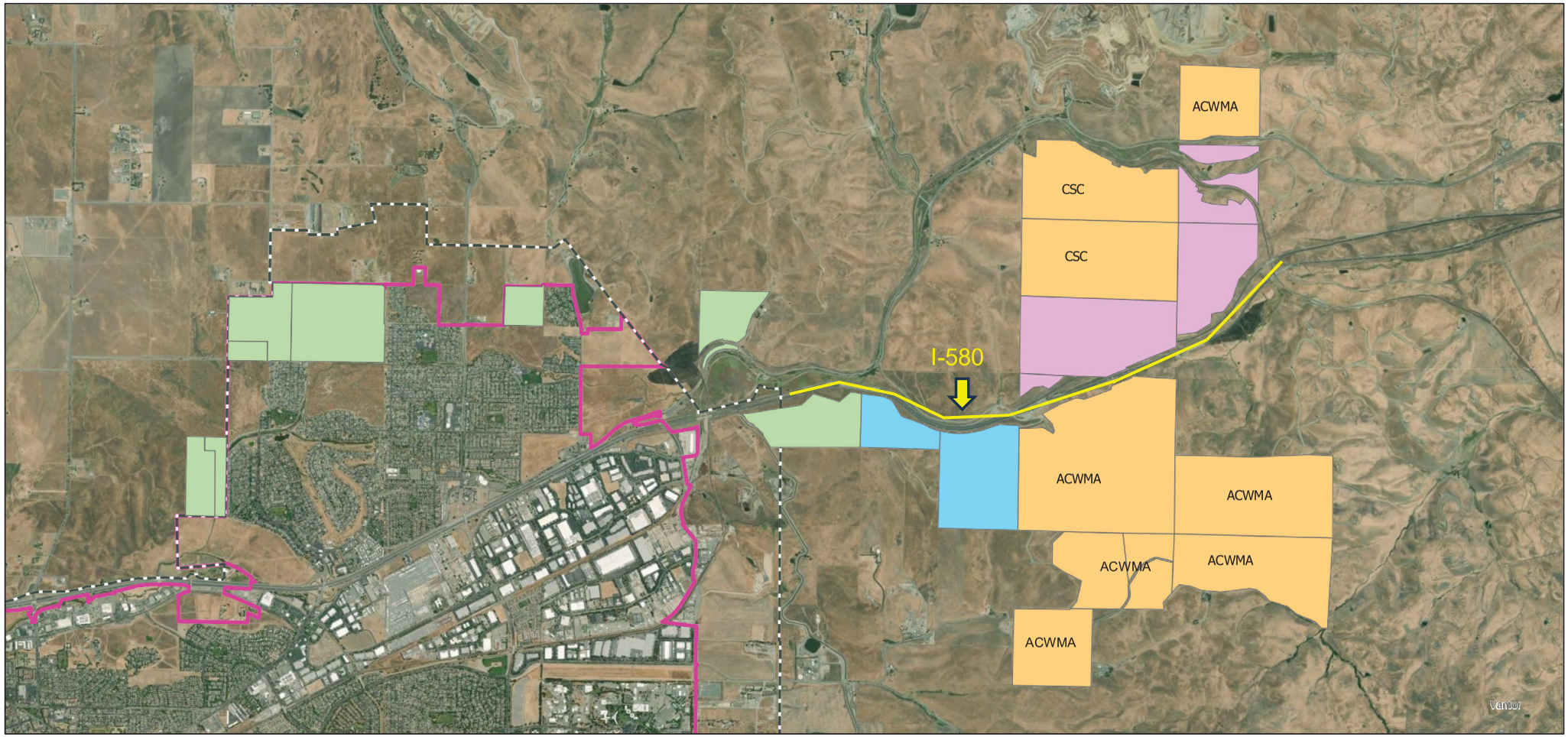
the purpose of the acquisition is to preserve the land in its natural condition.

ATTACHMENTS

1. Property Map
2. Conservation Values Study
3. Parcel Attributes
4. CEQA Resolution
5. Project Resolution

Prepared by: Kam Purewal
Associate Planner

Corbett Family Parcels



Legend

City Boundaries
- City Limits
- Sphere of Influence

Owned Open Space Parcels
- City Owned
- Public Agency

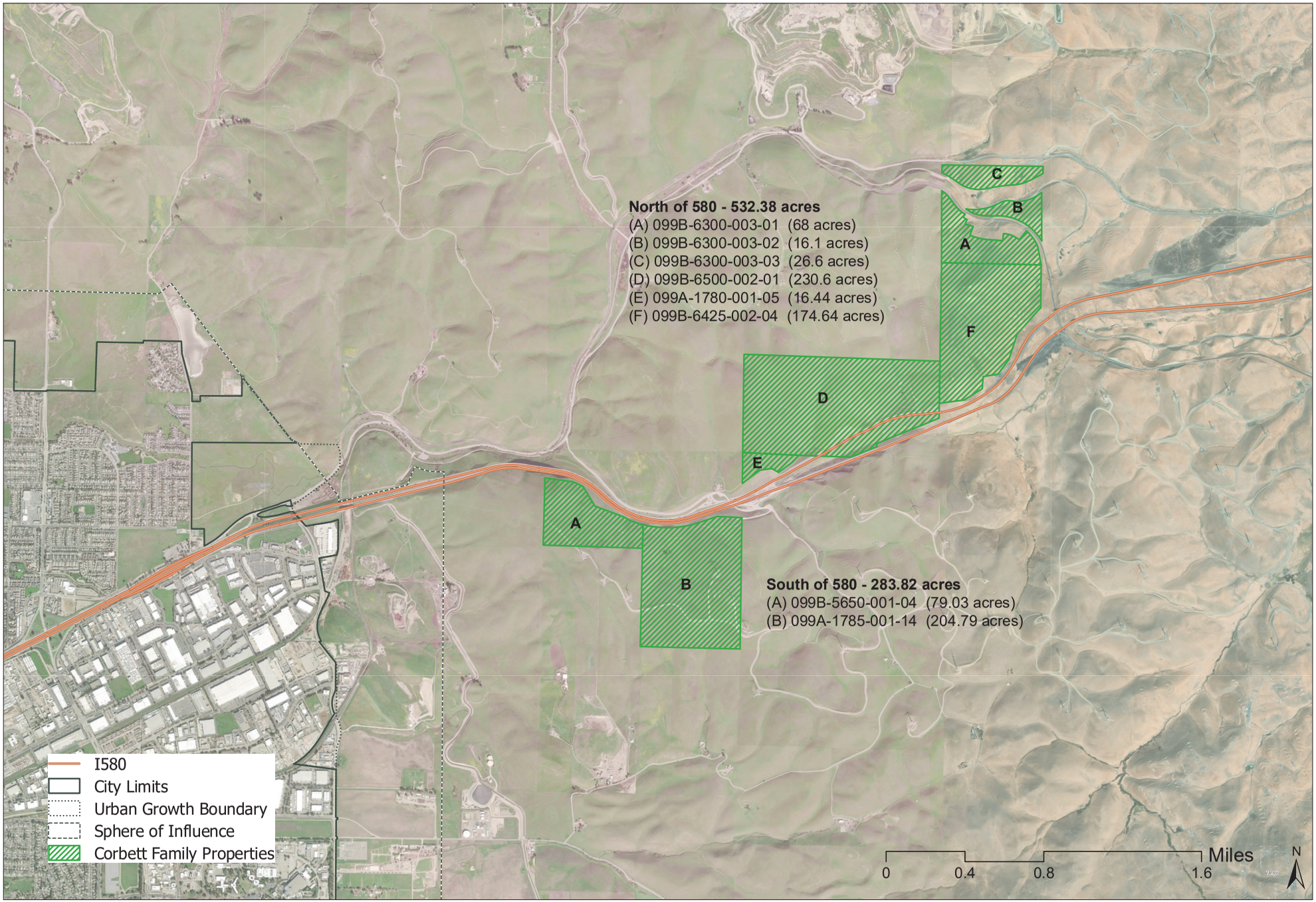
Corbet Family Properties
- North
- South

CSC - City of Santa Clara
ACWMA - Alameda County Waste Management Authority

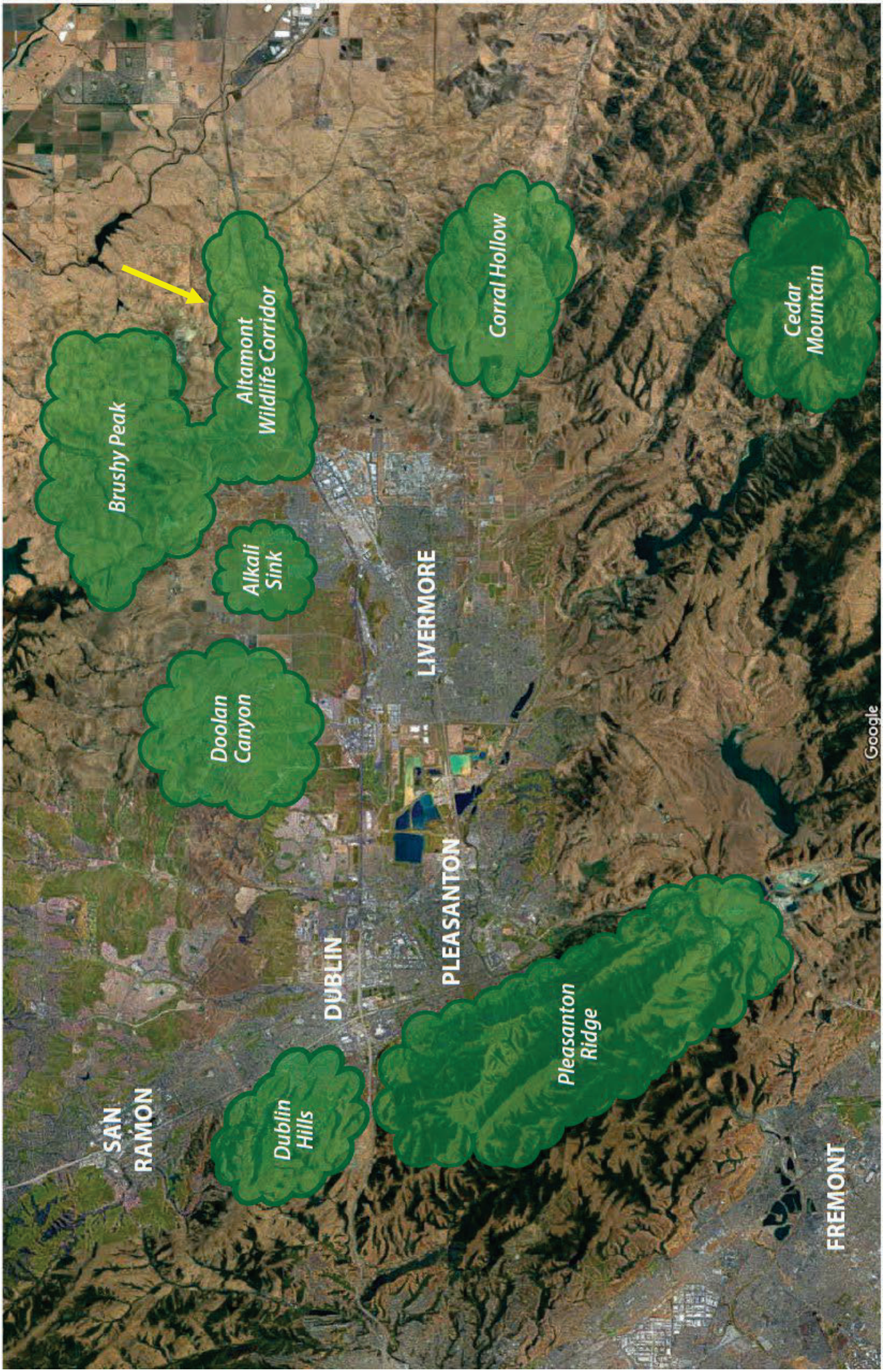
0 0.4 0.8 1.7 2.5 Miles

N

ATTACHMENT 1



ATTACHMENT 1


Brushy Peak
Altamont Wildlife Corridor
Corral Hollow
Cedar Mountain
Alkali Sink
Doolan Canyon
LIVERMORE
PLEASANTON
DUBLIN
SAN RAMON
Dublin Hills
Pleasanton Ridge
FREMONT
Google

wra Environmental Consultants

October 7, 2026

Corbett Parcels Conservation Values

Altamont Pass grasslands: a regional conservation priority

The Corbett Parcels are part of the rolling grasslands of the Altamont Hills, at the narrowest point of the roughly 200-mile Diablo Range, about seven miles wide, where open land still links Mount Diablo and the East Bay hills to the rest of the range. That geography makes the Altamont one of the most important wildlife corridors in the region, and a pinch point that Interstate 580 already strains. The same grasslands support a large, dense golden eagle breeding population: USGS surveys from 2014 to 2021 documented as many as 230 territorial pairs across about 5,185 square kilometers of the northern Diablo Range (Wiens and Kolar, USGS, 2021). Grassland specialists are under pressure, too. In October 2024 the California Fish and Game Commission made the western burrowing owl a candidate for listing under the California Endangered Species Act, citing fewer than 25 breeding pairs left in the Bay Area (Center for Biological Diversity, 2024). Protecting the remaining intact, unfragmented grassland in the Altamont is one of the few ways left to keep these regional populations, and the corridor they depend on, functioning.

Corbett Parcels: Habitat for special-status species

The Corbett parcels hold the full set of features that California red-legged frog (CRLF) and California tiger salamander (CTS) need to complete their life cycles. Ponds on and next to the parcels are potential CTS/CRLF breeding ponds, and California Natural Diversity Database (CNDDB) records CTS (central California DPS) nearby (Figure 1). The surrounding grassland, with its ground squirrel burrows, provides upland refugia and dispersal habitat between breeding sites. The parcels also fall within USFWS-designated critical habitat for CRLF (Figure 4), which marks them as land the federal recovery effort relies on. Open grassland with active burrows offers potential breeding habitat for western burrowing owl, a California Endangered Species Act candidate species recorded in CNDDB on and near the parcels. Other CNDDB records in the vicinity include American badger, tricolored blackbird, and loggerhead shrike, along with three rare alkali-associated plants: caper-fruited tropidocarpum, California alkali grass, and long-styled sand-spurrey (Figure 1).

Watersheds, streams, grasslands, and wetlands

The parcels lie in the headwaters of drainages that flow west toward Livermore, so protecting them keeps sediment, runoff, and water quality in check at the top of the watershed. Mapped streams and wetlands, including marsh, wet meadow, and alkali scrub cover types (Figure 2), offer clear opportunities for stream restoration, such as stabilizing incised channels and fencing riparian corridors, and for wetland and pond preservation and enhancement that would directly benefit CRLF and CTS. Most of the land is Californian annual grassland (Figure 2). Conserving it under managed grazing keeps the open, short-stature habitat that burrowing owl, badger, and foraging golden eagles need, and prevents fragmentation that would be permanent once lost.

Wildlife connectivity and conservation planning linkages

The California Protected Areas Database (CPAD; Figures 4 and 5) maps lands that public agencies or nonprofit organizations own outright (in fee title) and manage mainly for open space. That covers parks, wildlife areas, preserves, and similar lands, from small city parks up to large federal holdings. Its companion, the California Conservation Easement Database (CCED; Figure 5), maps lands that stay in private ownership but are permanently protected by a conservation easement. Read together, they give the most complete public picture of California's conserved lands. For a parcel like Corbett, they show whether a site sits within or next to an existing network of protected lands, which bears on its connectivity and conservation value (Figures 4 and 5).

Most of the Corbett parcels fall within Rank 5, “Irreplaceable and Essential Corridors,” the highest class in CDFW’s 2024 Terrestrial Connectivity dataset (Figure 3). CDFW assigns Rank 5 where an area contains a known priority movement corridor or where wildlife movement is channelized into narrow paths, meaning there are few or no alternative routes (CDFW ACE Terrestrial Connectivity, v5.0). Remaining portions are mapped as Rank 4, “Conservation Planning Linkages,” which mark statewide and regional habitat linkages. Together these rankings show the parcels sit squarely in the Altamont movement corridor rather than at its edge. Acquisition would also add to the network of protected lands mapped in the California Protected Areas Database (Figure 4). It is consistent with the East Alameda County Conservation Strategy, which identifies Altamont grasslands as supporting focal species including non-breeding amphibian habitat, burrowing owl, American badger, and San Joaquin kit fox (Alameda County, 2024), and with the Bay Area Conservation Lands Network, which classes all parcels as contributing to conservation goals and parts of them as critical.

[Disclaimer: Text generated with help of Claude Pro, reviewed and edited by a qualified WRA Biologist]

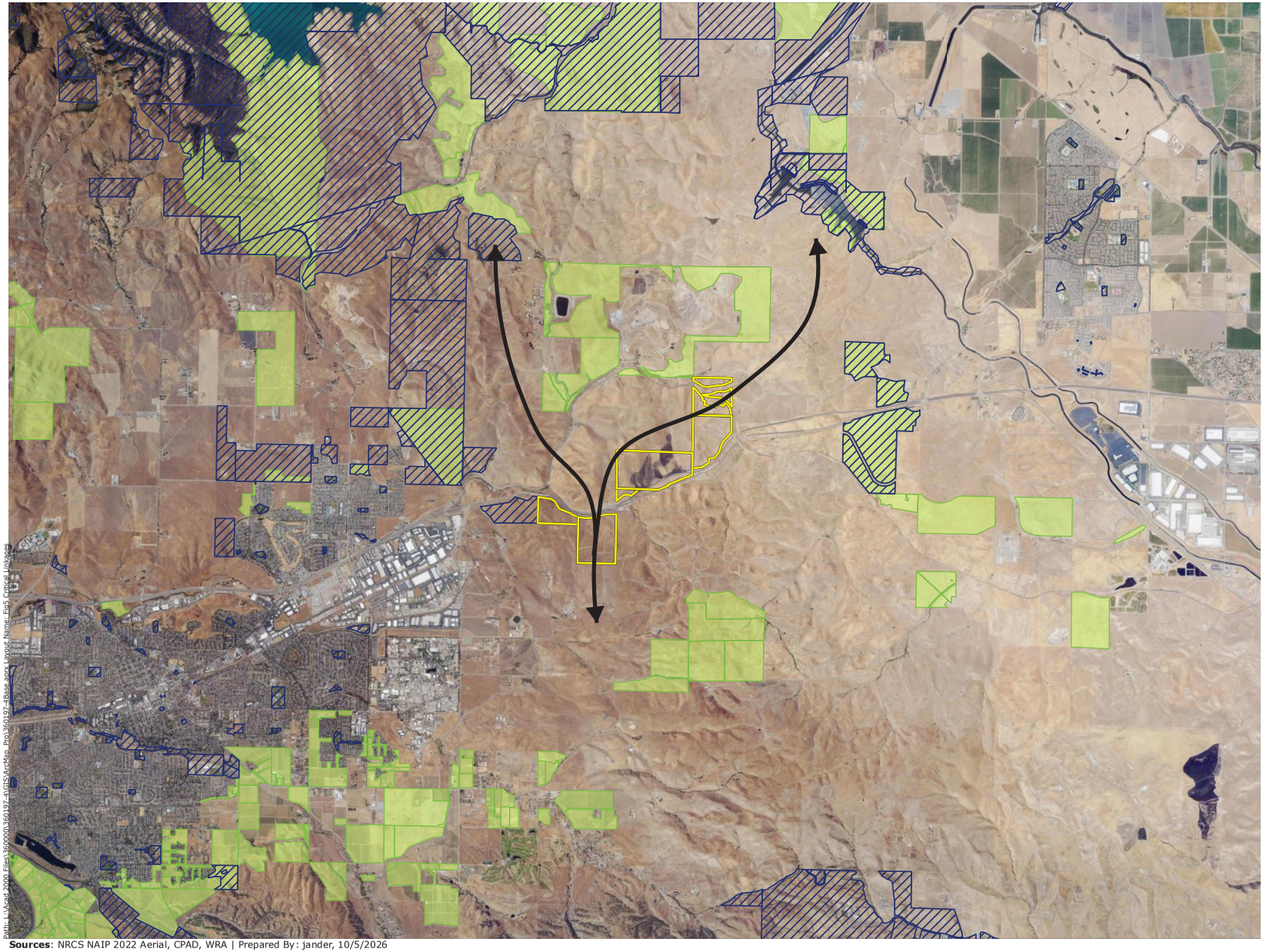


Figure 4.
Critical Linkages

Corbett Parcels, Alameda County, California

Sources: NRCS NAIP 2022 Aerial, CPAD, WRA | Prepared By: jander, 10/5/2026

wra Environmental Consultants

ATTACHMENT 2

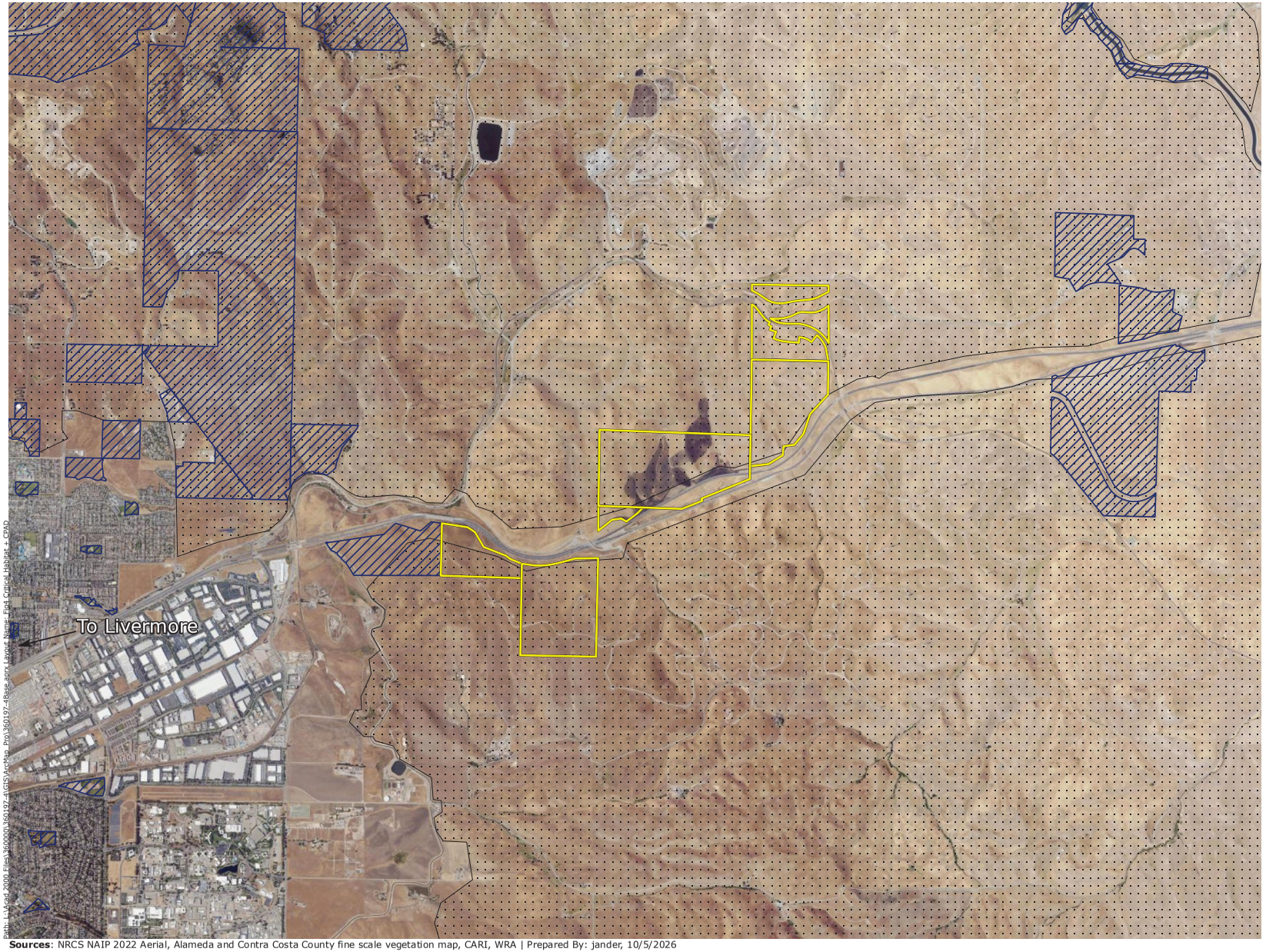


Figure 4.
Critical Habitat
+ CPAD

Corbett Parcels, Alameda County, California

Study Area Parcels
California Protected Areas Database
CRLF Critical Habitat USFWS

N
0 0.25 0.5
Miles

wra
Environmental Consultants

Sources: NRCS NAIP 2022 Aerial, Alameda and Contra Costa County fine scale vegetation map, CARI, WRA | Prepared By: jander, 10/5/2026

Path: L:\Corbett 2000_Files\360000\360197\GIS\ArcPro_Proj\360197_Base_arcx Layout Name: Fig4 Critical Habitat + CPAD

ATTACHMENT 2

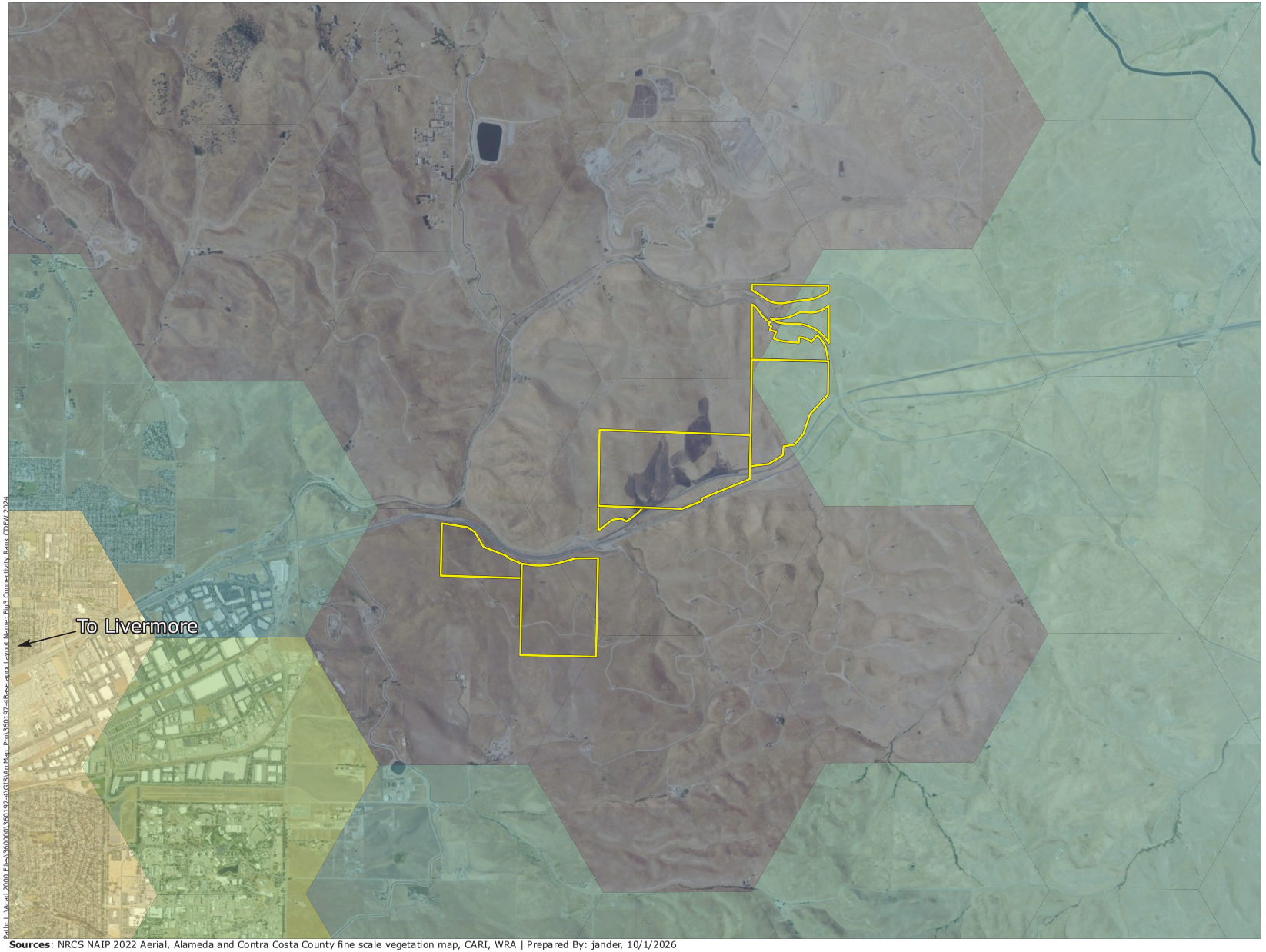


Figure 3.
Connectivity Rank
CDFW 2024

Corbett Parcels, Alameda County, California

Study Area Parcels

Connectivity Rank CDFW 2024

- 5 - Irreplaceable and Essential Corridors
- 4 - Conservation Planning Linkages
- 3 - Connections with Implementation Flexibility
- 2 - Large Natural Habitat Areas
- 1 - Limited Connectivity Opportunity

N

0 0.25 0.5

Miles

wra Environmental Consultants

Sources: NRCS NAIP 2022 Aerial, Alameda and Contra Costa County fine scale vegetation map, CARI, WRA | Prepared By: jander, 10/1/2026

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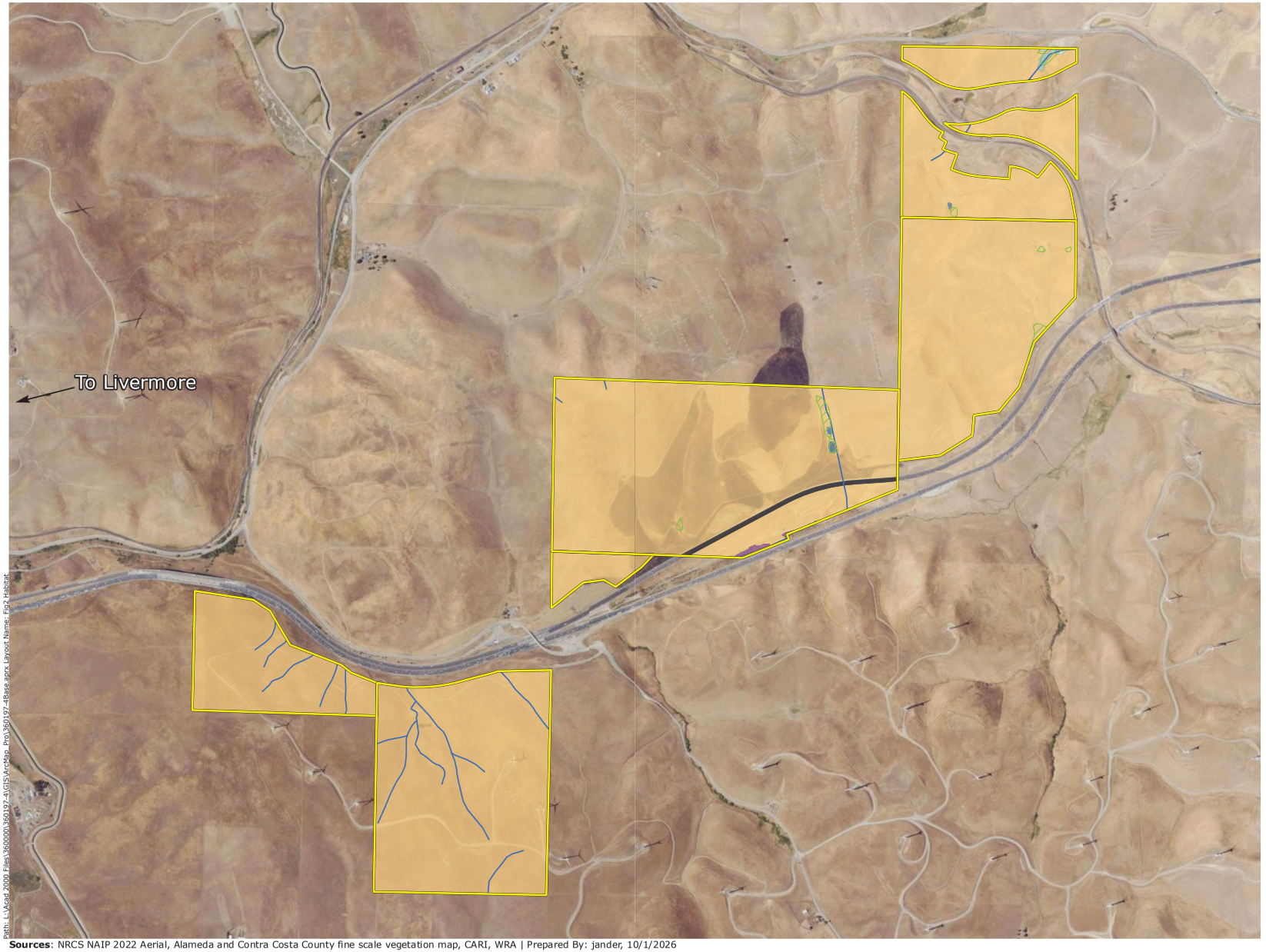


Figure 2.
Habitat

Corbett Parcels, Alameda County, California

Path: L:\Acad 2000 Files\360000\360197-4\GIS\ArcMap_Pro\360197-4Base.aprx Layout Name: Fig2 Habitat

Sources: NRCS NAIP 2022 Aerial, Alameda and Contra Costa County fine scale vegetation map, CARI, WRA | Prepared By: jander, 10/1/2026

wra Environmental Consultants

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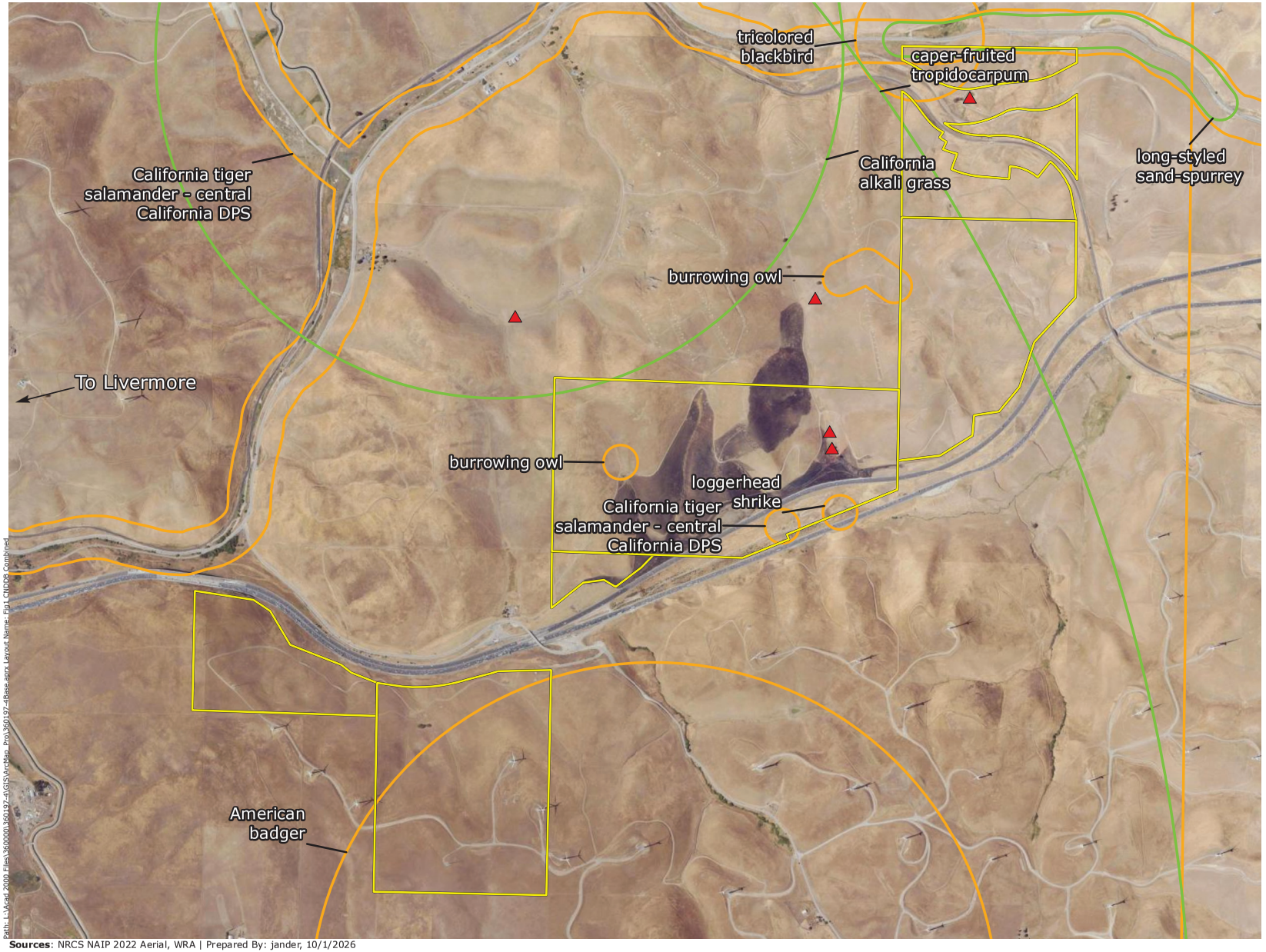


Figure 1.
CNDDB

Corbett Parcels, Alameda County, California

- Study Area Parcels
- Possible Breeding Pond CTS/CRLF
- CNDDB Wildlife
- CNDDB Plants

N

0 0.25 0.5
Miles

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Environmental Consultants

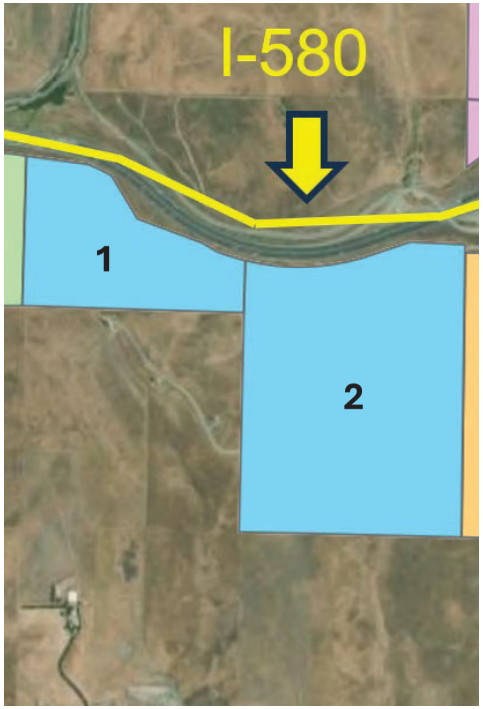
Sources: NRCS NAIP 2022 Aerial, WRA | Prepared By: jander, 10/1/2026

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ATTACHMENT 2

Corbett Parcel Attributes

Southern Parcels



1 APN: 99B-5650-1-4

Acres	79.85
Bird Areas	1.00
Wetland	0.00
Whipsnake	0.00
Red Legged Frog	0.67
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	1.00
Intensified Connectivity	0.18
Diffuse Connectivity	0.00
Channelized Connectivity	0.75
Recreation	0.89
Viewshed	0.76

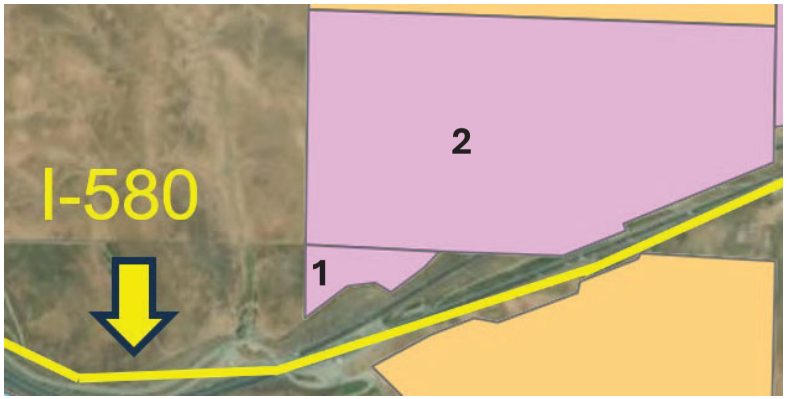
2 APN: 99A-1785-1-14

Acres	199.42
Bird Areas	1.00
Wetland	0.00
Whipsnake	0.00
Red Legged Frog	0.97
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.64
Intensified Connectivity	0.33
Diffuse Connectivity	0.00
Channelized Connectivity	0.69
Recreation	0.83
Viewshed	0.83

Rating Scale
0 (lowest) - 1 (highest) *Attributes are from UCANR mapping database for Land Conservation Prioritization

Corbett Parcel Attributes

Northern Parcels



1 APN: 99A-1780-1-5

Acres	16.08
Bird Areas	1.00
Wetland	0.00
Whipsnake	0.00
Red Legged Frog	0.28
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.00
Intensified Connectivity	1.00
Diffuse Connectivity	0.09
Channelized Connectivity	0.05
Recreation	0.78
Viewshed	0.01

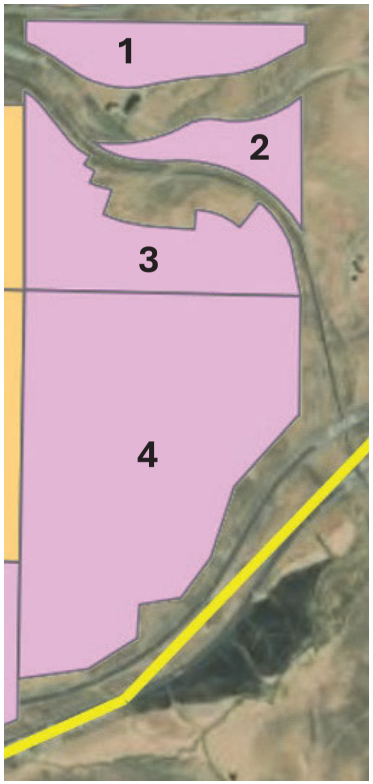
2 APN: 99B-6500-2-1

Acres	289.70
Bird Areas	1.00
Wetland	0.01
Whipsnake	0.00
Red Legged Frog	0.79
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.00
Intensified Connectivity	0.63
Diffuse Connectivity	0.39
Channelized Connectivity	0.00
Recreation	0.78
Viewshed	0.02

Rating Scale
0 (lowest) - 1 (highest) *Attributes are from UCANR mapping database for Land Conservation Prioritization

Corbett Parcel Attributes

Northern Parcels



1 APN: 99B-6300-3-3

Acres	29.75
Bird Areas	1.00
Wetland	0.03
Whipsnake	0.00
Red Legged Frog	1.00
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.00
Intensified Connectivity	0.82
Diffuse Connectivity	0.00
Channelized Connectivity	0.00
Recreation	0.77
Viewshed	0.00

2 APN: 99B-6300-3-2

Acres	20.19
Bird Areas	1.00
Wetland	0.00
Whipsnake	0.00
Red Legged Frog	1.00
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.00
Intensified Connectivity	0.59
Diffuse Connectivity	0.50
Channelized Connectivity	0.00
Recreation	0.76
Viewshed	0.02

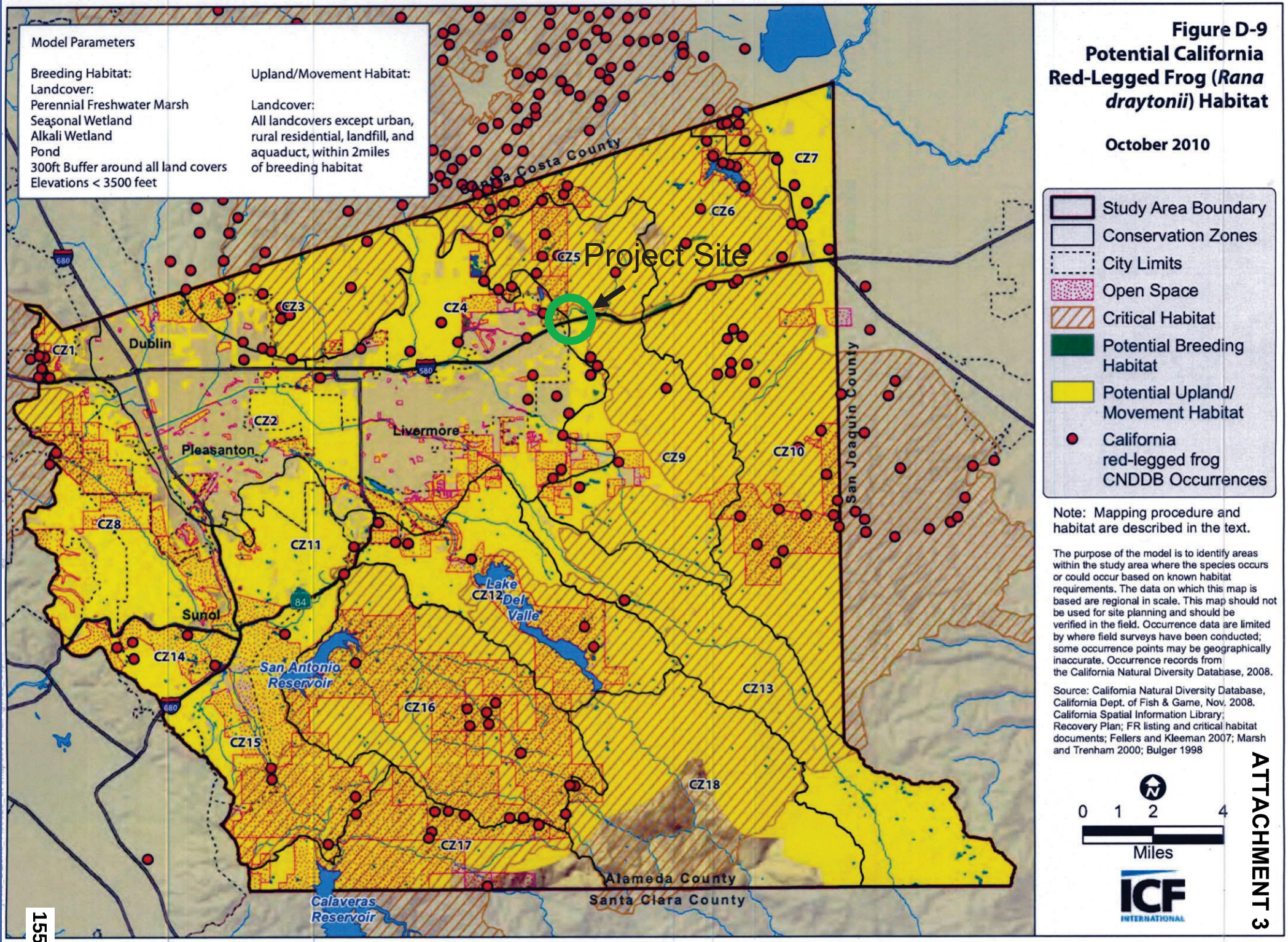
3 APN: 99B-6300-3-1

Acres	56.82
Bird Areas	1.00
Wetland	0.00
Whipsnake	0.00
Red Legged Frog	1.00
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.00
Intensified Connectivity	0.73
Diffuse Connectivity	0.41
Channelized Connectivity	0.00
Recreation	0.74
Viewshed	0.04

4 APN: 99B-6425-2-4

Acres	172.64
Bird Areas	1.00
Wetland	0.01
Whipsnake	0.00
Red Legged Frog	0.95
Tiger Salamander	0.00
Delta Smelt	0.00
Fairy Shrimp	0.00
Critical Link	0.00
Intensified Connectivity	0.68
Diffuse Connectivity	0.29
Channelized Connectivity	0.00
Recreation	0.72
Viewshed	0.05

Rating Scale
0 (lowest) - 1 (highest) *Attributes are from UCANR mapping database for Land Conservation Prioritization


Model Parameters
Breeding Habitat:
Landcover:
Perennial Freshwater Marsh
Seasonal Wetland
Alkali Wetland
Pond
300ft Buffer around all land covers
Elevations < 3500 feet
Upland/Movement Habitat:
Landcover:
All landcovers except urban, rural residential, landfill, and aquaduct, within 2miles of breeding habitat
Contra Costa County
Project Site
CZ1
CZ2
CZ3
CZ4
CZ5
CZ6
CZ7
CZ8
CZ9
CZ10
CZ11
CZ12
CZ13
CZ14
CZ15
CZ16
CZ17
CZ18
Dublin
Pleasanton
Livermore
Sunol
Lake Del Valle
San Antonio Reservoir
Calaveras Reservoir
San Joaquin County
Alameda County
Santa Clara County
680
580
84
Figure D-9
Potential California Red-Legged Frog (Rana draytonii) Habitat
October 2010
Study Area Boundary
Conservation Zones
City Limits
Open Space
Critical Habitat
Potential Breeding Habitat
Potential Upland/ Movement Habitat
California red-legged frog CNDDB Occurrences
Note: Mapping procedure and habitat are described in the text.
The purpose of the model is to identify areas within the study area where the species occurs or could occur based on known habitat requirements. The data on which this map is based are regional in scale. This map should not be used for site planning and should be verified in the field. Occurrence data are limited by where field surveys have been conducted; some occurrence points may be geographically inaccurate. Occurrence records from the California Natural Diversity Database, 2008.
Source: California Natural Diversity Database, California Dept. of Fish & Game, Nov. 2008. California Spatial Information Library; Recovery Plan; FR listing and critical habitat documents; Fellers and Kleeman 2007; Marsh and Trenham 2000; Bulger 1998
0 1 2 4
Miles
ICF INTERNATIONAL
ATTACHMENT 3

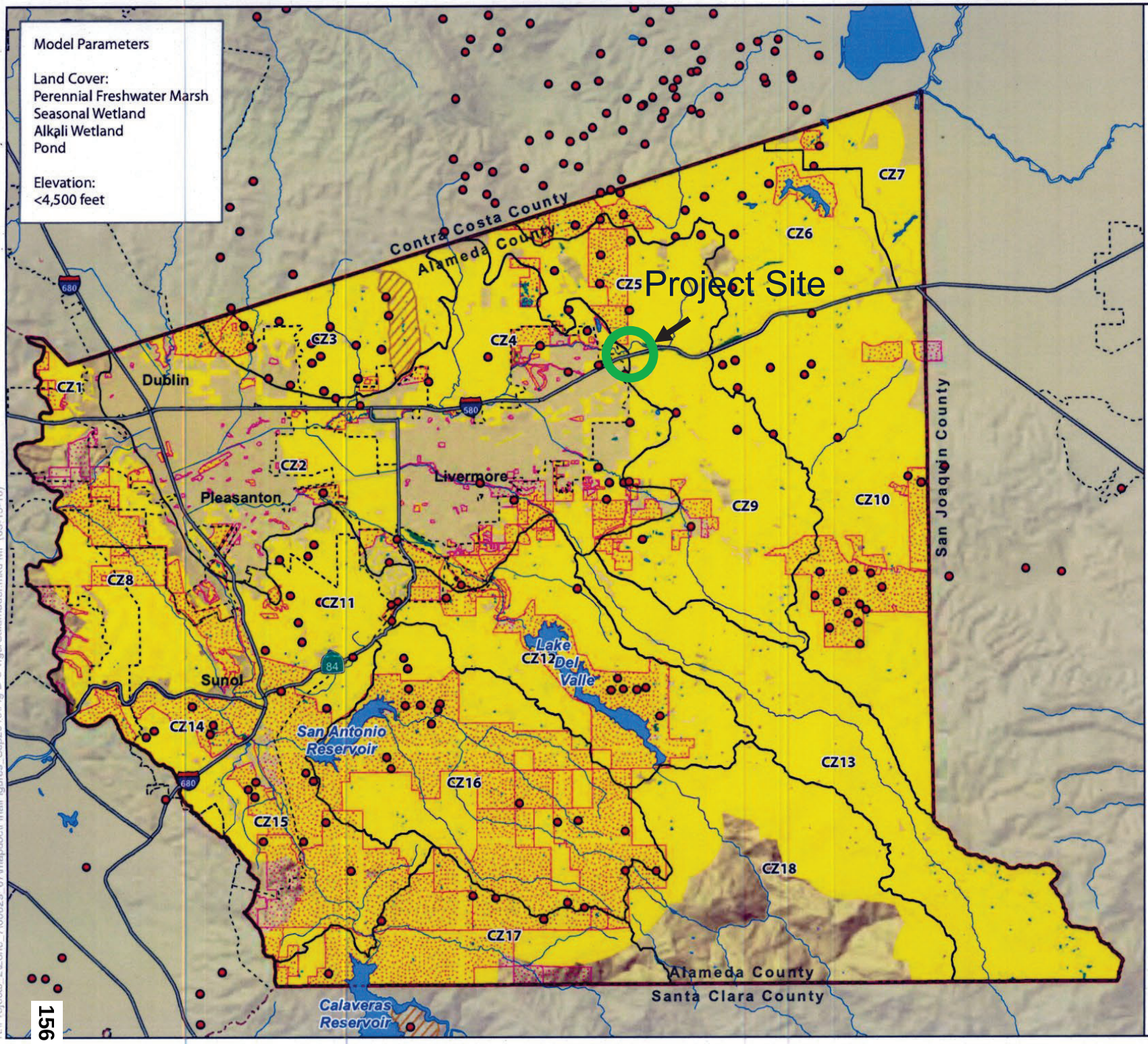


Figure D-8
Potential California Tiger Salamander (*Ambystoma californiense*) Habitat

October 2010

- Study Area Boundary
- Conservation Zones
- City Limits
- Open Space
- Critical Habitat
- Potential Breeding Habitat
- Potential Upland Habitat
- CTS CNDDB Occurrences

Note: Mapping procedure and habitat are described in the text.

The purpose of the model is to identify areas within the study area where the species occurs or could occur based on known habitat requirements. The data on which this map is based are regional in scale. This map should not be used for site planning and should be verified in the field. Occurrence data are limited by where field surveys have been conducted; some occurrence points may be geographically inaccurate. Occurrence records from the California Natural Diversity Database, 2008.

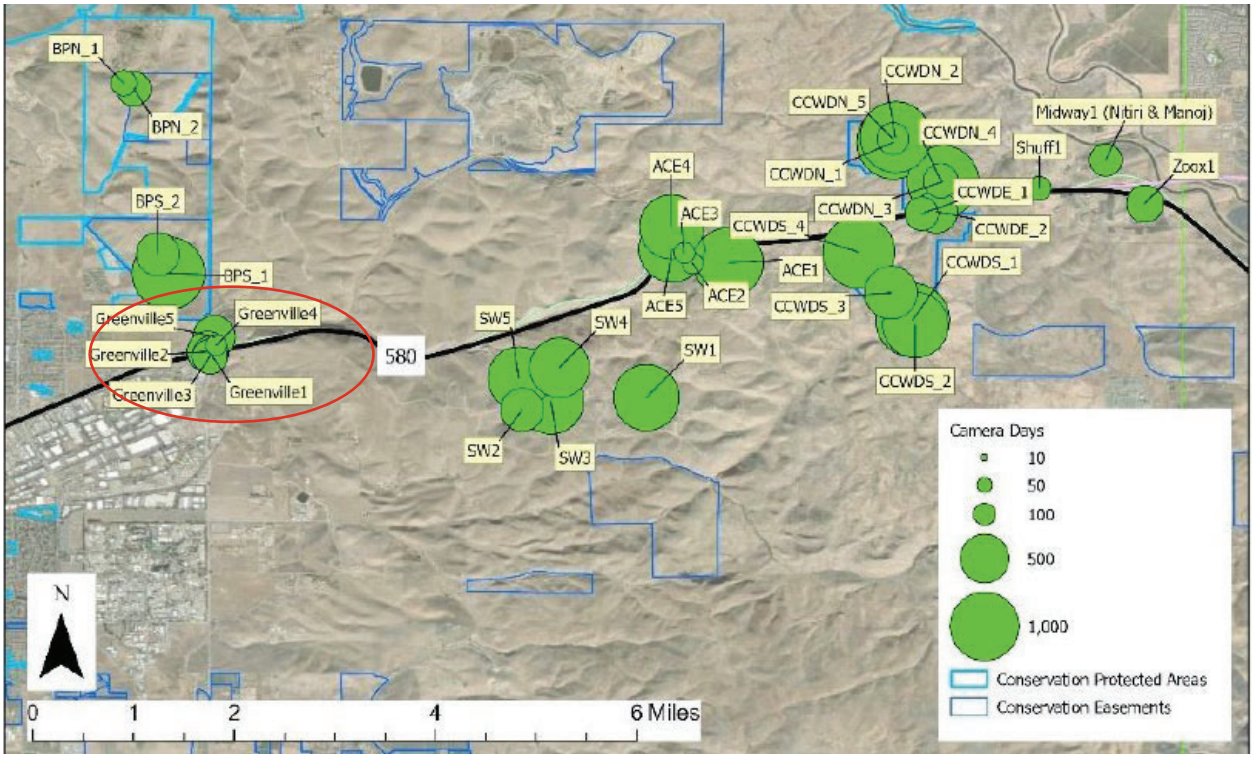
Source: California Natural Diversity Database, California Dept. of Fish & Game, Nov. 2008. California Spatial Information Library; FR listing and critical habitat documents; Orloff 2007; Trenham et al. 2001; S. Sweet, personal communication; Cook et al. 2006.

0 1 2 4
Miles

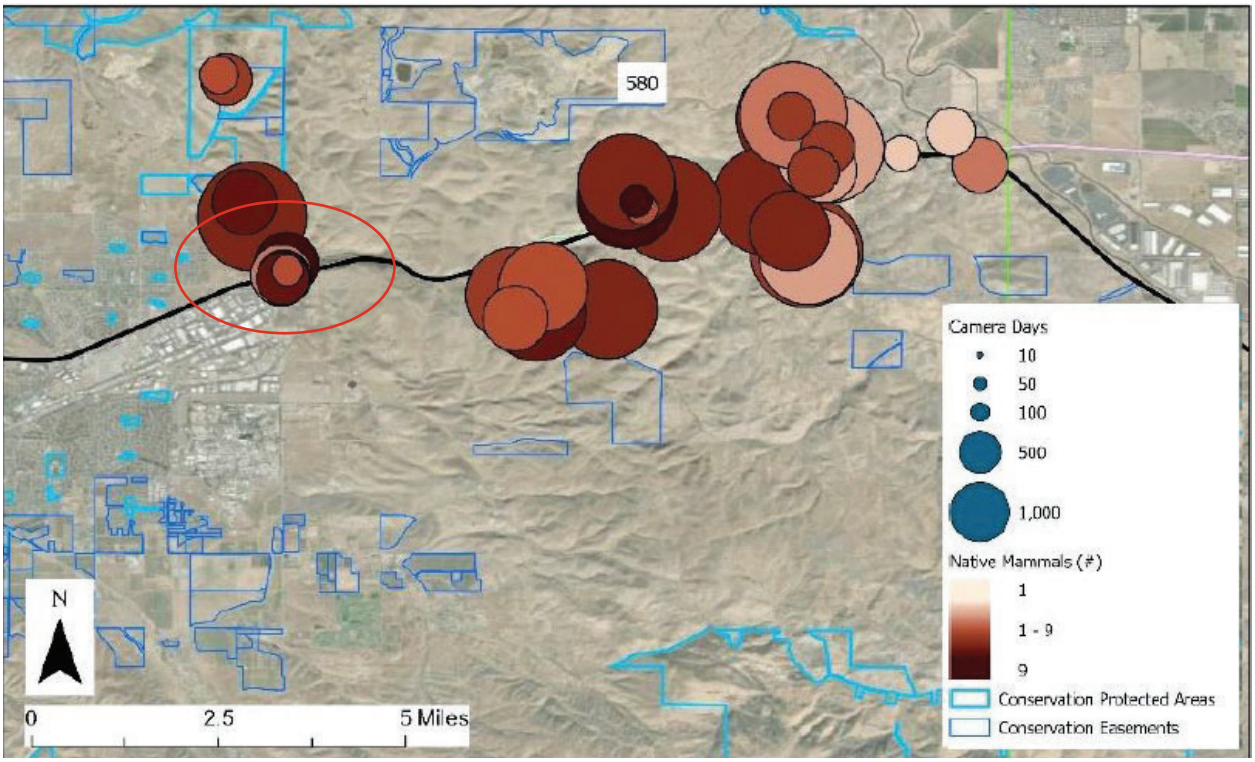
ICF INTERNATIONAL

ATTACHMENT 3

ACRCD & UC Davis Road Ecology Center – Wildlife Presence Final Research Report



*Wildlife camera activity – Greenville (29 to 1,163 days observed across all sites)



IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION FINDING CONSISTENCY DETERMINATION (CD) 26-004 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15313 (ACQUISITION OF LAND FOR WILDLIFE CONSERVATION PURPOSES)

On April 27, 2026, the City Council authorized staff to enter negotiations with Corbett property owners to acquire fee title for open space and conservation purposes. The Planning Commission, as the City's planning agency, is required by Government Code Section 65402(a) to determine the consistency of acquiring real property for public purposes with the City's General Plan.

On September 27, 2026, the City initiated Consistency Determination (CD) 26-004 ("Project") for the acquisition of the Corbett Property ("Property"). The Property consists of approximately 817 acres of vacant range land, with known biological habitat, divided into eight irregularly shaped parcels in the Altamont Hills. The Property includes Assessor's Parcel Numbers: 099B-6300-003-01, 099B-6300-003-02, 099B-6300-003-03, 099B-6500-002-01, 099A-1780-001-05, 099B-6425-002-04, 099B-5650-001-04, and 099A-1785-001-14.

On November 3, 2026, the Planning Commission held a duly noticed public meeting to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore, based upon its own independent review of the Record Evidence and considerations, determines the Project is categorically exempt from the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines Section 15313 (Acquisition of Lands for Wildlife Conservation Purposes) and none of the exceptions to the exemption listed in Section 15300.2 apply.

Section 15313: The Project meets the following criteria for the exemption under Section 15313, (Class 13) of the California Environmental Quality Act ("CEQA"):

a. The acquisition of lands for conservation purposes including preservation of wildlife habitat and preserving the land in its natural condition.

Response: City acquisition of the Property would support future wildlife movement initiatives and create contiguous publicly owned open space connections with adjacent

City owned properties.

A Conservation Values Assessment (“Study”) was completed for the Property, identifying several significant natural resource attributes including regional conservation within the Altamont Pass, where open landscapes connect Mount Diablo and the East Bay hills to the broader Diablo Range. The Study identifies the Property as one of the most important wildlife movement corridors in the region, functioning as a pinch point constrained by I-580. The California Department of Fish and Wildlife (CDFW) assigns the Property a Level 5 ranking (its highest designation) as an Irreplaceable and Essential Corridor. Level 5 areas are defined as priority movement corridors where wildlife movement is funneled into narrow pathways with no viable alternative routes. Most of the Property carries this Level 5 designation, with the remaining areas ranked Level 4. These rankings emphasize the Property's role as one of the most critical wildlife movement areas within the Altamont Pass. Acquisition of the Property would strengthen the existing network of protected lands in the Altamont Corridor and provide meaningful opportunities to expand regional connectivity and long-term conservation outcomes.

The University of California Agriculture and Natural Resources (UCANR) mapping database assigns parcel rankings on a scale from 0 to 1 based on various conservation attributes. The subject property receives the highest possible rating for Bird Areas, Red-legged Frog, Critical Linkage, Connectivity, Recreation, and View Shed. Habitat and species data from the California Natural Diversity Database indicate that the property may contain critical and upland habitat for the California red-legged frog. The Study confirms the Property contains essential habitat features for the California red-legged frog (CRLF) and California tiger salamander (CTS), including on-site and nearby ponds that serve as breeding habitat. The site supports open grasslands with active burrows used by the western burrowing owl, a candidate species under the California Endangered Species Act.

Furthermore, the Property is situated within the headwaters of drainages that flow west toward Livermore, offering opportunities for stream restoration, channel stabilization, and protection of riparian corridors, wetlands, and ponds that support CRLF and CTS populations.

Under City ownership, future use of the Property would be limited to conservation related purposes in collaboration with a range of organizations with expertise in habitat conservation and land management. This approach would support the long-term protection of wildlife habitat, natural resources, open space, and ecological connectivity while preserving the Property's natural condition.

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. This exception does not apply. Categorical Exemption Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. The proposed land acquisition qualifies for a Class 13 Categorical Exemption and, therefore, is not subject to this possible exception due to project location.

2. Cumulative Impact. Future use of the Property would be limited to open space and conservation related purposes. The Property will be managed for its conservation values with the goal of encumbering the land with a conservation easement. The acquisition of the Property would not result in any significant impact, and its contribution to regional growth is not cumulatively considerable. Therefore, the property acquisition will not result in any cumulative impacts.

3. Significant Effects Resulting from Unusual Circumstances. There is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. There is no evidence that any unusual circumstances exist.

4. Scenic Highways. The Project site is not located along a subarea of the scenic routes and is not designated as a Scenic Highway by the California Department of Transportation. No damage to scenic resources will occur.

5. Hazardous Waste Sites. The 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. The site is not a historical resource and therefore will not cause a substantial adverse change in the significance of a historical resource.

BE IT FURTHER RESOLVED that the Livermore Planning Commission directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk and State Clearinghouse if the Project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

_____
Tracy Kronzak, Chairperson

By Stephen Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING CONSISTENCY DETERMINATION (CD) 26-004 FOR THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE AND CONSERVATION PURPOSES

On April 27, 2026, the City Council authorized staff to enter negotiations with Corbett property owners to acquire fee title for open space and conservation purposes. The Planning Commission, as the City's planning agency, is required by Government Code Section 65402(a) to determine the consistency of acquiring real property for public purposes with the City's General Plan.

On September 27, 2026, the City initiated Consistency Determination (CD) 26-004 ("Project") for the acquisition of the Corbett Property ("Property"). The Property consists of approximately 817 acres of vacant land, divided into eight irregularly shaped parcels in the Altamont Hills. The Property includes Assessor's Parcel Numbers: 099B-6300-003-01, 099B-6300-003-02, 099B-6300-003-03, 099B-6500-002-01, 099A-1780-001-05, 099B-6425-002-04, 099B-5650-001-04, and 099A-1785-001-14.

On November 3, 2026, the Planning Commission held a duly noticed public meeting to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, with respect to Consistency Determination (CD) 26-004, the Planning Commission of the City of Livermore finds based on the information presented:

1. Acquisition and disposition of real property is determined to be consistent with the City of Livermore General Plan 2045.

   Response: Acquisition of the Property is consistent with the applicable goals and policies of the City of Livermore General Plan 2045 relating to managed growth, open-space conservation, protection of natural resources and wildlife habitat, and enhancement of regional ecological connectivity. Located beyond the City's Urban Growth Boundary, the Property's acquisition would secure open space outside the area designated for urban growth, helping preserve its natural condition and prevent the loss of important open-space resources to future urban development.

   As described in the Conservation Values Assessment, the Property contains

significant biological resources, provides essential habitat for sensitive wildlife species, and serves as a critical regional wildlife movement corridor within the Altamont Pass. Acquisition and conservation-focused management of the Property would support the long-term protection of these resources, strengthen connections between existing protected lands, and provide opportunities for habitat restoration and natural resource management.

Accordingly, acquisition of the Property would support the City's objectives for managed growth, preservation of open space beyond the Urban Growth Boundary, protection of natural resources, and long-term conservation of regional wildlife habitat and ecological connectivity, consistent with the applicable goals and policies of the City of Livermore General Plan 2045, listed below:

Open Space and Conservation Element

- Goal OS-1 - Conserve the value and function of Livermore’s open space for natural resource protection, recreation and scenic value.
  - Policy OS-1.1 Diverse Open Space System
    Foster an open space system that supports the natural function of the land, protects sensitive wildlife and plant species, preserves important viewscapes, and creates opportunities for recreation.
  - Policy OS-1.2 Greenbelts
    Secure and maintain a greenbelt of nonurbanized land surrounding Livermore to serve as a buffer between communities and to preserve, enhance, and expand an integrated network of open space.
  - Policy OS-1.3 Open Space Preservation and Restoration
    Prioritize opportunities to preserve, restore, rewild, and enhance natural landscapes to support environmental and community health.
  - Policy OS-1.4 Open Space Acquisition and Connection
    Prioritize land acquisition efforts that would result in the creation and expansion of permanent open spaces or corridors that link existing or create new protected natural resource areas.
  - Policy OS-1.6 Open Space Easement Designation
    Work with local stakeholders and agencies to use open space easements to preserve sensitive habitat and resources.
  - Policy OS-1.8 Open Space Preservation Agency Coordination
    Coordinate with the County of Alameda, East Bay Regional Park District, Livermore Area Recreation and Park District, Tri-Valley Conservancy, and other partner organizations to preserve and protect important resources inside and outside the urban growth boundary.
  - Policy OS-1.10 Preservation of Natural Amenities
    Preserve and enhance, or work with other agencies, as appropriate (e.g., with joint grant applications, sharing of staff resources and legal services), to preserve and enhance natural amenities.

- Goal OS-2. Preserve and enhance biological resources
  - Policy OS-2.1 Biodiversity Preservation
    Preserve biodiversity within the Planning Area, with special emphasis on species that are sensitive, rare, declining, unique, or represent valuable biological resources.
  - Policy OS-2.10 Wildlife Linkage
    Coordinate with Caltrans, the California Department of Fish and Wildlife, and other partners to plan for wildlife linkages to allow for the safe travel of wildlife across Interstate 580.

BE IT FURTHER RESOLVED that the Planning Commission of the City Livermore finds that a Consistency Determination for the acquisition of real property is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15313. This section categorically exempts projects involving acquisition of land for wildlife conservation purposes including where the purpose of the acquisition is to preserve the land in its natural condition. None of the exceptions to categorical exemptions listed in CEQA Guidelines Section 15300.2 apply.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission approves Consistency Determination (CD) 26-004.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

_____
Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 6.2**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Consideration of General Plan Consistency Determination (CD) 26-003 for the acquisition and disposition of real property for open space conservation and non-motorized recreation purposes.

RECOMMENDED ACTION

Staff recommend the Planning Commission adopt resolutions:

1. Finding the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15313, acquisition of land for conservation purposes and CEQA Guidelines Section 15301, existing facilities and Direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk and State Clearinghouse in accordance with the provisions of CEQA;
2. Approving Consistency Determination (CD) 26-003, finding the City's acquisition (and ultimate disposition to Livermore Area Park and Recreation District) of the Property for open space, non-motorized recreation, and conservation is consistent with Livermore General Plan 2045.

SUMMARY

Government Code Section 65402(a) requires that if a General Plan has been adopted, no real property shall be acquired (or disposed of) by dedication or otherwise for public purposes until the location, purpose, and extent of such acquisition has been reported upon by the planning agency as to conformity with its adopted General Plan. The City Council authorized the negotiations with the property owner, the Wente Family, to purchase property with the objective to protect natural resources and wildlife habitat, expand the regional park system to improve public access, recreation, and regional trail connectivity between Sycamore Grove, Holdener, and Del Valle regional recreation areas, and create new recreational amenities that complement South Livermore's visitor economy. In accordance with Government Section 65402(a), staff recommends the Livermore Planning Commission find the City's proposed acquisition conforms to goals and policies of the Livermore General Plan.

DISCUSSION

BACKGROUND

The City of Livermore actively engages in acquiring land for open space conservation using a variety of dedicated open space acquisition funding sources. Staff negotiate with willing property sellers on the open market to purchase land and secure it as open space in perpetuity. These transactions occur in partnership with conservation organizations such as Livermore Area Recreation and Park District (LARPD) and the Tri-Valley Conservancy (Conservancy), who have extensive expertise in natural resource management and recreational programing. The City has acquired or helped to acquire and protect over 1,000 acres of land surrounding the City to achieve a variety of strategic goals:

- Maintain and enhance biological diversity
- Secure land for agricultural conservation
- Support climate resilience and mitigation programs
- Provide non-motorized recreational opportunities
- Preserve scenic value
- Manage watershed and address flood control

The property owner, the Wente Family, (doing business as Wente Land and Cattle and Wente Bros) is a willing seller. The Wente Family approached City and LARPD staff to explore opportunities to support broader wine country revitalization efforts. This collaboration led to property sales that would advance shared goals for recreation, tourism, and economic vitality while preserving the area's unique character and identity.

In July and September 2026, the City Council authorized staff to enter negotiations with the property owner to acquire the property specifically for open space conservation purposes including non-motorized passive recreation to achieve the following objectives:

- Expand public open space through strategic land acquisition and partnerships to increase public access to natural and recreational resources.
- Support the vitality of South Livermore's wine country by creating new recreational opportunities that enhance visitor experiences and encourage longer stays and repeat visitation.
- Establish a contiguous publicly accessible connection between Sycamore Grove Park, Holdener Park, and Del Valle Regional Park, creating an integrated network of parks, trails, and open space.
- Expand regional trail connectivity by linking the trail system to recreation destinations.
- Enhance natural resources and wildlife habitat through long-term stewardship and habitat and land management.

The Planning Commission's role is to determine whether the acquisition is consistent with General Plan Policy. The City Council is responsible for authorizing the Purchase and Sale Agreement, appropriation of funds, and other related actions to facilitate the transaction.

PROJECT DESCRIPTION

The project is the acquisition of the Wente Property (Property). The Property is approximately 1,300 acres and includes the following Assessor's Parcel Numbers (APNs)099-0625-002-02, 099-0850-005-05, 099-0625-002-01, 099-0600-001-08, 099-060-0001-07, 099A-2300-003-03, 099A-2310-003-01, 099A-2310-002-00, and, 099A-2300-004-06 (See Attachment 1).

PROJECT SITE CONTEXT

The Property is in unincorporated Alameda County located between Arroyo Road and Mines Road, in the rangelands and scenic hills that frame the South Livermore Valley. The property is strategically positioned within the existing regional open space and recreation network adjacent to Sycamore Grove Park, Holdener Park, and Del Valle Regional Recreation Areas.

Although the Property is located outside the City's Municipal and Urban Growth Boundary (UGB), its acquisition and permanent conversation as park land would reinforce the UGB by helping limit future development in these areas.

PROJECT SITE ATTRIBUTES

Topography and Terrain

The Property is characterized by rolling hills, rangelands, ridgelines, and notable geological formations that contribute to the scenic landscape of South Livermore Valley. Nearly the entire Property is within the Dry Creek Watershed, which contains old-growth sycamore groves, multiple oak woodland communities, and seasonal drainages that flow towards the Arroyo del Valle. These landscape features provide important ecological connectivity between existing open space areas.

Biological Habitat and Natural Resources

The Property's long-standing history as a working cattle ranch has provided management activities that support diverse natural areas, including grasslands, oak woodlands and riparian corridors as well as several ponds and wetland areas. A biological assessment conducted for the Property identified potential breeding habitat for California tiger salamander and California red-legged frog and grasslands and drainage habitats essential for their movement and various lifecycles (See Attachment 2). The Property is also within a key regional wildlife movement corridor identified by California Department of Fish and Wildlife (CDFW), linking the Del Valle and Ohlone hills and the Livermore Valley floor.

Recreation Opportunities and Regional Connectivity

Due to the size and adjacency to three major regional recreation areas, the Property offers opportunities to expand the regional park and trail system. Acquisition would accommodate future trail connections consistent with the General Plan, Active Transportation Plan, and LARPD's master plan. Most notably, the Property provides potential to complete the Dry Creek Trail, which would link Arroyo Road, Holdener Park, and the Del Valle trail network.
Further, the Property's existing ranch roads provide an immediate opportunity for low impact, non motorized recreation such as hiking, cycling, equestrian use, and environmental education. Future recreational planning would balance public access with the protection of sensitive natural and agricultural resources.

ACQUISITION AND LONG-TERM MANAGEMENT OPPORTUNITIES

The proposed acquisition would conserve the Property and ensure coordinated long-term management and public access. Pending City Council and LARPD Board approval, the intent of the acquisition is to

subsequently transfer ownership to LARPD to assume land stewardship and the Property's integration into the regional park system. Over time, portions of the property would be placed under conservation easement with the Conservancy, similar to Holdener and Sycamore Grove Parks.

The partnership among the City, LARPD, the Wente Family (and the Conservancy) would support natural resource protection, preserve the area's agricultural character, and expand appropriate public recreation and access. In addition, the acquisition would strengthen South Livermore's visitor economy through improved trail connectivity and enhance the visitor experience while maintaining the agricultural identity of South Livermore.

Overall, the acquisition would help create a more connected regional system of parks, trails, and public open space that support the Valley's working landscape, agricultural and wine-growing traditions, and hospitality industry.

GENERAL PLAN POLICY CONSISTENCY

Because of the Property's strategic location, natural features, and recreation opportunities, Staff recommend the Planning Commission find the proposed acquisition and ultimate disposition to LARPD consistent with Livermore General Plan 2045 as outlined below:

Community Identity

Policy CI-9.1 Natural Features. Leverage Livermore's existing natural features, such as the arroyos and open spaces to strengthen community identity and connections.

Open Space

Policy OS-1.1 Diverse Open Space System. Foster an open space system that supports the natural function of the land, protects sensitive wildlife and plant species, preserves important viewscapes, and creates opportunities for recreation.

Policy OS-1.2 Greenbelts. Secure and maintain a greenbelt of nonurbanized land surrounding Livermore to serve as a buffer between communities and to preserve, enhance, and expand an integrated network of open space

Policy OS-1.4 Open Space Acquisition and Connection. Prioritize land acquisition efforts that would result in the creation and expansion of permanent open spaces or corridors that link existing or create new protected natural resource areas.

Policy OS-1.5 Open Space Public Access. Maintain existing and establish new public access to public open space lands as appropriate, while also preserving the character and conservation value of the open space.

Policy OS-1.8 Open Space Preservation Agency Coordination. Coordinate with the County of Alameda, East Bay Regional Park District, Livermore Area Recreation and Park District, Tri-Valley Conservancy, and other partner organizations to preserve and protect important resources inside and outside the urban growth boundary.

Policy OS-1.10 Preservation of Natural Amenities. Preserve and enhance, or work with other

agencies, as appropriate (e.g., with joint grant applications, sharing of staff resources and legal services), to preserve and enhance the following natural amenities:

a. Ridgelines
b. Oak Woodlands and Grasslands
c. Grasslands
d. Riparian Woodland
e. Arroyos and Creeks
f. Knolls
g. Doolan Canyon
h. Arroyo Mocho/Cedar Mountain
i. Corral Hollow
j. Sycamore Grove
k. Hilltops (North Livermore Urban Growth Boundary Initiative)
l. Slopes (North Livermore Urban Growth Boundary Initiative)
m. Viewscapes (North Livermore Urban Growth Boundary Initiative)
n. Frick Lake
o. Springtown Alkali Sink

Policy OS-5.4 Regional Park Development Coordination. Coordinate with the Livermore Area Recreation and Park District and the East Bay Regional Park District in developing adequate regional park space around Livermore to serve the existing community and foreseeable population increases in Livermore and its environs.

Economic Development

Policy ED-1.2 Cultural Assets and Economic Infrastructure. Invest in parks and natural open space restoration, downtown, the wine region, and cultural arts facilities that serve both residents and visitors, prioritizing improvements that enhance Livermore's identity and support economic vitality.

Policy ED-1.3 Tourism Development and Visitor Experience. Invest in a range of visitor-serving attractions, amenities, and overnight accommodations, particularly in the wine country and downtown, that enhance the visitor experience, encourage multi-day visits, and celebrate Livermore's unique attributes.

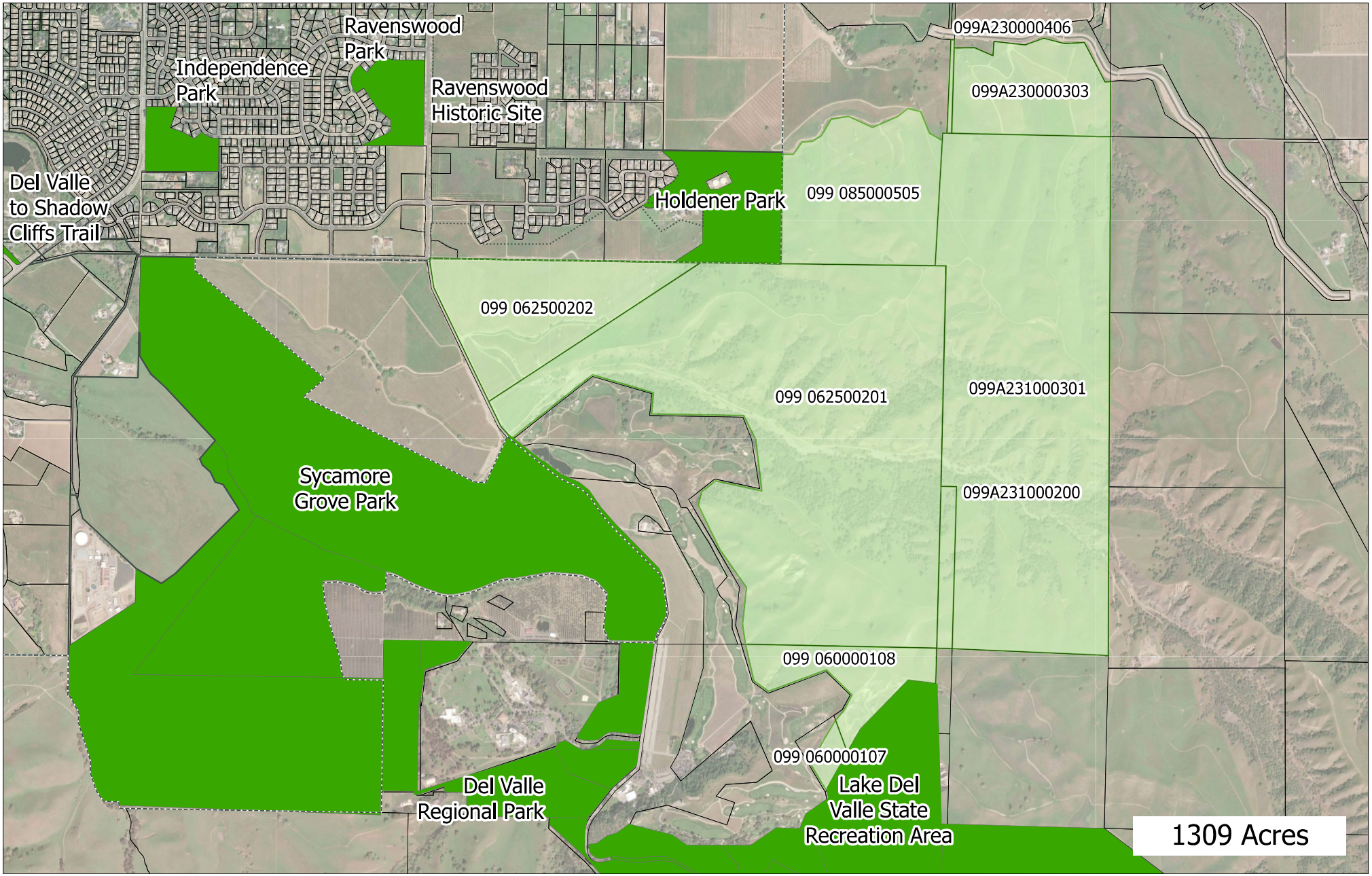
ENVIRONMENTAL REVIEW

Staff recommend the Planning Commission find the Property acquisition is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15313, which exempts acquisitions of lands for wildlife conservation purposes including where the purpose of the acquisition is to preserve the land in its natural condition. Further, staff recommend the Planning Commission find the Property acquisition is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15301, which exempts existing facilities. The existing infrastructure and network of existing roadways and trails would be used to facilitate non-motorized outdoor recreational opportunities programed, managed, and maintained by LARPD.

ATTACHMENTS

1. Wente Park Location Map
2. Wente Conservation Values Assessment
3. Wente Project Resolution
4. Wente CEQA Resolution

Prepared by: Andy Ross
Principal Planner


Ravenswood Park
Independence Park
Ravenswood Historic Site
099A230000406
099A230000303
Del Valle to Shadow Cliffs Trail
Holdener Park
099 085000505
099 062500202
099 062500201
099A231000301
Sycamore Grove Park
099A231000200
099 060000108
099 060000107
Del Valle Regional Park
Lake Del Valle State Recreation Area
1309 Acres

Southeast Livermore Parcels: Passive Recreation and Conservation Values

Nine parcels, approximately 1,401 acres, east of Arroyo Road and The Course at Wente Vineyards, Alameda County

The missing link between Livermore wine country and its regional parks

The nine parcels the City is negotiating for cover about 1,401 acres of oak-studded hills and vineyard on the southeastern edge of Livermore. They sit in the gap between the South Livermore Valley vineyards and the large public landholdings of the Del Valle watershed. Protected lands in the California Protected Areas Database (CPAD) border the parcels on the west along the Arroyo del Valle corridor and touch their southern tip, which leads toward Lake Del Valle. Lands under conservation easements in the California Conservation Easement Database (CCED) lie to the north and northeast, and some appear to extend onto the northern and western parcels (Figures 4 and 5). Buying the parcels would join these pieces into one continuous band of protected land, from the valley floor to the Del Valle hills. The City's objectives for the purchase are to expand public open space for passive recreation, support South Livermore wine country, extend regional trails, and steward the land's natural resources over the long term. These parcels serve all four objectives.

Non-motorized passive recreation and regional trail connectivity

The parcels can deliver a trail that LARPD's plan cannot easily build on its own. The Livermore Area Recreation and Park District (LARPD) Parks, Recreation and Trails Master Plan (Public Review Draft, September 2026) proposes the Dry Creek Trail (T25). It is an unpaved trail of about 3.23 miles running east to west and linking Arroyo Road, Holdener Park and the Del Valle trail system, with segments reaching toward Mines Road. The plan places T25 outside city limits and the Urban Growth Boundary and notes that it will need coordination with private property owners. Public ownership of these parcels would remove that obstacle. T25 also connects to the Arroyo Road Trail (T13-B), the one trail in the area that is already funded: about $5.53 million, from $4.695 million in AB 1600 fees and an $835,000 state grant, with the City handling design and right-of-way. The plan's T13 map labels the Wente golf course directly, so these parcels are the next link east of a trail the City is already building.

Trail (LARPD draft plan)	Status / est. cost	Relevance to the parcels
T25 Dry Creek Trail	Proposed, unpaved, 3.23 mi; ~$4.8M (excl. right-of-way)	Strongest fit. Links Arroyo Road, Holdener Park (56 ac) and the Del Valle trail system; needs willing landowners.
T13-B Arroyo Road Trail	Funded; ~$5.53M incl. right-of-way	Funded trail on the parcels' western side; T25 would extend it east.
T12 Mines Road Trail	Proposed, 6.8 mi; ~$10.05M	Tesla Road to Lake Del Valle; south of the South Bay Aqueduct it is part of the Juan Bautista de Anza National Historic Trail.
T31 Del Valle Watershed Trail	Conceptual, long-term	North–south link from Sycamore Grove (847 ac) to Lake Del Valle and Ohlone Wilderness.

Costs are planning-level estimates from the LARPD public review draft and may change before the plan is adopted.

Policy support is already written. The draft LARPD plan directs the District to "pursue acquisition, easements, dedications, and partnership opportunities that expand recreation access, improve connectivity, protect significant resources" (Policy P.1.5) and to coordinate with the City's Open Space Conservation Program on "regional connectivity, resource conservation, public access" (Action R.1-E). It also commits the District to advancing larger trail projects when "willing property owners" and easements make them possible (Trail Priority F). General Plan 2045 calls for new public access to open space while preserving conservation value (OS-1.5), for prioritizing trail gap closures (OS-5.14), and for public trails along creeks (OS-5.15). The General Plan also names Dry Creek as a wildlife movement corridor.

The parcels also support wine country. Trailheads off Arroyo Road would sit within a short distance of the Wente estate, its golf course and neighboring tasting rooms. That gives visitors a reason to arrive early, stay longer and come back, which is the City's stated goal and General Plan Goal LU-12 (preserve and enhance the South Livermore Valley as a wine country economy and visitor destination). Ranch roads visible on the aerial imagery already cross the parcels (Figure 4) and could serve as an early, low-cost trail network, with routes kept away from ponds and sensitive drainages.

Habitat for special-status species

WRA identified four potential breeding ponds for California tiger salamander (CTS) and California red-legged frog (CRLF) within the parcels (Figure 1). The surrounding grassland and drainages provide the upland refuge and dispersal habitat both species need to complete their life cycles. USFWS-designated CRLF critical habitat is mapped less than a quarter mile south of the parcels' southern boundary (Figure 1), so the ponds sit within reach of land the federal recovery effort relies on. California Natural Diversity Database (CNDDB) records also overlap the southern parcels or lie close by. They include foothill yellow-legged frog (central coast DPS, federally threatened since 2023), hoary bat, prairie falcon, and federally endangered longhorn fairy shrimp. CNDDB furthermore shows a 2024 observation of a burrowing owl about 1 mile to the south-southwest.

Watersheds, oak woodlands, grasslands, and wetlands

A dense network of mapped streams drains the parcels to the northwest, toward the Arroyo del Valle and the city. An oak-lined drainage cuts through the middle of the property, flanked by blue oak and mixed oak woodland, patches of California sagebrush scrub, and scattered small wetlands (Figure 2). The remaining land is mostly annual and perennial grassland, with vineyards on the northern and northwestern parcels. Protecting the parcels under one owner allows for keeping headwater sediment and runoff in check. It also opens clear restoration opportunities: stabilizing incised channels, fencing riparian corridors, and enhancing ponds for CTS and CRLF. And it keeps the oak woodland–grassland mosaic intact, which is what makes the land attractive for both wildlife and passive recreation (e.g., hikers).

Wildlife connectivity and conservation planning

In CDFW's 2024 Terrestrial Connectivity dataset (Figure 3), the southern parcels fall within a Rank 5 ("Irreplaceable and Essential Corridors") unit and most of the large eastern parcel falls within Rank 4 ("Conservation Planning Linkages"). The northern, vineyard-dominated parcels nearest the city fall in lower ranks. CDFW assigns Rank 5 where an area contains a known priority movement corridor or where wildlife movement is funneled into narrow paths with few alternatives (CDFW ACE Terrestrial Connectivity, v5.0). The parcels therefore form the link between the Del Valle and Ohlone hills and the Livermore Valley floor. Read together, CPAD and CCED (Figure 4) show the parcels as a gap between existing protected lands, not an isolated holding. Buying them would knit those lands together.

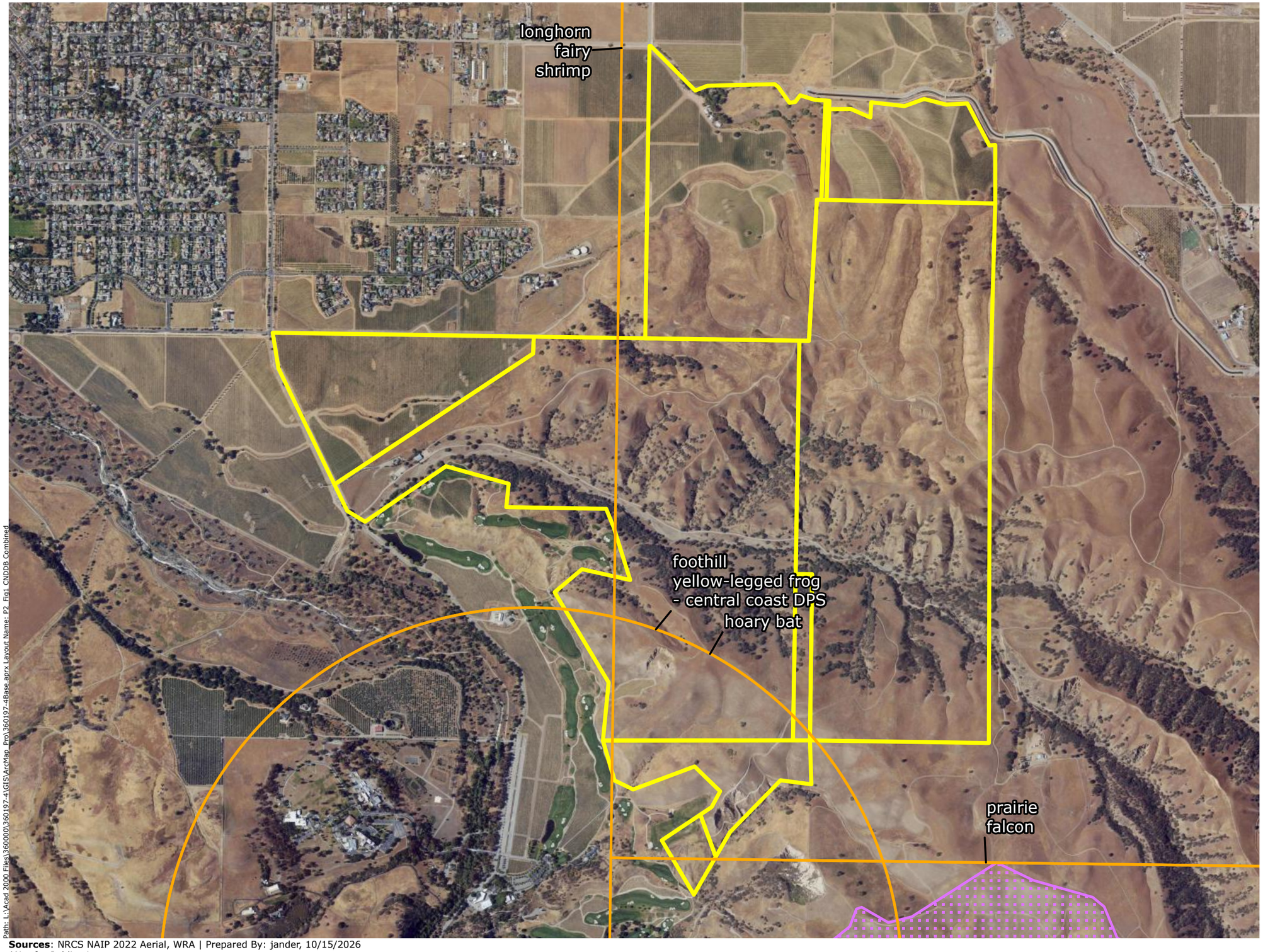
Mitigation potential

The possible breeding ponds, surrounding upland grassland, and restorable stream and oak woodland habitat suggest potential value for CTS and CRLF habitat mitigation, plus stream and wetland restoration. Additionally, conserving grasslands utilizing conservation grazing management could retain a combined value of natural resource conservation and commercial livestock operations. Mitigation proposals in this area would likely be evaluated under the East Alameda County Conservation Strategy framework.

[Disclaimer: Text generated with help of Claude, reviewed and edited by a qualified WRA Biologist]

Figure 1.
CNDDB and Critical Habitat

Southeast Livermore Parcels,
Alameda County, California



Study Area Parcels
CNDDB Wildlife*
CRLF Critical Habitat USFWS

N

0 0.25 0.5
Miles

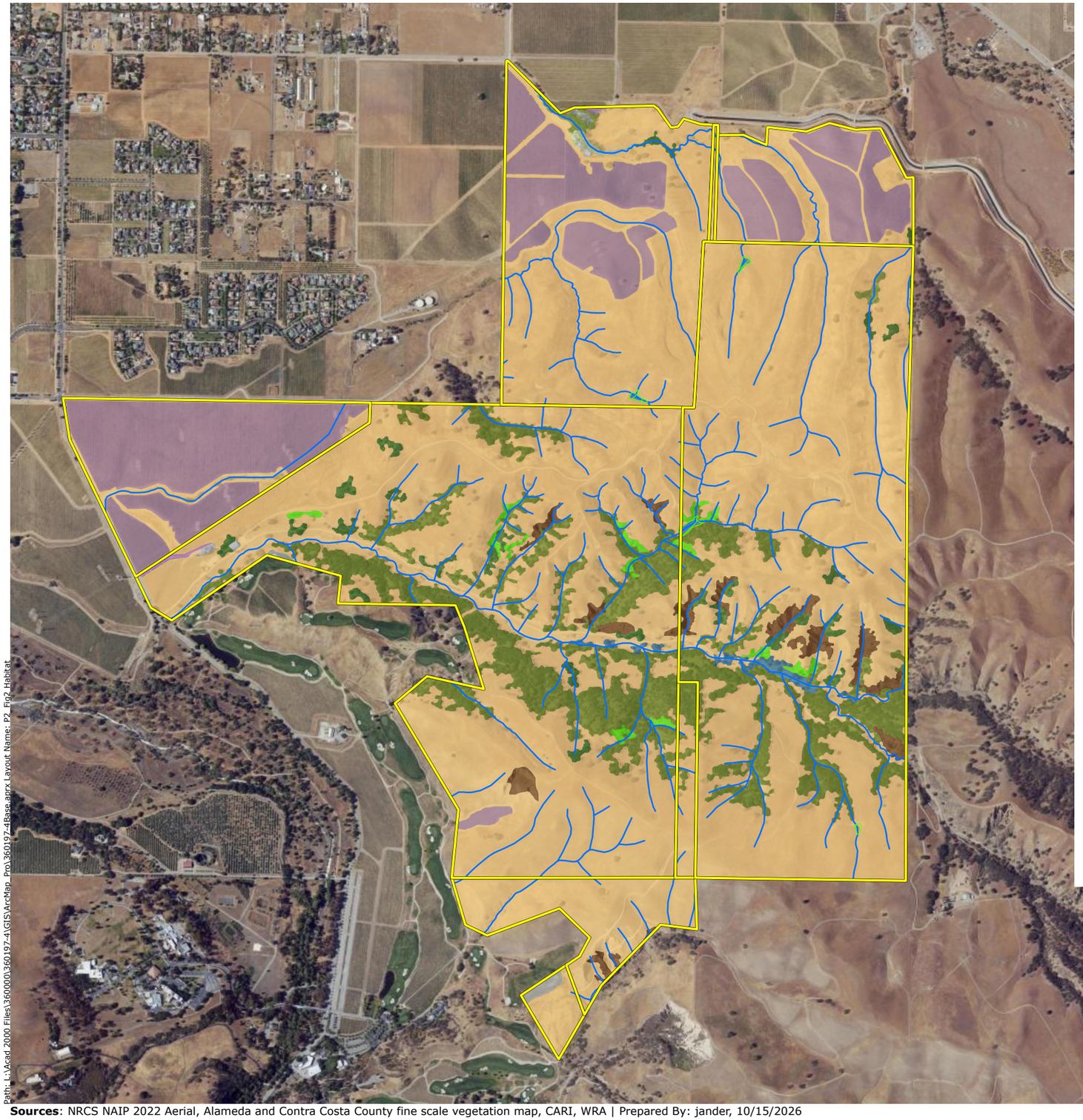
wra
Environmental Consultants

Path: L:\Acad 2000 Files\360000\360197-4\GIS\ArcMap_Pro\360197-4Base.aprx Layout Name: P2_Fig1 CNDDB Combined

Sources: NRCS NAIP 2022 Aerial, WRA | Prepared By: jander, 10/15/2026
*Not for Publication

Figure 2.
Habitat

Southeast Livermore Parcels,
Alameda County, California



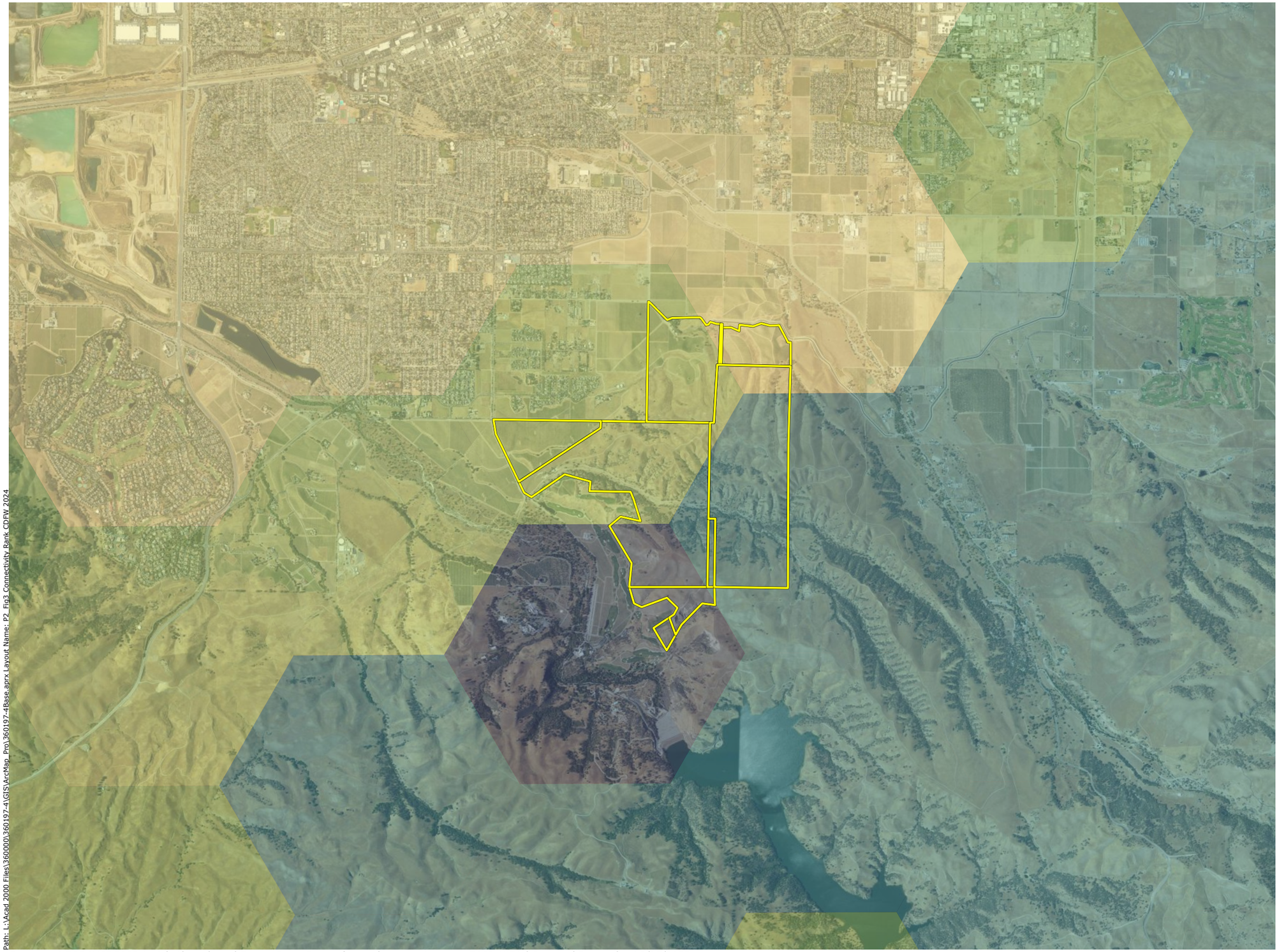
Path: L:\Aead 2000 Files\360000\360197-4\GIS\ArcMap_Proj\360197-4Base.aprx Layout Name: P2_Fig2_Habitat

Sources: NRCS NAIP 2022 Aerial, Alameda and Contra Costa County fine scale vegetation map, CARI, WRA | Prepared By: jander, 10/15/2026

wra Environmental Consultants

Figure 3. Connectivity Rank CDFW 2024

Southeast Livermore Parcels,
Alameda County, California



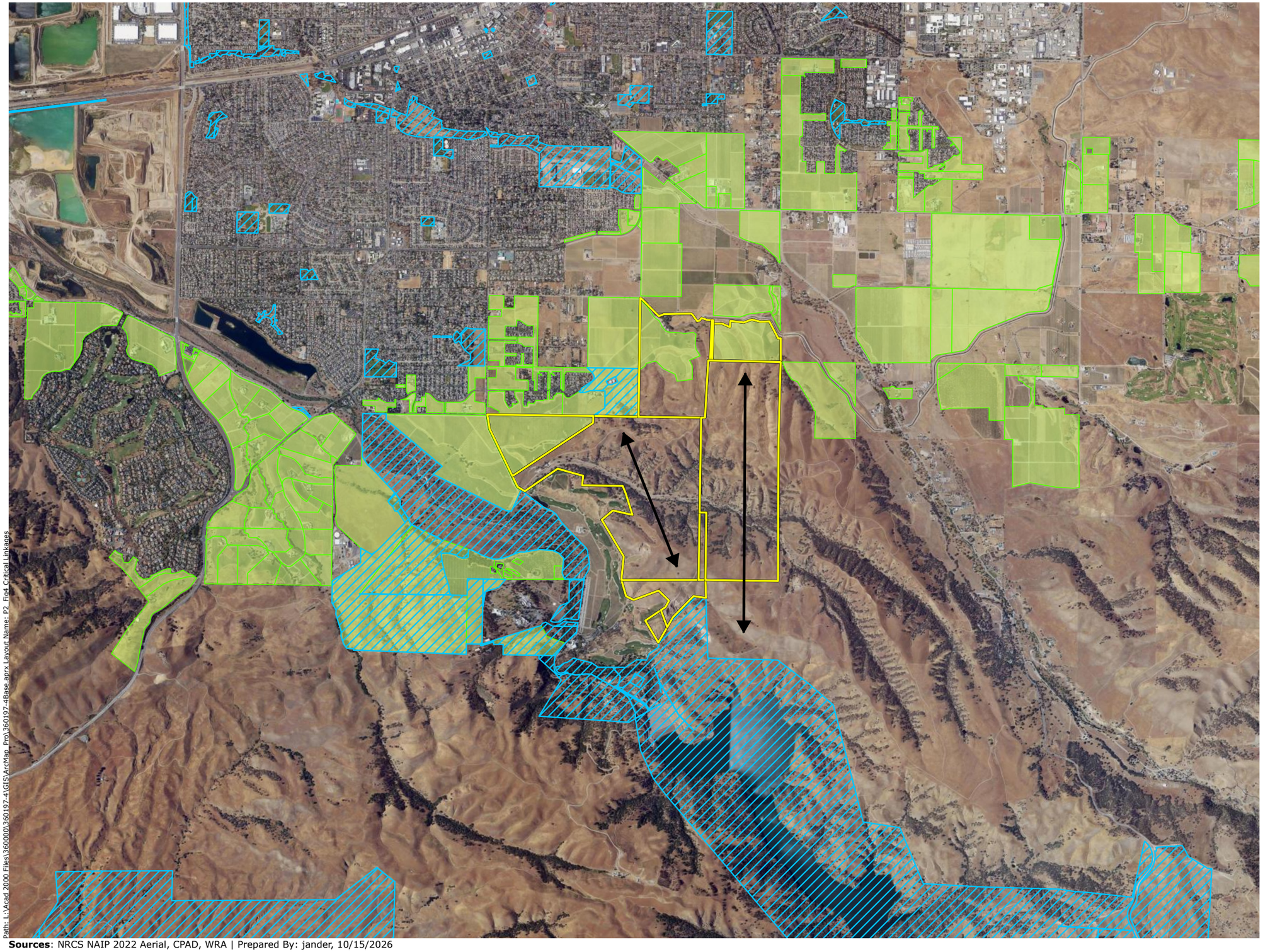
Path: L:\Acad 2000 Files\360000\360197-4\GIS\ArcMap_Proj\360197-4Base_aprx Layout Name: P2_Fig3_Connectivity Rank CDFW 2024

Sources: NRCS NAIP 2022 Aerial, Alameda and Contra Costa County fine scale vegetation map, CARI, WRA | Prepared By: jander, 10/15/2026

wra Environmental Consultants

Figure 4.
Critical Linkages

Southeast Livermore Parcels,
Alameda County, California



Study Area Parcels

California Protected Areas Database

California Conservation Easement Database

N

0 0.5 1

Miles

wra
Environmental Consultants

Sources: NRCS NAIP 2022 Aerial, CPAD, WRA | Prepared By: jander, 10/15/2026

Path: L:\Acad 2000 Files\360000\360197-4\GIS\ArcMap_Pro\360197-4Base.aprx Layout Name: P2_Fig4_Critical Linkages

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING CONSISTENCY DETERMINATION (CD) 26-003 FOR THE ACQUISITION AND DISPOSITION OF REAL PROPERTY FOR OPEN SPACE AND CONSERVATION PURPOSES

On July 7, 2026, and September 14, 2026, the City Council authorized staff to enter negotiations with Wente property owners to acquire land in fee title for open space conservation and non-motorized recreational purposes in collaboration with Livermore Area Recreation and Park District. The Planning Commission, as the City's planning agency, is required by Government Code Section 65402(a) to determine the consistency of acquiring and disposing of real property for public purposes with the City's General Plan.

On September 18, 2026, the City initiated Consistency Determination (CD) 26-003 ("Project") for the acquisition and disposition of the Wente Property ("Property"). The Property consists of approximately 1,300 acres of vacant rangeland, ridgelines and riparian areas, with known biological habitat, and strategically located adjacent to existing regional recreation area, in the hills that surround South Livermore. The Property includes the following Assessor's Parcel Numbers: 099-0625-002-02, 099-0850-005-05, 099-0625-002-01, 099-0600-001-08, 099-060-0001-07, 099A-2300-003-03, 099A-2310-003-01, 099A-2310-002-00, and 099A-2300-004-06.

On November 3, 2026, the Planning Commission held a duly noticed public meeting to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, with respect to Consistency Determination (CD) 26-003, the Planning Commission of the City of Livermore finds based on the information presented:

1. The Acquisition of real property by the City and its subsequent disposition to the Livermore Area Recreation and Park District, is determined to be consistent with the City of Livermore General Plan 2045.

Response: Acquisition of the Property is consistent with the applicable goals and policies of Livermore General Plan 2045 relating to open-space conservation, natural resource protection, and long-term agricultural and economic vitality. Because the Property lies beyond the Urban Growth Boundary, its acquisition would secure non-urbanized open space outside the area designated for growth, helping preserve its natural condition and

preventing the loss of important open-space resources to future development. This directly advances Policy OS-1.2 (Greenbelts) by expanding and protecting lands surrounding Livermore and strengthening the City's open-space network.

As documented in the Conservation Assessment, the Property contains significant biological resources, including sensitive species habitat, oak woodlands, grasslands, riparian corridors, and wetlands. It functions as a critical regional wildlife movement corridor between the Del Valle and Ohlone Hills and the Livermore Valley floor, supporting Policy OS-1.1 (Diverse Open Space System) and Policy OS-1.10 (Preservation of Natural Amenities). Securing the Property under City ownership and transferring to Livermore Area Recreation and Park District ownership and management would strengthen connections between existing protected lands, help maintain essential ecological linkages, and create future opportunities for habitat management and restoration consistent with Policy OS-1.4 (Open Space Acquisition and Connection).

The Property also provides opportunities for thoughtfully designed public-access trails and passive recreation consistent with Policy OS-1.5 (Open Space Public Access). Expanding public access to open space in this area would reinforce Livermore's natural identity and sense of place, consistent with Policy CI-9.1 (Natural Features), which calls for leveraging natural landscapes such as arroyos and surrounding open spaces, to strengthen community identity and connections.

In addition, the Property's proximity to South Livermore's wine country supports broader economic development and tourism objectives. Investments in open space, trails, and recreational amenities attract visitors and encourage longer and repeat stays. This directly aligns with Policy ED-1.2 (Cultural Assets and Economic Infrastructure) and Policy ED-1.3 (Tourism Development and Visitor Experience) by enhancing the visitor experience, supporting multi-day itineraries, and strengthening the economic vitality of South Livermore.

Finally, the proposed acquisition advances Policy OS-1.8 (Open Space Preservation Agency Coordination) and Policy OS-5.4 (Regional Park Development Coordination) by supporting coordinated conservation and recreation planning with LARPD and other regional partners.

Acquisition of the Property would support the City's goals and policies for permanent open-space preservation beyond the Urban Growth Boundary, protection of natural resources and wildlife habitat, expansion of greenbelts and regional parkland, enhancement of community identity, and advancement of South Livermore's economic and tourism goals, consistent with the applicable goals, policies, and actions of General Plan 2045.

2. The proposed acquisition and disposition to LARPD by the City is consistent with the Livermore General Plan 2045 goals and policies, listed below:

Community Identity

Policy CI-9.1 Natural Features. Leverage Livermore's existing natural features, such as the arroyos and open spaces to strengthen community identity and connections.

Open Space

Policy OS-1.1 Diverse Open Space System. Foster an open space system that supports the natural function of the land, protects sensitive wildlife and plant species, preserves important viewscapes, and creates opportunities for recreation.

Policy OS-1.2 Greenbelts. Secure and maintain a greenbelt of nonurbanized land surrounding Livermore to serve as a buffer between communities and to preserve, enhance, and expand an integrated network of open space

Policy OS-1.4 Open Space Acquisition and Connection. Prioritize land acquisition efforts that would result in the creation and expansion of permanent open spaces or corridors that link existing or create new protected natural resource areas.

Policy OS-1.5 Open Space Public Access. Maintain existing and establish new public access to public open space lands as appropriate, while also preserving the character and conservation value of the open space.

Policy OS-1.8 Open Space Preservation Agency Coordination. Coordinate with the County of Alameda, East Bay Regional Park District, Livermore Area Recreation and Park District, Tri-Valley Conservancy, and other partner organizations to preserve and protect important resources inside and outside the urban growth boundary.

Policy OS-1.10 Preservation of Natural Amenities. Preserve and enhance, or work with other agencies, as appropriate (e.g., with joint grant applications, sharing of staff resources and legal services), to preserve and enhance the following natural amenities:

a. Ridgelines
b. Oak Woodlands and Grasslands
c. Grasslands
d. Riparian Woodland
e. Arroyos and Creeks
f. Knolls
g. Doolan Canyon
h. Arroyo Mocho/Cedar Mountain
i. Corral Hollow
j. Sycamore Grove
k. Hilltops (North Livermore Urban Growth Boundary Initiative)
l. Slopes (North Livermore Urban Growth Boundary Initiative)
m. Viewscapes (North Livermore Urban Growth Boundary Initiative)
n. Frick Lake
o. Springtown Alkali Sink

Policy OS-5.4 Regional Park Development Coordination. Coordinate with the Livermore Area Recreation and Park District and the East Bay Regional Park District in developing adequate regional park space around Livermore to serve the existing community and foreseeable population increases in Livermore and its environs.

Economic Development

Policy ED-1.2 Cultural Assets and Economic Infrastructure. Invest in parks and natural open space restoration, downtown, the wine region, and cultural arts facilities that serve both residents and visitors, prioritizing improvements that enhance Livermore's identity and support economic vitality.

Policy ED-1.3 Tourism Development and Visitor Experience. Invest in a range of visitor-serving attractions, amenities, and overnight accommodations, particularly in the wine country and downtown, that enhance the visitor experience, encourage multi-day visits, and celebrate Livermore's unique attributes.

BE IT FURTHER RESOLVED that the Planning Commission of the City Livermore finds that a Consistency Determination for the acquisition of the Property and the public use of the Property for recreational purposes are exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15313, which categorically exempts the acquisition of lands for wildlife conservation purposes, including acquisition intended to preserve the land in its natural condition.

Further, the acquisition and subsequent disposition of the Property to LARPD, along with the anticipated public use of the existing roads and pedestrian and bicycle trails, is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which exempts the use or minor alterations of existing facilities where no expansion of use is proposed. The anticipated recreational use would involve only the use or minor modification of existing facilities and would not increase capacity or intensity.

Finally, none of the exceptions to categorical exemptions listed in CEQA Guidelines Section 15300.2 apply to the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission approves Consistency Determination (CD) 26-003.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION FINDING CONSISTENCY DETERMINATION (CD) 26-003 IS EXEMPT FROM THE CALIFORNIA ENVIRONMETAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15313 (ACQUISITION OF LAND FOR WILDLIFE CONSERVATION PURPOSES) AND CEQA GUIDELINES SECTION 15301, (EXISTING FACILITIES)

On July 7, 2026, and September 14, 2026, the City Council authorized staff to enter negotiations with Wente property owners to acquire land in fee title for open space conservation and non-motorized recreational purposes in collaboration with Livermore Area Recreation and Park District. The Planning Commission, as the City's planning agency, is required by Government Code Section 65402(a) to determine the consistency of acquiring and disposing of real property for public purposes with the City's General Plan.

On September 18, 2026, the City initiated Consistency Determination (CD) 26-003 ("Project") for the acquisition of the Wente Property ("Property"). The Property consists of approximately 1,300 acres of vacant rangeland, ridgelines and riparian areas, with known biological habitat, and strategically located adjacent to existing regional recreation area, in the hills that surround South Livermore. The Property includes the following Assessor's Parcel Numbers: 099-0625-002-02, 099-0850-005-05, 099-0625-002-01, 099-0600-001-08, 099-060-0001-07, 099A-2300-003-03, 099A-2310-003-01, 099A-2310-002-00, and 099A-2300-004-06.

On November 3, 2026, the Planning Commission held a duly noticed public meeting to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore, based upon its own independent review of the Record Evidence and considerations, determines the Project is categorically exempt from the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines Section 15313 (Acquisition of Lands for Wildlife Conservation Purposes) and none of the exceptions to the exemption listed in Section 15300.2 apply.

Section 15313: The Project meets the following criteria for the exemption under Section 15313, (Class 13) of the California Environmental Quality Act ("CEQA"):

a. The acquisition of lands for conservation purposes including preservation of wildlife habitat and preserving the land in its natural condition.

Response: City acquisition of the Property would support and enhance long-term wildlife movement and habitat conservation. The assessment identifies multiple special-status wildlife resources on the site, including potential breeding habitat for California tiger salamander and California red-legged frog, as well as important upland grasslands, riparian corridors, and oak woodland habitat that sustain these species. The parcels also lie within areas mapped by CDFW as "Irreplaceable and Essential Corridors," demonstrating their role as a critical linkage between the Del Valle/Ohlone hills and the Livermore Valley floor. Protecting the Property under City and LARPD ownership would allow the land to remain in its natural condition, maintain intact habitat mosaics, and preserve essential regional wildlife connectivity.

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. This exception does not apply. Categorical Exemption Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. The proposed land acquisition qualifies for a Class 13 Categorical Exemption and, therefore, is not subject to this possible exception due to project location.

2. Cumulative Impact. Future use of the Property would be limited to open space and conservation related purposes. The Property will be managed for its conservation values with the goal of encumbering the land with a conservation easement. The acquisition and subsequent disposition of the Property would not result in any significant impact, and its contribution to regional growth is not cumulatively considerable. Therefore, the property acquisition and disposition will not result in any cumulative impacts.

3. Significant Effects Resulting from Unusual Circumstances. There is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. There is no evidence that any unusual circumstances exist.

4. Scenic Highways. The Project site is not located along a subarea of the scenic routes and is not designated as a Scenic Highway by the California Department of Transportation. No damage to scenic resources will occur.

5. Hazardous Waste Sites. The 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. The site is not identified as a historical resource and therefore will not cause a substantial adverse change in the significance of a historical resource.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore, based upon its own independent review of the Record Evidence and considerations, hereby finds the Project is categorically exempt from CEQA in accordance with CEQA Guidelines 15301 (Existing Facilties) and none of the exceptions to the exemption listed in Section 15300.2 apply:

Section 15301: a project that consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, including existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

a. The acquisition of lands for non-motorized recreational purposes, including the use of existing roads and trails for hiking and cycling in their current condition, with only minor alterations to improve public access and safety

Response: The Project proposes the public use and minor alteration of existing roads, bicycle and pedestrian trails, and similar facilities to make them suitable for public use and enhance public safety. The proposed activities would involve minor alterations to existing facilities and would not result in the expansion of existing uses or the construction of new facilities beyond the scope of the existing infrastructure. The Project would therefore involve negligible or no expansion of the existing use of the facilities. Therefore, the Project qualifies for a categorical exemption under CEQA Guidelines Section 15301 (Class 1, Existing Facilities).

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. This exception does not apply. Categorical Exemption Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. The proposed land acquisition qualifies for a Class 1 Categorical Exemption and, therefore, is not subject to this possible exception due to project location.

2. Cumulative Impact. Future use of the Property would be limited to public open space conservation, non-motorized recreation and related purposes. The Property would be managed for its conservation values. The acquisition and subsequent disposition of the Property and public use of the existing roadway and trail network would not result

in any significant impact, and its contribution to regional growth is not cumulatively considerable. Therefore, the Property acquisition and disposition will not result in any cumulative impacts.

3. Significant Effects Resulting from Unusual Circumstances. There is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances. There is no evidence that any unusual circumstances exist.

4. Scenic Highways. The Project site is not located along a subarea of the scenic routes and is not designated as a Scenic Highway by the California Department of Transportation. No damage to scenic resources will occur.

5. Hazardous Waste Sites. The 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. The site is not identified as a historical resource and therefore will not cause a substantial adverse change in the significance of a historical resource.

BE IT FURTHER RESOLVED that the Livermore Planning Commission directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk and State Clearinghouse if the Project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of November 3, 2026, by the following vote:

AYES:
NOES:
ABSENT:

_____
Tracy Kronzak, Chairperson

By Stephen Riley, Planning Manager
Secretary to the Planning Commission

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 8.1**

DATE: November 3, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Supplemental materials received prior to the meeting.

RECOMMENDED ACTION

SUMMARY

5.3	Hearing to adopt a resolution recommending approval of conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC) to ensure consistency with and implement the adopted 2045 General Plan and its policy direction. The amendments provide updates to the Code as necessary to maintain consistency with General Plan land use designations, policies, and implementation actions, including revisions to applicable zoning districts, permitting procedures, and definitions. Materials Received: Planned Development Standards

6.2	Consideration of General Plan Consistency Determination (CD) 26-003 for the acquisition and disposition of real property for open space conservation and non-motorized recreation purposes. Materials Received: Public Comment

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Michele Donley
Division Clerk

PLANNED DEVELOPMENT
STANDARDS
SMP 39 & SMP 40

Planned Development — Industrial (PD-I) 22-001

Reviewed by Planning Commission: March 5, 2024
Approved by City Council: March 25, 2024
Amended by City Council: _____

Purpose: The purpose of establishing this Planned Development-Industrial (PD-I 22-001) District (District) is to regulate the development of ± 51.9 acres of land located on Jack London Boulevard, west of Oaks Business Park and south of Livermore Municipal Airport (commonly referred to as "SMP 39") and ± 41 acres of land located south of Oaks Business Park, at the south end of Atlantis Street and Challenger Street (commonly referred to as "SMP 40"), as shown in the attached figure (Figure 1). The intent of this District is to accomplish the following:

1. PD-I 22-001 is intended to provide an environment exclusively for and conducive to the development and protection of modern professional and administrative facilities, research institutions, manufacturing operations, experimental and testing laboratory and related uses, any similar employment generating high-end industrial users, all of a non-nuisance type.
2. The District is intended to provide for an aesthetically attractive working environment with park- and/or campus-like grounds, attractive buildings, employee parking, and other amenities appropriate to a mix of office and industrial uses.
3. The District is intended to establish development standards and regulations consistent with the intent of the Low Intensity Industrial General Plan designation.
4. Any land use that utilizes hazardous materials shall be subject to the regulations of Section 6.02.040, Hazardous Materials, of the Livermore Development Code, as it exists now or is amended in the future.
5. Development shall be in conformance with the requirements of the Livermore Development Code as it exists now or is amended in the future, except as modified by the following regulations.
6. Development is subject to the Citywide Design Standards and Guidelines as they exist now or may be amended in the future unless otherwise modified by the following regulations.

A. Principal Permitted Uses:

The following are the principal permitted uses for SMP 39[1] and SMP 40:

1. Research and development facilities
2. Professional and administrative offices

[1] SMP 39 and SMP 40 are located with the Airport Influence Area and the Livermore Airport Protection Area. Per the Alameda County Airport Land Use Compatibility Plan, the majority of SMP 39 is located in Safety Zone 6, with a portion of the site located in Safey Zone 3. The principal permitted land uses are intended to be located in buildings that are only within the portion of SMP 39 that is located in Safety Zone 6.

3. Experimental and testing laboratories
4. Manufacture of electric and electronic circuits, instruments, and devices
5. Advanced Manufacturing
6. Manufacture of pharmaceutical products or life science facility, not exceeding Biosafety Level 2[2]
7. Medical diagnostic and manufacturing facilities
8. Manufacturing and assembly of motor vehicle parts, including but not limited to dashboards, parts, component systems, electrical connectors, sensors, panels, airbags, seats, tires, windows etc. for all vehicles and similar equipment (e.g. automobiles, motorcycle, construction equipment, farm equipment, buses).
9. Similar uses as determined by the Community Development Director to be of the same general character as the listed uses.
10. Warehousing and distribution facilities, dry or refrigerated
11. Warehousing and distribution facility – E-commerce/Third Party Logistics (3PL)
12. Sale of heavy equipment and construction related vehicles and equipment, including associated repair, service, and parts distribution facilities.
13. Similar uses as determined by the Community Development Director to be of the same general character as the listed uses.

Additional Permitted Uses for SMP 39 only:

1. Restaurants, except fast food

~~**Additional Permitted Uses for SMP 40 only**~~:

~~1. Warehousing and distribution facilities, dry or refrigerated~~

~~2. Warehousing and distribution facility – E-commerce/Third Party Logistics (3PL)~~

~~3. Manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth, plastic, paper, leather, and precious or semi-precious metals or stones, but not including the following:~~

~~A. Operations such as saw and planing mills, any manufacturing uses involving primary production of wood, metal, or chemical products from raw materials, and similar uses~~

~~B. Vehicle dismantling yards, scrap and waste yards~~

~~C. Manufacturing, processing, storing, or packaging chemicals, petroleum, heavy agricultural products or other hazardous materials.~~

~~4. Sale of heavy equipment and construction related vehicles and equipment, including associated repair, service, and parts distribution facilities. Showrooms related to this use may be a conditionally permitted ancillary use.~~

2 Per the Centers for Disease Control and Prevention, Biosafety Level 2 laboratories involve work that poses moderate hazards to laboratory workers and the environment. Biosafety Level 2 laboratories require safety protocols to contain microbes and biological agents

3 Per the Centers for Disease Control and Prevention, laboratories designated Biosafety Level 3 involve work that poses a safety hazard greater than Biosafety Level 2 laboratories, defined above. Biosafety Level 3 laboratories require additional safety protocols beyond those required for Biosafety Level 2 laboratories to contain microbes and biological agents

~~5. Similar uses as determined by the Community Development Director to be of the same general character as the listed uses.~~

B. Conditional Uses for SMP 39 and 40:

1. Public and quasi-public uses.
2. Manufacture of pharmaceutical products or life science facility, not exceeding Biosafety Level 3[3]
3. Similar uses as determined by the Planning Commission to be of the same general character as the listed uses.
4. Manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth, plastic, paper, leather, and precious or semi-precious metals or stones, but not including the following:

    A. Operations such as saw and planing mills, any manufacturing uses involving primary production of wood, metal, or chemical products from raw materials, and similar uses

    B. Vehicle dismantling yards, scrap and waste yards

    C. Manufacturing, processing, storing, or packaging chemicals, petroleum, heavy agricultural products or other hazardous materials.

2 Per the Centers for Disease Control and Prevention, Biosafety Level 2 laboratories involve work that poses moderate hazards to laboratory workers and the environment. Biosafety Level 2 laboratories require safety protocols to contain microbes and biological agents

3 Per the Centers for Disease Control and Prevention, laboratories designated Biosafety Level 3 involve work that poses a safety hazard greater than Biosafety Level 2 laboratories, defined above. Biosafety Level 3 laboratories require additional safety protocols beyond those required for Biosafety Level 2 laboratories to contain microbes and biological agents

Conditional Uses for SMP 39 only:

1. Fast-food businesses, banks, personal services, or goods required for the convenience and support of occupants of uses in the surrounding district(s).
2. ~~Warehouse and distribution facilities, including E-commerce/Third Party Logistics (3PL) uses.~~
3. ~~Sale of heavy equipment and construction related vehicles and equipment, including associated repair, service, and parts distribution facilities, provided they are manufactured and/or sold on-site. Showrooms related to this use may be a conditionally permitted ancillary use.~~
2. Similar uses as determined by the Planning Commission to be of the same general character as the listed uses.

C. Accessory Uses Permitted on SMP 39 and 40:

1. Signs subject to the requirements established by the Livermore Development Code, as well as the Citywide Design Standards and Guidelines, as it exists now or is amended in the future.
2. Accessory uses and buildings customarily appurtenant to a permitted use.
3. Living quarters determined by the Community Development Director to be necessary for surveillance purposes.
4. Fuel stations subject to the requirements of Section 6.03.160, Vehicle Services, of the Livermore Development Code, as it exists now or is amended in the future.

D. Special Development Requirements for SMP 39 and 40:

1. Uses shall be designed and integrated into the site in a manner that maintains and is complementary to the corporate and professional character of the nearby Oaks Business Park.
2. Outdoor service and storage yards shall be screened from public view consistent with Livermore Development Code Section 6.03.100, Outdoor Storage, as it exists today or is amended in the future.
3. For SMP 40 only: Commercial/Industrial buildings shall be located a distance of at least 500 feet from Isabel Avenue.

E. Site Development Regulations for SMP 39 and 40:

The following minimum requirements shall be observed, except where increased for conditional uses:

1. Lot Area: Twenty thousand square feet
2. Lot Width: One hundred feet
3. Setbacks: Setback requirements are established below. Buildings shall not be permitted within required setbacks.

A. SMP 39

1) Front or Street Side: 40-feet on West Jack London Boulevard, and 30-feet on frontage roads and interior streets, except as required by subsection E.4. All required setbacks adjacent to streets shall be landscaped, except for driveways, sidewalks, and trails that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscaped strip abutting the foundation shall be included, allowing for necessary entrances.

2) Rear and Side: None.

B. SMP 40

1) Front or Street Side: 500-feet from Isabel Avenue, and 30-feet on frontage roads and interior streets, except as required by subsection E.4. All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five- foot wide landscaped strip abutting the foundation shall be included, allowing for necessary entrances

2) Rear and Side: None, except for a 20-foot setback from the top of the Arroyo Mocho bank on SMP 40 which should be determined from a 2.5:1 slope projection from the toe of channel/mining pit to the top, as required in the Environmental Impact Report for the project.

4. Height Regulations: The height of all on-site structures, including roof-top mechanical equipment, is limited to 110 feet or the height permitted by the Federal Aviation Administration (FAA) review under FAA regulations – Part 77, whichever is more restrictive. Upon providing a minimum 40-foot setback from street rights- of-way, a Conditional Use Permit may be granted to increase height to a maximum of 110 feet, or the height permitted under FAA regulations – Part 77, whichever is more restrictive to accommodate interior building clearance requirements, specialized equipment or other design features that supports research and development and/or experimental lab uses consistent with the intent and purpose of this district. The height of pole-and building-mounted lights may be approved up to 28 feet by an administrative site plan and design review, if found necessary for the health and safety of a site designed for truck or other large vehicle maneuvering and documented by a light study to not cause glare off- site.
5. Lot Coverage: The building coverage maximum shall be 45 percent.

F. Signs

1. Industrial Uses. Signs for industrial uses shall be subject to the sign regulations contained in Livermore Development Code section 4.06.230 (sign standards for I- 1, I-2 and I-3) and the Citywide Design Standards Guidelines as it exists now or is amended in the future.
2. Commercial Uses. Signs for commercial uses shall be subject to the sign regulations contained in Livermore Development Code section 4.06.170 (sign standards for CNB) and the Citywide Design Standards Guidelines as it exists now or is amended in the future.

G. Other Required Standards for SMP 39 and 40:

1. Noise. No use shall be permitted which creates an ambient noise level greater than 75

decibels (dBA) beyond the boundaries of the site, nor greater than 60 decibels at the boundary of a Residential District.

A. On SMP 39, semi-truck access to the site (arrivals and departures) shall be limited to 96 trips between the hours of 10:00 PM and 7:00 AM.

B. On SMP 40, semi-truck access to the site (arrivals and departures) shall be limited to 40 trips between the hours of 10:00 PM and 7:00 AM

C. Between the hours of 10:00 PM and 7:00 AM single-event noise levels (e.g., backup alarm, truck brakes, etc.) shall not exceed 55 dBA, measured at the property line of the nearest residential use.

2. Air Pollution. All uses shall comply with regulations of the San Francisco Bay Area Air Pollution Control District.

3. Vibration, Heat, Glare, Electrical Disturbance. No use shall be permitted which creates noise, odors, vibrations, heat, glare, or electrical disturbances beyond the boundaries of the site. Lighting used to illuminate buildings, structures, uses, or parking and loading areas shall not be directed toward any public right-of-way.

4. Fire, Explosion. All uses shall provide adequate safety devices and adequate firefighting and fire suppression equipment to protect against fire, explosion, and other hazards.

5. Solid and Liquid Wastes. No solid or liquid waste discharges, other than permitted discharges into a public sewage disposal system, shall be permitted. The chemical composition and volume of industrial effluent discharged shall be subject to the wastewater permit requirements established by LMC Title 13, Division II. (Ord. 442 § 14.80).

Larry Gosselin, DVM · [redacted]

November 3, 2026

To: Livermore Planning Commission, via Planning Commission Liaison (planning@LivermoreCA.gov)

Re: Public Comment, Item 6.2: General Plan Consistency Determination CD 26-003, Wente Property Acquisition

Dear Chair Kronzak and Members of the Planning Commission:

Please include the attached briefing in the record for tonight's meeting, Item 6.2.

I support permanently protecting this land. My concern is that the staff report and draft resolution do not address agriculture. The consultant's Conservation Values Assessment shows vineyards on the northern and northwestern parcels and a working cattle ranch. But the draft resolution calls the property "vacant rangeland" and cites none of the General Plan's agriculture policies (LU-7, LU-12, OS-4).

I respectfully ask the Commission to recommend that any transaction for the Wente property require three management plans, prepared with Alameda County participation, to fulfill Measure D's countywide objective "to preserve and enhance agriculture and agricultural lands":

1. **Agricultural Management Plan:** keeps grazing and the vineyards in production.
2. **Recreational Management Plan:** places trails so they work alongside farming and connect to regional trails.
3. **Conservation Management Plan:** protects habitat through active management, including conservation grazing.

The attached briefing sets out the supporting policies in Measure D and General Plan 2045. It also lists the questions that should be answered before the purchase agreement goes to the City Council: price, water rights, Williamson Act status and existing easements.

Thank you for your consideration. I plan to speak on this item tonight.

Sincerely,

Larry Gosselin, DVM

Attachment: Wente Acquisition: Keeping a Working Landscape (2 pages)

cc: Steve Riley, Planning Manager; Andy Ross, Principal Planner; Brandon Cardwell, Economic Development Director; Brent Smith, Community Development Director; LARPD General Manager; Alameda County Agricultural Advisory Committee staff liaison; Shawn Wilson; David Haubert; Jack Norton; Diana Roberts; Nancy Calhoun Mueller; Visit Tri Valley; Rebecca Spector, Tri Valley Conservancy

Wente Acquisition: Keeping a Working Landscape

Briefing to be presented to the Livermore Planning Commissiom· November 3, 2026 · Larry Gosselin, DVM
Submitted as public comment, Livermore Planning Commission Item 6.2 (CD 26-003)

The issue

The City of Livermore plans to buy about 1,300 acres of working ranch and vineyard land from the Wente Family and transfer it to LARPD. The County should help make sure it stays a working landscape.

Action on Nov. 3: the Livermore Planning Commission considers General Plan Consistency Determination CD 26-003 (Item 6.2). Price and funding go to the City Council later.
The land: unincorporated Alameda County between Arroyo Road and Mines Road, next to Sycamore Grove, Holdener and Del Valle. The consultant's assessment describes "oak-studded hills and vineyard," with "vineyards on the northern and northwestern parcels."
The gap: the stated goals are habitat, trails and tourism. Nothing yet commits to continued grazing, farming, the enhancement of agriculture land. The draft resolution calls the land "vacant rangeland." Instead it is a working landscape.

Opportunity or loss

Whether the purchase helps agriculture depends on who keeps working the land.

If the land stays working	If it becomes a passive preserve
Grazing leases to local ranchers keep a producer in the valley	Grazing ends; the region loses a cattle operation. The transaction contributes to the decline of agriculture.
Vineyard blocks stay in production by lease back	Vineyards are retired; cultivated acreage drops
Public trails within a real ranch and vineyards, a plan for "enhancement of agriculture and agircultural lands" consistent with Measure D.	Trails pass empty hills; "Wine, Ranch, Farm" becomes "Wine, Park. Opportunities for high value agriculture are lost."
Grazing manages fuel and grassland habitat	Fuel loads operation and management costs rise
Livermore, LARPD and Alameda County define their roles in supporting the agricultural economy	Agricultural production and infrastructure keep declining in Alameda County as farmers compete with government agencies and nonprofits for land

Recommended condition

Any transaction for the Wente property should require three management plans, prepared with Alameda County participation, to fulfill Measure D's countywide objectives.

1. **Agricultural Management Plan:** keeps the land in production.
   - Participation in the local agricultural marketing cooperative.
   - Grazing leases with local ranchers.
   - Vineyard blocks kept in production by lease-back or agricultural easement.
   - Water, wells and stock ponds kept with the agricultural use.
   - Williamson Act status addressed.
2. **Recreational Management Plan:** places trails so they work alongside farming.
   - Trail connections and goals consistent with the Trails for All campaign, led by Visit Tri-Valley and the Alameda County Agricultural Advisory Committee.
   - Trails on existing ranch roads include multi-use policy
   - Fencing, gates and dog rules near livestock.

    - Seasonal closures for calving and harvest.
    - Buffers next to vineyards.
    - Links to regional trails, including the De Anza corridor.
3. **Conservation Management Plan:** protects habitat through active management.
    - Conservation grazing for grassland and fire-fuel management.
    - Tri-Valley Conservancy easements that protect agricultural values as well as habitat and recreation.

The County role could run through the Agricultural Advisory Committee, Community Development (Planning) and a countywide Working Landscape Trust. Its purpose is to keep the three plans consistent across City, park district and County lines.

Policy basis

Measure D (Save Agriculture and Open Space Lands Initiative):

- Section 1, Purposes: "to preserve and enhance agriculture and agricultural lands."
- Section 2(c): "Agriculture can only be maintained and enhanced if the voters of the County make a firm commitment to its preservation."
- Policy 302 calls for expanding cultivated agriculture, "particularly viticultural," in the South Livermore Valley to "a minimum acceptable level of 5,000 acres." The level vineyard blocks on the northern parcels count toward that goal.
- The Large Parcel Agriculture designation lists grazing, vineyards and recreational uses side by side, so trails and farming can share the land.

Livermore General Plan 2045 (February 2026 Public Review Draft):

- LU-12.2 protects farmland through "land acquisition, and partnerships with organizations such as the Tri-Valley Conservancy."
- LU-12.3 and OS-4.2 call for expanding vineyards.
- ED-1.5 calls for long-term agricultural leases.
- Action OS-A-1.3 calls for grazing with local ranchers on City-owned open space.
- LU-7.4 prohibits projects that "substantially interfere" with nearby farming.
- The draft consistency resolution cites none of these agricultural policies.

Asks

☐ **Agricultural Advisory Committee:** agree to evaluate the Wente transaction and recommend the three-plan condition to the City of Livermore, LARPD and the Board of Supervisors.

☐ **Livermore Valley ag cooperative:** confirm interest in partnering on grazing, vineyard, equestrian, and other agriculture supporting uses on the property.

☐ **Visit Tri-Valley:** share background on the Wente Family's plans and an elevator version of what this means for regional marketing and Trails for All.

☐ **City and LARPD:** before the purchase agreement goes to the City Council, answer these questions:

What is the price, and what are the funding sources?

- What water rights and wells go with the land?
- Is any of it under a Williamson Act contract?
- Are there existing easements on the land that protect adjacent property owners?

Sources

- Livermore Planning Commission staff report, draft resolution CD 26-003, and Wente Conservation Values Assessment (WRA, Oct. 15, 2026), Nov. 3, 2026 agenda packet: d2kbkoa27fdvtw.cloudfront.net/livermore/6c23cdbcfe9a6e811157a279ceca45b00.pdf
- Alameda County Measure D, Save Agriculture and Open Space Lands Initiative (2000).
- City of Livermore General Plan 2045, Public Review Draft, February 2026.